

**Department of Legislative Services**  
Maryland General Assembly  
2004 Session

**FISCAL AND POLICY NOTE**

Senate Bill 628  
Judicial Proceedings

(Senator Giannetti)

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**Vehicle Laws - Overtaking and Passing Vehicles**

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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.

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**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.

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**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, Pennsylvania, 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.

**State Expenditures:** The Motor Vehicle Administration (MVA) advises that it could cost \$37,034 to update existing forms and handbooks. However, the Department of Legislative Services advises that the MVA must revise its forms annually to include law changes, thus forms reprinting is simply a cost of doing business and can be handled within the existing resources of the MVA.

The State Highway Administration advises that it may elect to install signage along selected routes entering the State. Twenty-four extruded signs would cost about \$54,000, which could be handled with existing resources.

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### **Additional Information**

**Prior Introductions:** This is a reintroduction of HB 73, as amended. HB 73 passed the House and was referred to the Judicial Proceedings Committee, where it received an unfavorable report.

**Cross File:** HB 482 (Delegate Kelly, *et al.*) – Environmental Matters.

**Information Source(s):** American Automobile Association, Department of Legislative Services

**Fiscal Note History:** First Reader – February 17, 2004  
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