

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE

Third Reader - Revised

House Bill 1451

(Delegate Folden, *et al.*)

Environment and Transportation

Judicial Proceedings

Vehicle Laws - Left Lane - Use for Passing

This bill restricts the use of the far left lane of a roadway by a driver to only the overtaking and passing of another vehicle if (1) the roadway has a posted speed limit of at least 55 miles per hour and (2) the roadway has three or more lanes of traffic moving in the same direction. After overtaking and passing the other vehicle, the driver must return to the right lane as soon as it is reasonably safe to do so. The restriction on use of the far left lane does not apply to a vehicle (1) in the far left lane preparing for a left turn or left exit; (2) in a single high occupancy vehicle lane moving in one direction during the high occupancy vehicle restricted time period; or (3) in traffic conditions that require the use of all roadway lanes. A violator is guilty of a misdemeanor and subject to a fine of (1) \$75 for a first offense; (2) \$150 for a second offense; and (3) \$250 for a third or subsequent offense.

Fiscal Summary

State Effect: Minimal increase in general fund revenues to the extent additional drivers receive citations under the bill's provisions. Enforcement can be handled with existing resources.

Local Effect: Enforcement can be handled with existing resources. Revenues are not affected.

Small Business Effect: None.

Analysis

Current Law: The Maryland Vehicle Law requires that, when overtaking another vehicle that is going in the same direction, the driver must pass to the left of the overtaken vehicle at a safe distance. A driver who wants to overtake another vehicle going in the same

direction must wait until safely clear of the overtaken vehicle before driving in front of that vehicle. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle, upon audible signal, must give way to the right in favor of an overtaking vehicle. Also, except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle may not increase speed until completely passed by the overtaking vehicle.

A violation of these provisions is a misdemeanor with a maximum fine of \$500. The prepayment penalty for these violations is \$90 and, upon conviction, one point assessed against the driver's license. If the violation contributes to an accident, the prepayment penalty is \$130 and three points assessed against the license.

Background: Exhibit 1 shows the frequency of charges for unlawfully overtaking another vehicle.

Exhibit 1
Citations – Overtaking Vehicles
Fiscal 2016

<u>Overtaking Vehicles</u>	<u>Open</u>	<u>Prepaid</u>	<u>Trial</u>	<u>Total</u>
Failure to Overtake at Safe Distance	89	111	182	382
Driving in Front of Overtaken Vehicle – Not Safely Clear	9	9	24	42
Failure to Yield to Overtaking Vehicle on Audible Signal	1	2	1	4
Overtaken Vehicle Increasing Speed	17	8	24	49

Source: District Court of Maryland

State Fiscal Effect: General fund revenues increase minimally for the Judiciary due to additional citations from enforcement of the restriction on the use of the far left lane as specified in the bill. The magnitude of the revenue increase cannot be reliably estimated but is anticipated to be minimal.

The Judiciary advises that, since the District Court citation reporting system is case based, it will be up to law enforcement agencies to identify subsequent offenders and designate the appropriate penalty. However, any additional citations that the District Court receives as a result of the bill can be handled with existing resources.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of State Police; Maryland Department of Transportation; Department of Legislative Services

Fiscal Note History: First Reader - March 8, 2017
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