

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 768

(Senator Folden)

Judicial Proceedings

Vehicle Laws - Lanes of Travel - Slower Traffic and Overtaking and Passing
(Highway Left Lane Safety Act)

This bill requires a driver of a vehicle traveling slower than the general speed of traffic on *any* roadway to drive in the right-hand lane or lanes, if the driver determines it is practicable to do so. Additionally, with specified exceptions, the bill restricts the use of the far left lane by a driver on a roadway that has three or more lanes of traffic moving in the same direction and a posted speed limit of at least 55 miles per hour to the overtaking and passing of another vehicle. A violator of either restriction is guilty of a misdemeanor and subject to specified fines.

Fiscal Summary

State Effect: Minimal increase in general fund revenues from penalties for moving violations under the bill. Transportation Trust Fund (TTF) expenditures increase by *at least* \$250,000 (*up to a maximum of* \$750,000) in FY 2025 only, as discussed below.

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

Small Business Effect: None.

Analysis

Bill Summary:

Roadways – In General

A driver traveling slower than the general speed of traffic on *any roadway* (rather than just an *interstate highway located in a rural area* under existing statute) must drive in the

right-hand lane or lanes, if the driver determines it is practicable to do so. The bill makes several conforming changes to reflect expanded statewide application of the existing requirement. Further, under the bill, a violator is subject to conviction for a misdemeanor and a fine not exceeding \$500.

Roadways – Three or More Lanes of Traffic and Speed Limits of at Least 55 Miles Per Hour

On a roadway that has three or more lanes of traffic moving in the same direction and a posted speed limit of at least 55 miles per hour, the use of the far left lane of the roadway by a driver is restricted to only the overtaking and passing of another vehicle, unless the driver's vehicle is (1) in the far left lane preparing for a left turn or left exit; (2) in a single high occupancy vehicle (HOV) lane moving in one direction during the HOV restricted time period; or (3) in traffic conditions that require the use of all roadway lanes. 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. A violator is guilty of a misdemeanor and subject to a fine of \$75 for a first offense; \$150 for a second offense; and \$250 for a third or subsequent offense.

Current Law: On every roadway, any vehicle going at least 10 miles per hour below the applicable maximum speed limit or at less than the normal speed of traffic under existing conditions (if any existing conditions reasonably require a speed below that of the applicable maximum) generally must be driven in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway.

Driving in the Right-hand Lane or Lanes on Interstate Highways Located in Rural Areas

A driver traveling slower than the general speed of traffic on an interstate highway located in a rural area must drive in the right-hand lane or lanes, if the driver determines it is practicable to do so. An "interstate highway" means a State highway that is part of the national interstate system; a "rural area" means an area outside the fixed boundaries of an urban area (a bounded area that includes and is adjacent to a municipality or other urban place with a population of at least 5,000).

Although the Motor Vehicle Administration must include this requirement in the State's driver education curriculum and the State Highway Administration (SHA) must inform drivers of the requirement by placing and maintaining signs at regular intervals on appropriate highways and through the State's dynamic message sign system, drivers may not be issued citations for violating the requirement.

General Rules Governing Overtaking and Passing Vehicles

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 the 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 must be assessed against an individual's driver's license. If the violation contributes to an accident, the prepayment penalty is \$130 and three points must be assessed against the individual's driver's license.

State Revenues: General fund revenues likely increase due to the Judiciary collecting fines related to enforcement of the bill's restrictions. 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.

State Expenditures: The bill requires SHA to place and maintain signs at regular intervals on appropriate highways informing drivers of the bill's requirements. SHA has the discretion to determine the placement and scope of signage installed in accordance with the bill. Thus, the precise impact on TTF expenditures depends on the scale at which SHA chooses to install signage informing drivers of the bill's requirements.

Based on a preliminary analysis, SHA estimates that it would install a minimum of 500 signs, and likely no more than 1,500 signs, on highways statewide. SHA advises that it cannot provide a more precise estimate until it completes a comprehensive review of the State's road network.

SHA estimates that sign installation costs will be \$500 per sign. Accordingly, TTF expenditures increase by *at least* \$250,000, but likely *not more than* \$750,000, in fiscal 2025 only. For purposes of this analysis, the Department of Legislative Services assumes that SHA completes the installation of all signage in fiscal 2025.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See HB 957 of 2023.

Designated Cross File: HB 298 (Delegate Munoz) - Environment and Transportation.

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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