

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 917 (Delegate Szeliga, *et al.*)
Environment and Transportation

Motor Vehicles - Motorcycles - Overtaking and Passing Vehicles

This bill repeals provisions of the Maryland Vehicle Law that (1) prohibit a motorcycle operator from overtaking and passing in the same lane occupied by the overtaken vehicle and (2) prohibit the operation of a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles. The bill requires the Motor Vehicle Administration (MVA) to adopt, in consultation with the State Highway Administration and other appropriate entities, guidelines under the State Motorcycle Safety Program relating to when a motorcycle operator may (1) overtake and pass in the same lane occupied by an overtaken vehicle and (2) operate a motorcycle between lanes of traffic or adjacent rows of vehicles.

Fiscal Summary

State Effect: General fund revenues decrease minimally to the extent that fewer citations are issued under the bill. The bill can likely be implemented with existing resources.

Local Effect: Enforcement can be handled with existing resources. Revenues are not affected.

Small Business Effect: None.

Analysis

Current Law: A “motorcycle,” as defined by the Maryland Vehicle Law, is a motor vehicle that (1) has motive power; (2) has a seat or saddle for the use of the rider; (3) is designed to travel on not more than three wheels in contact with the ground and at speeds exceeding 35 miles per hour; and (4) is required to comply with all motor vehicle safety

standards applicable to motorcycles under federal law. An autocycle is considered a motorcycle for purposes of the Maryland Vehicle Law.

Operation of Motorcycles on Laned Roadways

On a roadway that is divided into two or more clearly marked lanes for vehicular traffic, a motorcycle is entitled to the full use of a lane, and a motor vehicle may not be driven in a manner that deprives a motorcycle of the full use of a lane. With specified exceptions for police officers in the performance of their official duties, the operator of a motorcycle may not overtake and pass in the same lane occupied by the overtaken vehicle, and a person may not operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles. Motorcycles may not be operated more than two abreast in a single lane.

A violation of these provisions is a misdemeanor, and a violator is subject to a maximum fine of \$500. The prepayment penalty established by the District Court for a violation of these provisions is \$110, and MVA must assess one point against a violator's license. For a violation that contributes to an accident, the prepayment penalty increases to \$150, and MVA must assess three points against a violator's license.

Motorcycle Safety Program

Through the Motorcycle Safety Program, MVA operates and certifies motorcycle safety training centers throughout the State. MVA is responsible for adopting and enforcing regulations for the implementation of motorcycle safety courses at motorcycle safety training centers, including (1) curriculum, equipment, and facility standards for classroom and laboratory phases; (2) minimum student performance standards for successful completion of courses; (3) standards for certification of training centers, classroom instructors, and laboratory instructors; (4) guidelines for payment of State reimbursement to training centers; (5) standards for enrollment eligibility; and (6) guidelines for the provision of funds, equipment, and materials by MVA to training centers.

Background: The District Court reports that, in fiscal 2018, 43 citations were issued to motorcycle operators for the unlawful overtaking and passing in the same lane as an overtaken vehicle, and 28 citations were issued for the unlawful operation of a motor vehicle between lanes of traffic or adjacent lines or rows of vehicles.

According to the Pew Charitable Trusts, several states, including Arizona and Massachusetts, have considered legislation to authorize "lane-splitting" by motorcyclists and, as of February 2018, California was the only state to have legalized the practice.

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; Pew Charitable Trusts; Department of Legislative Services

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sb/kdm

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