
By: **Delegate Kelly**

Introduced and read first time: February 10, 2006

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Overtaking and Passing Vehicles**

3 FOR the purpose of requiring, under certain circumstances and on certain highways
4 that have two or more lanes for traffic moving in the same direction, a vehicle in
5 the far left lane that is being overtaken by another vehicle shall give way to the
6 right in favor of the overtaking vehicle; providing for certain exceptions; altering
7 a certain definition; making certain stylistic changes; and generally relating to
8 the overtaking and passing of vehicles.

9 BY repealing and reenacting, without amendments,
10 Article - Transportation
11 Section 21-101(a) and (g)
12 Annotated Code of Maryland
13 (2002 Replacement Volume and 2005 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article - Transportation
16 Section 21-101(d) and 21-303
17 Annotated Code of Maryland
18 (2002 Replacement Volume and 2005 Supplement)

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

21 **Article - Transportation**

22 21-101.

23 (a) In this title and Title 25 of this article the following words have the
24 meanings indicated.

25 (d) "Controlled access highway" means a highway [or roadway to or from
26 which persons, including the owners or occupants of abutting lands, have no right of
27 access except at the points and in the manner determined by the public authority
28 with jurisdiction over the highway or roadway] WITH THE SAME CHARACTERISTICS

1 AS AN EXPRESSWAY, EXCEPT THAT THE CONFLICT OF CROSS STREAMS OF TRAFFIC IS
2 NOT NECESSARILY ELIMINATED AT EACH INTERSECTION BY GRADE SEPARATION
3 STRUCTURES.

4 (g) "Expressway" means a major highway of 2 or more traffic lanes in each
5 direction that is designed to eliminate principal traffic hazards and has the following
6 characteristics:

7 (1) A median divider separating opposing traffic lanes to eliminate
8 head-on collisions and sideswiping;

9 (2) Grade separation structures to eliminate the conflict of cross streams
10 of traffic at each intersection;

11 (3) Points of entrance and exit limited to predetermined locations;

12 (4) Vertical curves long enough to provide long sight distances; and

13 (5) Shoulders wide enough to permit vehicles to stop or park out of traffic
14 lanes.

15 21-303.

16 (a) Except as otherwise provided in this subtitle, this section governs the
17 overtaking and passing of vehicles going in the same direction.

18 (b) The driver of a vehicle overtaking another vehicle that is going in the same
19 direction shall pass to the left of the overtaken vehicle at a safe distance.

20 (c) The driver of a vehicle overtaking another vehicle that is going in the same
21 direction, until safely clear of the overtaken vehicle, may not drive any part of [his]
22 THE DRIVER'S vehicle directly in front of the overtaken vehicle.

23 (d) Except when overtaking and passing on the right is permitted, the driver
24 of an overtaken vehicle, on audible signal, shall give way to the right in favor of the
25 overtaking vehicle.

26 (e) Except when overtaking and passing on the right is permitted, the driver
27 of an overtaken vehicle, until completely passed by the overtaking vehicle, may not
28 increase the speed of [his] THE DRIVER'S vehicle.

29 (F) (1) THIS SUBSECTION APPLIES ONLY ON:

30 (I) AN EXPRESSWAY; OR

31 (II) A CONTROLLED ACCESS HIGHWAY WHERE THE SPEED LIMIT IS
32 50 MILES PER HOUR OR GREATER.

33 (2) THIS SUBSECTION DOES NOT APPLY TO A DRIVER OF A VEHICLE:

1 (I) IN THE FAR LEFT LANE PREPARING FOR A LEFT TURN OR LEFT
2 EXIT;

3 (II) IN A HIGH OCCUPANCY VEHICLE LANE IF:

4 1. THE HIGH OCCUPANCY VEHICLE LANE IS THE ONLY HIGH
5 OCCUPANCY VEHICLE LANE ON THE ROADWAY; AND

6 2. THE HIGH OCCUPANCY VEHICLE RESTRICTIONS ARE IN
7 EFFECT;

8 (III) THAT IS REQUIRED BY ANY OTHER LAW OR IS DIRECTED BY A
9 POLICE OFFICER OR TRAFFIC CONTROL DEVICE TO BE DRIVEN IN THE FAR LEFT
10 LANE; OR

11 (IV) WHEN TRAFFIC IS CONGESTED AND GENERALLY OCCUPYING
12 ALL THROUGH LANES EQUALLY.

13 (3) NOTWITHSTANDING SUBSECTION (D) OF THIS SECTION, WHEN SAFE
14 AND PRACTICABLE, THE DRIVER OF A VEHICLE IN THE FAR LEFT LANE BEING
15 OVERTAKEN BY A VEHICLE SHALL GIVE WAY TO THE RIGHT IN FAVOR OF AN
16 OVERTAKING VEHICLE.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
18 effect October 1, 2006.