

# HOUSE BILL 398

R5  
HB 222/18 – ENV

9lr0914  
CF SB 354

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By: **Delegates Cassilly and Jalisi**

Introduced and read first time: January 30, 2019

Assigned to: Environment and Transportation

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 5, 2019

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Vehicle Laws – Overtaking and Passing Bicycles, EPAMDs, or Motor Scooters**

3 FOR the purpose of authorizing the driver of a vehicle to drive on the left side of the  
4 roadway in a no–passing zone to overtake and pass a bicycle, an EPAMD, or a motor  
5 scooter in accordance with a certain provision of ~~law~~, law under certain  
6 circumstances; repealing a certain exception to the 3–foot clearance rule for a vehicle  
7 passing a bicycle, an EPAMD, or a motor scooter; clarifying certain language; making  
8 a stylistic change; and generally relating to overtaking and passing bicycles,  
9 EPAMDs, or motor scooters.

10 BY repealing and reenacting, without amendments,  
11 Article – Transportation  
12 Section 21–305  
13 Annotated Code of Maryland  
14 (2012 Replacement Volume and 2018 Supplement)

15 BY repealing and reenacting, with amendments,  
16 Article – Transportation  
17 Section 21–307 and 21–1209(a)  
18 Annotated Code of Maryland  
19 (2012 Replacement Volume and 2018 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
21 That the Laws of Maryland read as follows:

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**EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 **Article – Transportation**

2 21–305.

3 (a) (1) The driver of a vehicle may not drive to the left of the center of the  
4 roadway in overtaking and passing another vehicle going in the same direction unless:

5 (i) Authorized by this subtitle; and

6 (ii) The left side of the roadway is clearly visible and is free of  
7 approaching traffic for a sufficient distance ahead to permit the overtaking and passing to  
8 be completed without interfering with the operation of any other vehicle approaching from  
9 the opposite direction or any other vehicle overtaken.10 (2) The overtaking vehicle shall return to an authorized lane of travel as  
11 soon as practicable and, if the passing movement uses a lane authorized for vehicles  
12 approaching from the opposite direction, before coming within 200 feet of any approaching  
13 vehicle.

14 (b) (1) This subsection does not apply on a one–way roadway.

15 (2) The driver of a vehicle may not drive on the left side of any roadway if:

16 (i) The vehicle is approaching the crest of a grade or is on a curve in  
17 the highway where the driver’s view is obstructed for such a distance as to be dangerous  
18 should another vehicle approach from the opposite direction;19 (ii) The vehicle is crossing or approaching within 100 feet of any  
20 intersection or railroad grade crossing; or21 (iii) The driver’s view is obstructed while approaching within 100 feet  
22 of any bridge, viaduct, or tunnel.

23 21–307.

24 (a) **(1)** The State Highway Administration may determine those parts of any  
25 highway in its jurisdiction where overtaking and passing or driving on the left of the  
26 roadway would be especially dangerous and, by appropriate signs or markings on the  
27 roadway, may indicate the beginning and end of these zones.28 **(2) [Where] EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS**  
29 **SECTION, WHERE** the signs or markings are in place and clearly visible to an ordinarily  
30 observant individual, every driver of a vehicle shall obey their directions.31 (b) Except as provided in subsection (d) of this section, where signs or markings  
32 defining a no–passing zone are placed as provided in subsection (a) of this section, a driver  
33 may not drive on the left side of the roadway within the no–passing zone.

1 (c) Except as provided in subsection (d) of this section, where signs or markings  
2 defining a no-passing zone are placed as provided in subsection (a) of this section, a driver  
3 may not drive on the left side of any pavement striping designed to mark the no-passing  
4 zone throughout its length.

5 (d) The driver of a vehicle may drive [across]:

6 (1) **ACROSS** the left side of the roadway in a no-passing zone while making  
7 a left turn, but only if it is safe to do so; **AND**

8 (2) ~~IN ACCORDANCE WITH § 21-305 OF THIS SUBTITLE, ON~~ **ON THE**  
9 **LEFT SIDE OF THE ROADWAY IN A NO-PASSING ZONE TO MAKE THE MINIMUM**  
10 **ADJUSTMENT NECESSARY TO OVERTAKE AND PASS AT A SAFE AND LAWFUL**  
11 **DISTANCE A BICYCLE, AN EPAMD, OR A MOTOR SCOOTER TRAVELING IN THE SAME**  
12 **DIRECTION IF:**

13 (I) **THE VEHICLE IS DRIVEN IN ACCORDANCE WITH § 21-305 OF**  
14 **THIS SUBTITLE; AND**

15 (II) **THE DRIVER REASONABLY BELIEVES, BASED ON WEATHER,**  
16 **ROAD, AND VEHICULAR OR PEDESTRIAN TRAFFIC CONDITIONS, THAT THE**  
17 **ADJUSTMENT DOES NOT ENDANGER, IMPEDE, OR INTERFERE WITH ANOTHER**  
18 **VEHICLE.**

19 21-1209.

20 (a) Notwithstanding any other provision of this title, the driver of a vehicle shall:

21 (1) Exercise due care to avoid colliding with any bicycle, EPAMD, or motor  
22 scooter being ridden by a person; and

23 (2) When overtaking a bicycle, an EPAMD, or a motor scooter, pass safely  
24 at a distance of not less than 3 feet, unless, at the time:

25 (i) The bicycle, EPAMD, or motor scooter rider fails to operate the  
26 vehicle in conformance with § 21-1205(a) of this subtitle (“Riding to right side of roadway”)  
27 or § 21-1205.1(b) of this subtitle (“Roadway with bike lane or shoulder paved to smooth  
28 surface”); OR

29 (ii) A passing clearance of less than 3 feet is caused solely by the  
30 bicycle, EPAMD, or motor scooter rider failing to maintain a steady course]; or

31 (iii) The highway on which the vehicle is being driven is not wide  
32 enough to lawfully pass the bicycle, EPAMD, or motor scooter at a distance of at least 3  
33 feet].

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2   October 1, 2019.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.