

Department of Legislative Services  
Maryland General Assembly  
2017 Session

FISCAL AND POLICY NOTE  
Third Reader

House Bill 1456 (Delegate Parrott)

Environment and Transportation

Judicial Proceedings

---

Vehicle Laws - Passing to the Right - Use of Shoulder

---

This bill limits the general prohibition on a motor vehicle passing another vehicle on the right by driving off the roadway as it authorizes a driver of a vehicle to overtake and pass to the right of another vehicle by driving outside of the marked lane onto the shoulder if (1) the vehicle being passed is making or about to make a left turn and (2) the passing driver can pass on the shoulder without leaving the paved road surface.

---

Fiscal Summary

**State Effect:** Potential significant decrease in general fund revenues due to fewer citations for passing to the right. 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:**

*Passing to the Left:* 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 to 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 to 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.

*Passing to the Right:* A driver of a vehicle may overtake and pass to the right of another vehicle only if (1) the overtaken vehicle is making or about to make a left turn; (2) on a highway with unobstructed pavement not occupied by parked vehicles and wide enough for two or more lines of vehicles moving lawfully in the same direction as the overtaking vehicle; or (3) on any one-way roadway, if the roadway is free from obstruction and wide enough for two or more lines of moving vehicles. Regardless of roadway width, a driver of a vehicle may overtake and pass to the right only if it is safe to do so. Except for an operator of a bicycle or motor scooter, a driver of a motor vehicle may not overtake and pass another to the right by driving off the roadway.

A violation of these provisions is a misdemeanor with a maximum fine of \$500. The prepayment penalty for these violations is \$110 and, upon conviction, one point assessed against the driver's license. If the violation contributes to an accident, the prepayment penalty is \$150 and three points are assessed against the license.

**Background:** According to the District Court, 3,466 citations were issued in fiscal 2016 for driving off the roadway while passing to the right.

**State Revenues:** General fund revenues may decrease significantly beginning in fiscal 2018 due to fewer citations being issued for driving off the roadway when passing to the right since some of those drivers would no longer be in violation of the law. There is no way to reliably estimate the extent to which the number of citations for this offense will be reduced under the bill. However, *for illustrative purposes only*, if the number of citations is reduced by half, general fund revenues decrease by about \$143,000 in fiscal 2018 and by about \$191,000 annually thereafter, assuming all violators choose to pay the \$110 prepayment penalty.

---

## 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  
fn/kdm Third Reader - March 21, 2017

---

Analysis by: Michelle Davis

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510