

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE
Revised

House Bill 73

(Delegate Kelly)

Environmental Matters

Judicial Proceedings

Vehicle Laws - Overtaking and Passing Vehicles

This bill requires a driver of a vehicle in the far left lane of a roadway with two or more lanes moving in the same direction to give way to the right in favor of an overtaking vehicle when it is safe and practicable to do so. This provision does not apply to a vehicle in the far left lane that is preparing for a left turn or to a vehicle in a high occupancy vehicle (HOV) lane if the HOV lane is a single lane moving in one direction and HOV restrictions are in effect. A violation of this provision requires the assessment of one point against the driving record and is a misdemeanor subject to a penalty not exceeding \$500.

Fiscal Summary

State Effect: Minimum general fund revenue increase from the penalty provision applicable to the offense under Maryland Vehicle Law (maximum \$500 fine). Enforcement could be handled with existing resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: The driver of a vehicle overtaking another vehicle that is going the same direction shall pass to the left of the overtaken vehicle at a safe distance. The driver of a vehicle overtaking another vehicle that is going in the same direction may not drive his or her vehicle directly in front of the overtaken vehicle until safely clear of the overtaken vehicle. Except when passing on the right is permitted, the driver of an overtaken vehicle must give way to the right, upon audible signal, in favor of the overtaking vehicle.

A driver may overtake and pass to the right of another vehicle only: (1) if the overtaken vehicle is making or is about to make a left turn; (2) on an unobstructed roadway without parked cars that is wide enough for two or more lines of vehicles moving in the same direction as the overtaking vehicle; or (3) on a one-way roadway, if free from obstruction and wide enough for two or more lines of moving vehicles. Passing on the right may not be accomplished by driving off the roadway.

A violation of these provisions requires the assessment of one point against the driving record and is a misdemeanor subject to a penalty not exceeding \$500.

Background: According to the latest available update of the American Automobile Association's *Digest of Motor Laws*, 22 states restrict the left lane for passing by statute. These states include New Jersey and Virginia, but do not include Delaware, West Virginia, or the District of Columbia.

In accordance with the *Manual on Uniform Traffic Control Devices for Streets and Highways*, the State Highway Administration places "Slower Traffic Keep Right" signs at locations where traffic has been disrupted by slower traffic in the left lane.

Additional Information

Prior Introductions: This bill was introduced as HB 52 during the 2000 session. It was referred to Commerce and Government Matters where it received an unfavorable report. A similar bill that reserved the left lane for passing vehicles was introduced in the 1999 session as HB 932 and received an unfavorable report from the Commerce and Government Matters Committee.

Cross File: None.

Information Source(s): American Automobile Association, National Highway Traffic Safety Administration, Department of Legislative Services

Fiscal Note History: First Reader - January 29, 2003
mam/cer Revised - House Third Reader - March 18, 2003

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