

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE

House Bill 1397 (Delegate Cardin, *et al.*)
Environmental Matters

Vehicle Laws - Overtaking and Passing Bicycles, EPAMDs, and Motor Scooters

This bill specifies that the driver of a vehicle *may* drive across or on the left side of the roadway in a no-passing zone, in accordance with existing limitations on overtaking or driving on the left, to make the minimum adjustment necessary to create the three-foot clearance required for safely overtaking a bicycle, electric personal assistive mobility device (EPAMD), or motor scooter that is going in the same direction. Also, the bill clarifies that, except with regard to left-hand turns, where the signs or markings are in place and clearly visible to an ordinarily observant individual, a driver of a vehicle must obey the directions on the signs or markings. Existing penalties apply to violations of the bill's provisions.

Fiscal Summary

State Effect: Potential minimal decrease in general fund revenues, to the extent that fewer citations are issued due to the exemption created by the bill. Enforcement can be handled with existing resources.

Local Effect: Enforcement can be handled with existing resources.

Small Business Effect: None.

Analysis

Current Law: A "vehicle" is any device (except an EPAMD) in, on, or by which an individual or property may be transported or towed on a highway.

A “bicycle” is a vehicle that (1) is designed to be operated by human power; (2) has two or three wheels, with one being more than 14 inches in diameter; and (3) has a drive mechanism other than pedals directly attached to a drive wheel.

An “EPAMD” is a pedestrian device that has two nontandem wheels, is self-balancing, is powered by an electric propulsion system, and is designed to transport one person at a maximum speed of 15 miles per hour.

A “motor scooter” is a nonpedal vehicle that has an operator’s seat and two wheels, one of which is 10 inches or more in diameter. A motor scooter has a step-through chassis, a motor with a maximum rating of 2.7 horsepower or a maximum capacity of 50 cc piston displacement, and an automatic transmission. A motor scooter does not include an off-road vehicle, a motorcycle, or an all-terrain vehicle.

Overtaking Bicycles, EPAMDs, and Motor Scooters: A driver of a vehicle is required to safely overtake a bicycle, EPAMD, or a motor scooter at a distance of at least three feet, except as otherwise specified. The requirement does not apply if, at the time, (1) the bicycle, EPAMD, or motor scooter rider fails to ride to the right side of the roadway as required by the Maryland Vehicle Law; (2) the rider fails to comply with the requirement to ride in a bike lane or shoulder that is paved to a smooth surface; (3) the passing with a clearance of less than three feet is caused solely by the failure of the bicycle, EPAMD, or motor scooter rider to maintain a steady course; or (4) the highway on which the vehicle is being driven is not wide enough to lawfully pass the bicycle, EPAMD, or motor scooter at a distance of at least three feet.

Unless otherwise specified by law, the driver of a vehicle is required to yield the right-of-way to a person who is lawfully riding a bicycle, an EPAMD, or a motor scooter in a designated bicycle lane or shoulder if the vehicle driver is about to enter or cross the designated bicycle lane or shoulder. A violation of these provisions is a misdemeanor with a maximum fine of \$500. The prepayment penalty for these violations is \$80 and, upon conviction, one point assessed against the driver’s license. If the violation contributes to an accident, the prepayment penalty is \$120 and three points assessed against the license.

Lawfully Passing or Overtaking Another Vehicle – Generally: The driver of a vehicle overtaking another vehicle that is going in 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 violation of these provisions is a misdemeanor, subject to a maximum fine of \$500. The prepayment penalty established

by the District Court for these violations is \$90 and, upon conviction, one point assessed against the driver's license. If the violation contributes to an accident, the prepayment penalty is \$130 and three points assessed against the license.

No-passing Zones: The State Highway Administration is authorized to determine those parts of any highway within its jurisdiction where overtaking and passing or driving on the left of the roadway would be especially dangerous. Accordingly, the beginning and end of those zones may be indicated by appropriate signs or markings on the roadway. Where the signs or markings are in place and clearly visible to an ordinarily observant person, every driver of a vehicle must obey their directions. If signs or markings define a no-passing zone, a driver may not drive on the left side of the roadway within the no-passing zone. Also, where such markings exist, a driver may not drive on the left side of any pavement striping, throughout its length, that is designed to indicate a no-passing zone. A violation of these provisions is a misdemeanor and the violator is guilty of a misdemeanor and subject to a maximum fine of \$500. The prepayment penalty for these violations is \$90 and, upon conviction, one point assessed against the driver's license. If the violation contributes to an accident, the prepayment penalty increases to \$130 and three points assessed against the license.

Passing on the Right: 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. Except for an operator of a bicycle or motor scooter, a person may not pass on the right by driving off the roadway. A violation of these provisions, upon conviction, requires the assessment of one point against the driving record and is a misdemeanor subject to a penalty of up to \$500. The prepayment penalty assessed by the District Court for these violations is \$110. If the violation contributes to an accident, the prepayment penalty is \$150 and three points assessed against the license.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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