

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

House Bill 445

(Delegate Cardin, *et al.*)

Environmental Matters

Vehicle Laws - Rules of the Road - Overtaking Another Vehicle

This bill prohibits the driver of a vehicle from overtaking another vehicle that is going in the same direction unless a safe passing distance can be maintained while the other vehicle is being overtaken. The bill also repeals the provision that allows the driver of a vehicle, when overtaking a bicycle, motor scooter, or electric personal assistive mobility device (EPAMD) to lawfully do so at a distance of less than three feet if the highway is not wide enough to lawfully complete the maneuver at a distance of at least three feet. Accordingly, if the highway is too narrow to allow the driver of a vehicle to lawfully pass a bicycle, motor scooter, or EPAMD at a distance of at least three feet, the driver of the vehicle may not attempt the overtaking maneuver. Existing penalties apply to violations of the bill's provisions.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenue to the extent additional people receive citations under the bill's provisions. Enforcement can be handled with existing resources.

Local Effect: Enforcement can be handled with existing resources.

Small Business Effect: None.

Analysis

Current Law/Background: 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.

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.

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.

Overtaking Bicycles, EPAMDs, and Motor Scooters: A driver of a vehicle must exercise due care to avoid colliding with any bicycle, motor scooter, or EPAMD. A violation of this provision is a misdemeanor, subject to a maximum fine of \$500. The prepayment penalty assessed by the District Court is \$290.

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 bicycle 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.

Exhibit 1 shows the frequency of charges for unlawfully overtaking another vehicle, bicycle, motor scooter, or EPAMD.

Exhibit 1
Citations – Overtaking Vehicles
Fiscal 2012

Overtaking Vehicles	<u>Open</u>	<u>Prepaid</u>	<u>Trial</u>	<u>Total</u>
Failure to Overtake at Safe Distance	87	141	184	412
Driving in Front of Overtaken Vehicle – Not Safely Clear	24	23	52	99
Failure to Yield to Overtaking Vehicle on Audible Signal	3	5	4	12
Overtaken Vehicle Increasing Speed	5	5	11	21

Overtaking Bike/Motor Scooter/EPAMD

Failure to Exercise Due Care to Avoid Collision	2	1	6	9
Failure to Pass Safely at Distance of Three Feet	4	1	2	7

Source: District Court of Maryland

According to the National Highway Transportation Safety Administration (NHTSA), 618 “pedacyclists” were killed and 52,000 were injured nationwide in crashes with motor vehicles during 2010 (the latest year available). NHTSA uses the term “pedacyclists” to

HB 445/ Page 3

refer to riders of two-wheeled nonmotorized vehicles, tricycles, and unicycles powered by pedals and human power. Nationally, pedacyclist deaths accounted for about 2% of all traffic fatalities in 2010. During the same period in Maryland, NHTSA reports that 8 of the total 493 traffic fatalities (or 1.6%) involved pedacyclists.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Maryland Department of Transportation, National Highway Traffic Safety Administration, Department of Legislative Services

Fiscal Note History: First Reader - February 8, 2013
ncs/ljm

Analysis by: Karen D. Morgan

Direct Inquiries to:
(410) 946-5510
(301) 970-5510