

**Department of Legislative Services  
Maryland General Assembly  
2006 Session**

**FISCAL AND POLICY NOTE**

House Bill 1196 (Delegate Kelly)  
Environmental Matters

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**Vehicle Laws - Overtaking and Passing Vehicles**

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This bill provides that, when safe and practical, the driver of a vehicle in the far left lane that is being overtaken by a vehicle must give way to the right in favor of an overtaking vehicle, whether or not the overtaking vehicle provides an audible signal. This requirement is limited to expressways, and controlled access highways with a speed limit of 50 miles per hour or greater. A “controlled access highway” means a highway with the same characteristics as an expressway, except that the conflict of cross streams of traffic is not necessarily eliminated at each intersection by grade separation structures.

The provision does not apply to the driver of a vehicle in the far left lane preparing for a left turn or exit. It does not apply to a driver in the high occupancy vehicle (HOV) lane if the HOV lane is the only HOV lane on the roadway and the restrictions are in effect. The provision also does not apply if the driver is required by any other law or is directed by a police officer to drive in the far left lane.

A person who violates this provision is guilty of a misdemeanor and is subject to a maximum fine of \$500. The Motor Vehicle Administration would be required to assess one point against the driver’s license.

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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 must 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. The fine assessed by the District Court for these violations is \$80.

**Background:** According to the latest available update of the American Automobile Association's *Digest of Motor Laws*, 28 states restrict the left lane for passing by statute. These states include New Jersey, Pennsylvania, Virginia, and West Virginia, but do not include Delaware 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.

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## Additional Information

**Prior Introductions:** This bill is similar to HB 182 of 2005, which received an unfavorable report from the Environmental Matters Committee. This bill is also similar to HB 482/SB 628 from the 2004 session. HB 482 was heard in the Environmental Matters Committee, and then withdrawn. SB 628 was referred to the Judicial Proceedings Committee, where it received an unfavorable report.

**Cross File:** SB 701 (Senator Hogan, *et al.*) – Judicial Proceedings.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Department of State Police, Maryland Department of Transportation, American Automobile Association, Department of Legislative Services

**Fiscal Note History:** First Reader - February 15, 2006  
ncs/ljm

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