

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1263 (Delegate Malone)
Environment and Transportation

Vehicle Laws - Overtaking and Passing Bicycles, EPAMDs, or Motor Scooters

This bill specifies that the driver of a vehicle may drive on the left side of the roadway in a no-passing zone to make the minimum adjustment necessary to overtake and pass at a safe and lawful distance a pedestrian or bicycle, an electric personal assistive mobility device (EPAMD), or a motor scooter that is traveling in the same direction. Passing and overtaking in this manner (1) is authorized only if the driver reasonably believes, based on weather, road, and vehicular or pedestrian traffic conditions, that the adjustment does not endanger, impede, or interfere with a pedestrian or another vehicle and (2) must be in accordance with existing limitations on overtaking or driving on the left. In addition, the bill repeals a specified exception to the three-foot clearance rule that permits a vehicle to pass a bicycle, EPAMD, or motor scooter at a distance of less than three feet if on a highway that is not wide enough to lawfully pass at the minimum three-foot distance. Existing penalties apply to violations of the bill's provisions.

Fiscal Summary

State Effect: Potential minimal decrease in general fund revenues to the extent that fewer citations are issued as a result of the exemption created by the bill. 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:

No-passing Zones

The State Highway Administration may (1) determine those parts of any highway within its jurisdiction where overtaking and passing or driving on the left of the roadway is especially dangerous and (2) indicate the beginning and end of these zones with appropriate signs or markings on the roadway. Where the signs or markings are in place and clearly visible to an ordinarily observant individual, every driver of a vehicle must obey their directions. Within a properly marked no-passing zone, a driver may not drive on the left side of the roadway or on the left side of any pavement striping designed to mark the no-passing zone. However, a driver may drive across the left side of the roadway in a no-passing zone while making a left turn if it is safe to do so.

A violation of the no-passing rule is a misdemeanor subject to a maximum fine of \$500. The prepayment penalty established by the District Court for a violation is \$90, and the Motor Vehicle Administration (MVA) must assess one point against the driver's license upon conviction. If the violation contributes to an accident, the prepayment penalty is \$130, and MVA must assess three points against the license.

Passing and Overtaking Vehicles – Generally

The driver of a vehicle overtaking another vehicle that is traveling in the same direction generally must pass to the left of the overtaken vehicle at a safe distance and may not drive any part of his or her vehicle directly in front of the overtaken vehicle until safely clear of the overtaken vehicle. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle (1) must give way to the right in favor of the overtaking vehicle on audible signal and (2) may not increase the speed of his or her vehicle until completely passed by the overtaking vehicle.

Overtaking or Driving to the Left – Limitations

The driver of a vehicle may not drive to the left of the center of the roadway in overtaking and passing another vehicle going in the same direction unless (1) authorized by law and (2) the left side of the roadway is clearly visible and free of approaching traffic for a sufficient distance ahead to permit the completion of the overtaking and passing without interfering with the operation of any other vehicle approaching from the opposite direction or any other vehicle overtaken. The overtaking vehicle must return to an authorized lane of travel as soon as practicable and, if the passing movement uses a lane authorized for

vehicles approaching from the opposite direction, before coming within 200 feet of any approaching vehicle.

Except on a one-way road, a driver may not drive on the left side of any roadway if (1) the vehicle is approaching the crest of a grade or hill or on a curve in the highway where the driver's view is obstructed for such a distance as to be dangerous if another vehicle approaches from the opposite direction; (2) the vehicle is crossing or approaching within 100 feet of any intersection or railroad grade crossing; or (3) the driver's view is obstructed while approaching within 100 feet of any bridge, viaduct, or tunnel.

A violation of these provisions is a misdemeanor subject to a maximum fine of \$500. The prepayment penalty is \$90, and MVA must assess one point against the driver's license on conviction. If the violation contributes to an accident, the prepayment penalty is \$130, and MVA must assess three points against the license.

Overtaking a Bicycle, EPAMD, or Motor Scooter

Exercising Due Care: The driver of a vehicle must exercise due care to avoid colliding with any bicycle, EPAMD, or motor scooter being ridden by a person. A violation is a misdemeanor subject to a maximum fine of \$500. The prepayment penalty for this violation is \$290.

Minimum Passing Distance: When overtaking a bicycle, an EPAMD, or a motor scooter, a driver must safely pass the bicycle, EPAMD, or motor scooter at a distance of at least three feet unless, at the time, (1) the bicycle, EPAMD, or motor scooter rider fails to ride to the right side of the roadway or in a bicycle lane that is paved to a smooth surface, as required by the Maryland Vehicle Law; (2) a passing clearance of less than three feet is caused solely by the rider's failure to maintain a steady course; or (3) the highway is not wide enough for the vehicle to lawfully pass at a minimum distance of three feet.

A violation is a misdemeanor subject to a maximum fine of \$500. The prepayment penalty is \$80, and MVA must assess one point against the driver's license. For a violation that contributes to an accident, the prepayment penalty is \$120.

Duty to Exercise Due Care to Avoid Colliding with a Pedestrian

Notwithstanding any other rule of the road, the driver of a vehicle must exercise due care to avoid colliding with any pedestrian and, if necessary, warn any pedestrian by sounding the vehicle's horn. Additionally, the driver of a vehicle must exercise proper caution upon observation of a child or obviously confused or incapacitated individual. A violation is a misdemeanor, and a violator is subject to a maximum fine of \$500. The prepayment penalty established by the District Court is \$70, and MVA must assess one point against a violator's

license. If the violation contributes to an accident, the prepayment penalty is \$110, and MVA must assess three points against the violator's license.

Definitions

“Vehicle” means any device (except an EPAMD) in, on, or by which an individual or property may be transported or towed on a highway, including a low-speed vehicle and an off-highway recreational vehicle.

“Bicycle” means a vehicle that (1) is designed to be operated by human power; (2) has two or three wheels, one of which is more than 14 inches in diameter; and (3) has a drive mechanism other than by pedals directly attached to a drive wheel. “Bicycle” also includes an electric bicycle, a moped, or an electric low-speed scooter.

An “EPAMD” is a pedestrian device that (1) has two nontandem wheels; (2) is self-balancing; (3) is powered by an electric propulsion system; (4) is designed to transport one person; and (5) reaches a maximum speed of up to 15 miles per hour.

Background: According to data provided by the District Court, in fiscal 2019, there were a total of 908 citations issued statewide for unlawful driving on the left side of the roadway or to the left of pavement striping in a posted no-passing zone. Of these, 314 were prepaid, 65 went to trial, and 529 remain open.

In addition, in fiscal 2019, there were 10 citations issued statewide for failure to exercise due care to avoid colliding with a bicycle, EPAMD, or motor scooter and four citations issued for failure to pass at a minimum three-foot distance. There were 117 citations issued for failure to exercise due care to avoid colliding with a pedestrian.

According to preliminary data presented in the Maryland Department of Transportation's *2020 Annual Attainment Report*, 465 serious pedestrian injuries, 130 pedestrian deaths, 6 bicycle fatalities, and 59 serious bicycle injuries occurred on Maryland roads in 2018.

Additional Information

Prior Introductions: HB 398 of 2019, a similar bill, passed the House as amended but received an unfavorable report from the Senate Judicial Proceedings Committee. Its cross file, SB 354, received an unfavorable report from the Senate Judicial Proceedings Committee. HB 222 of 2018, a similar bill, received a hearing in the House Environment and Transportation Committee and was later withdrawn. Its cross file, SB 268, received a favorable with amendments report from the Senate Judicial Proceeding Committee but was recommitted to the committee.

Designated Cross File: None.

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

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