

Department of Legislative Services  
Maryland General Assembly  
2020 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 920 (Delegate Szeliga, *et al.*)  
Environment and Transportation

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Motor Vehicles - Motorcycles - Overtaking and Passing Vehicles

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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.

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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:** The bill does not affect local government finances or operations.

**Small Business Effect:** None.

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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. In general, 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. However, operating a motorcycle more than two abreast in a single lane carries a prepayment penalty of \$80 and one point or \$120 and three points if the violation contributed to an accident.

### *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 2019, 16 citations were issued to motorcycle operators for the unlawful overtaking and passing in the same lane as an overtaken vehicle, and 19 citations were issued for the unlawful operation of a motor vehicle between lanes of traffic or adjacent lines or rows of vehicles.

California has enacted similar legislation authorizing "lane-splitting" by motorcyclists, and several other states have considered similar legislation.

## **Additional Information**

**Prior Introductions:** HB 917 of 2019 received an unfavorable report from the House Environment and Transportation Committee.

**Designated 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

**Fiscal Note History:** First Reader - February 26, 2020  
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