

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 268

(Senator Lee, *et al.*)

Judicial Proceedings

Vehicle Laws - Overtaking and Passing Bicycles, Farm Equipment, Farm
Tractors, and Animal-Drawn Vehicles

This bill specifies that the driver of a vehicle may drive on the left side of the roadway in a no-passing zone, including to the left of any pavement striping marking a no-passing zone, to make the minimum adjustment necessary to overtake and pass at a safe distance, a bicycle, farm equipment, a farm tractor, or an animal-drawn vehicle that is traveling in the same direction. Passing and overtaking in this manner must be in accordance with existing limitations on overtaking or driving on the left.

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. Revenues are not affected.

Small Business Effect: None.

Analysis

Bill Summary: The bill also clarifies that, except with regard to left-hand turns and authorized overtaking on the left within a no-passing zone of the vehicles specified, a driver of a vehicle must obey the directions on the signs or markings if the signs or markings are in place and clearly visible to an ordinarily observant individual. Existing penalties apply to violations of the bill's provisions.

Current Law:

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 is 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 properly 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 mark a no-passing zone. Notwithstanding the prohibitions on passing to the left in a no-passing zone, a driver may drive across the left side of the roadway in a no-passing zone while making a left turn but only if it is safe to do so.

A violation of the no-passing rules is a misdemeanor, 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.

Overtaking Bicycles, Electric Personal Assistive Mobility Devices, and Motor Scooters

Generally, a driver must exercise due care to avoid colliding with any bike, electric personal assistive mobility device (EPAMD), or motor scooter being ridden by a person. A violation of these provisions is a misdemeanor, subject to a maximum fine of \$500. The prepayment penalty for this violation is \$290.

A driver of a vehicle is required to safely overtake a bicycle, EPAMD, or a motor scooter at a minimum distance of 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 that is paved to a smooth surface; (3) a passing 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 minimum distance of three feet.

Unless otherwise specified, the driver of a vehicle must 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 driver of the vehicle is about to enter or cross the designated bicycle lane or shoulder. A violation of these provisions is a misdemeanor, subject to 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 and may not drive his or her vehicle directly in front of the overtaken vehicle until safely clear of the overtaken vehicle. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle upon audible signal must give way to the right in favor of the overtaking vehicle and may not increase the speed of the vehicle until it is completely passed by 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.

Overtaking or Driving to Left – Limitations

A driver of a vehicle may not drive to the left of the center of the roadway in overtaking and passing another vehicle going in the same direction unless specifically authorized. The authorization to pass on the left is limited to circumstances where the left side of the roadway is clearly visible and free of approaching traffic for a sufficient distance ahead to permit the overtaking and passing to be completed without interfering with the operation of any other vehicle approaching from the opposite direction or any other vehicle overtaken. The overtaking vehicle must return to an authorized lane of travel as soon as practicable and, if the passing movement uses a lane authorized for vehicles approaching from the opposite direction, before coming within 200 feet of any approaching vehicle.

Except on a one-way road, the driver of a vehicle may not drive on the left side of any roadway if (1) the vehicle is approaching the crest of a grade or is on a curve in the highway where the driver's view is obstructed for such a distance as to be dangerous if another vehicle approaches from the opposite direction; (2) the vehicle is crossing or approaching within 100 feet of any intersection or railroad grade crossing; or (3) the driver's view is obstructed while approaching within 100 feet of any bridge, viaduct, or tunnel.

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.

Definitions

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, including a low speed vehicle and an off-highway recreational vehicle.

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.

A “farm tractor” means a motor vehicle that is designed and used primarily as a farm implement for drawing farm equipment.

“Farm equipment” means a vehicle that (1) is designed and adapted only for agricultural, horticultural, or livestock raising operations, or for lifting or carrying such a vehicle, or (2) is designed and adapted for splitting firewood.

Background: According to the District Court, during fiscal 2017, there were 741 citations for driving on the left side of the roadway or to the left of pavement striping in a posted no-passing zone. Of that number, 211 went to trial, 353 were prepaid, and 177 remained open.

Additional Information

Prior Introductions: None.

Cross File: HB 222 (Delegate Cassilly) - Environment and Transportation.

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

Fiscal Note History: First Reader - February 2, 2018
md/kdm

Analysis by: Michelle Davis

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