



**MARYLAND CHIEFS OF POLICE ASSOCIATION
MARYLAND SHERIFFS' ASSOCIATION**



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MEMORANDUM

TO: The Honorable Kumar P. Barve, Chairman and
Members of the Environment and Transportation Committee

FROM: Chief David Morris, Co-Chair, MCPA, Joint Legislative Committee
Sheriff Darren Popkin, Co-Chair, MSA, Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee

DATE: March 5, 2020

RE: **HB 1263 – Vehicle Laws - Overtaking and Passing Bicycles, EPAMDs, or Motor Scooters**

POSITION: OPPOSE

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) OPPOSE HB 1263. This bill would authorize the driver of a vehicle to 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, and to make the minimum adjustment necessary to overtake and pass at bicycles, EPAMDs, or motor scooters at a safe distance that is traveling in the same direction.

MCPA and MSA oppose this legislation for two basic reasons: safety and enforcement. This bill would allow a driver to make the judgment of when it would be safe to not follow existing laws and/or road markings. By doing so, the driver would be electing to put themselves and/or others into a dangerous and potentially fatal situation based on their instantaneous judgment. Further, the bill is silent on road conditions, time of day or night, traffic conditions, etc. As with other laws, the "rules of the road" exist to protect all who use them, not to be ignored based on the judgment of a driver.

Secondly, this bill would create a rebuttable presumption of guilt, if the individual is charged, and allow the individual to simply tell the court that "I thought it was safe to do so at the time."

For these reasons, MCPA and MSA OPPOSE HB 1263 and urge an UNFAVORABLE Committee Report.