Chapter 759

(House Bill 1456)

AN ACT concerning

Vehicle Laws – Passing to the Right – Use of Shoulder

FOR the purpose of authorizing the driver of a vehicle to pass to the right of another vehicle making or about to make a left turn under certain circumstances; making a certain technical correction and certain conforming changes; and generally relating to the use of the shoulder to pass on the right.

BY repealing and reenacting, with amendments,
    Article – Transportation
    Section 21–304
    Annotated Code of Maryland
    (2012 Replacement Volume and 2016 Supplement)

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

Article – Transportation

21–304.

    (a)   Subject to the requirements of subsection (b) of this section, the driver of a vehicle may overtake and pass to the right of another vehicle only:

        (1)   If the overtaken vehicle is making or about to make a left turn;

        (2)   On a highway with unobstructed pavement not occupied by parked vehicles and wide enough for two or more lines of vehicles moving lawfully in the same direction as the overtaking vehicle; or

        (3)   On any one–way roadway, if the roadway is free from obstruction and wide enough for two or more lines of moving vehicles.

    (b)   The driver of a vehicle may overtake and pass another vehicle to the right only if it is safe to do so.

    (c)   **(1)**   Except **AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION AND** for an operator of a bicycle or motor scooter, a person may not make the movement described under **[**subsection**]** **SUBSECTIONS (A) AND** (b) of this section by driving off the roadway.

(2) THE DRIVER OF A VEHICLE MAY MAKE THE MOVEMENT DESCRIBED UNDER SUBSECTIONS (A) AND (B) OF THIS SECTION BY DRIVING OUTSIDE THE MARKED LANE ONTO THE SHOULDER TO OVERTAKE AND PASS A VEHICLE THAT IS MAKING OR ABOUT TO MAKE A LEFT TURN IF THE DRIVER CAN DO SO WITHOUT LEAVING THE PAVED SURFACE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, May 25, 2017.