

HOUSE BILL 605

R5
HB 1196/06 – ENV

8lr1858

By: **Delegates Kelly, Beitzel, Carr, DeBoy, Eckardt, Frank, George, Haddaway, McKee, Miller, Myers, O'Donnell, Riley, Schuh, Stull, and Wood**

Introduced and read first time: January 31, 2008
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 to 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 (k)
12 Annotated Code of Maryland
13 (2006 Replacement Volume and 2007 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Transportation
16 Section 21–101(g) and 21–303
17 Annotated Code of Maryland
18 (2006 Replacement Volume and 2007 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.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



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

3 (g) “Controlled access highway” means a highway [or roadway to or from
4 which persons, including the owners or occupants of abutting lands, have no right of
5 access except at the points and in the manner determined by the public authority with
6 jurisdiction over the highway or roadway] **WITH THE SAME CHARACTERISTICS AS
7 AN EXPRESSWAY, EXCEPT THAT THE CONFLICT OF CROSS STREAMS OF TRAFFIC
8 IS NOT NECESSARILY ELIMINATED AT EACH INTERSECTION BY GRADE
9 SEPARATION STRUCTURES.**

10 (k) “Expressway” means a major highway of 2 or more traffic lanes in each
11 direction that is designed to eliminate principal traffic hazards and has the following
12 characteristics:

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

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

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

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

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

21 21–303.

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

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

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

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

32 (e) Except when overtaking and passing on the right is permitted, the driver
33 of an overtaken vehicle, until completely passed by the overtaking vehicle, may not
34 increase the speed of [his] **THE DRIVER’S** vehicle.

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

2 **(I) AN EXPRESSWAY; OR**

3 **(II) A CONTROLLED ACCESS HIGHWAY WHERE THE SPEED**
4 **LIMIT IS AT LEAST 50 MILES PER HOUR.**

5 **(2) THIS SUBSECTION DOES NOT APPLY TO A DRIVER OF A**
6 **VEHICLE:**

7 **(I) IN THE FAR LEFT LANE PREPARING FOR A LEFT TURN**
8 **OR LEFT EXIT;**

9 **(II) IN A HIGH OCCUPANCY VEHICLE LANE IF:**

10 **1. THE HIGH OCCUPANCY VEHICLE LANE IS THE**
11 **ONLY HIGH OCCUPANCY VEHICLE LANE ON THE ROADWAY; AND**

12 **2. THE HIGH OCCUPANCY VEHICLE RESTRICTIONS**
13 **ARE IN EFFECT;**

14 **(III) THAT IS REQUIRED BY ANY OTHER LAW OR IS DIRECTED**
15 **BY A POLICE OFFICER OR TRAFFIC CONTROL DEVICE TO BE DRIVEN IN THE FAR**
16 **LEFT LANE; OR**

17 **(IV) WHEN TRAFFIC IS CONGESTED AND GENERALLY**
18 **OCCUPYING ALL THROUGH LANES EQUALLY.**

19 **(3) NOTWITHSTANDING SUBSECTION (D) OF THIS SECTION, WHEN**
20 **SAFE AND PRACTICABLE, THE DRIVER OF A VEHICLE IN THE FAR LEFT LANE**
21 **BEING OVERTAKEN BY A VEHICLE SHALL GIVE WAY TO THE RIGHT IN FAVOR OF**
22 **AN OVERTAKING VEHICLE.**

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2008.