

HOUSE BILL 1263

R5
HB 398/19 – ENT

0lr3182

By: **Delegate Malone**

Introduced and read first time: February 7, 2020

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Overtaking and Passing Bicycles, EPAMDs, or Motor Scooters**

3 FOR the purpose of authorizing the driver of a vehicle to drive on the left side of the
4 roadway in a no-passing zone to overtake and pass a pedestrian, a bicycle, an electric
5 personal assistive mobility device (EPAMD), or a motor scooter in accordance with a
6 certain provision of law under certain circumstances; repealing a certain exception
7 to the 3-foot clearance rule for a vehicle passing a bicycle, an EPAMD, or a motor
8 scooter; clarifying certain language; making a stylistic change; and generally
9 relating to overtaking and passing bicycles, EPAMDs, or motor scooters.

10 BY repealing and reenacting, without amendments,
11 Article – Transportation
12 Section 21–305
13 Annotated Code of Maryland
14 (2012 Replacement Volume and 2019 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Transportation
17 Section 21–307 and 21–1209(a)
18 Annotated Code of Maryland
19 (2012 Replacement Volume and 2019 Supplement)

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

22 **Article – Transportation**

23 21–305.

24 (a) (1) The driver of a vehicle may not drive to the left of the center of the
25 roadway in overtaking and passing another vehicle going in the same direction unless:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(i) Authorized by this subtitle; and

(ii) The left side of the roadway is clearly visible and is 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.

(2) The overtaking vehicle shall 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.

(b) (1) This subsection does not apply on a one-way roadway.

(2) The driver of a vehicle may not drive on the left side of any roadway if:

(i) 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 should another vehicle approach from the opposite direction;

(ii) The vehicle is crossing or approaching within 100 feet of any intersection or railroad grade crossing; or

(iii) The driver's view is obstructed while approaching within 100 feet of any bridge, viaduct, or tunnel.

21-307.

(a) **(1)** The State Highway Administration may determine those parts of any highway in its jurisdiction where overtaking and passing or driving on the left of the roadway would be especially dangerous and, by appropriate signs or markings on the roadway, may indicate the beginning and end of these zones.

(2) [Where] EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, WHERE the signs or markings are in place and clearly visible to an ordinarily observant individual, every driver of a vehicle shall obey their directions.

(b) Except as provided in subsection (d) of this section, where signs or markings defining a no-passing zone are placed as provided in subsection (a) of this section, a driver may not drive on the left side of the roadway within the no-passing zone.

(c) Except as provided in subsection (d) of this section, where signs or markings defining a no-passing zone are placed as provided in subsection (a) of this section, a driver may not drive on the left side of any pavement striping designed to mark the no-passing zone throughout its length.

(d) The driver of a vehicle may drive [across]:

(1) 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; **AND**

(2) ON THE LEFT SIDE OF THE ROADWAY IN A NO-PASSING ZONE TO MAKE THE MINIMUM ADJUSTMENT NECESSARY TO OVERTAKE AND PASS AT A SAFE AND LAWFUL DISTANCE A PEDESTRIAN OR A BICYCLE, AN EPAMD, OR A MOTOR SCOOTER TRAVELING IN THE SAME DIRECTION IF:

(I) THE VEHICLE IS DRIVEN IN ACCORDANCE WITH § 21-305 OF THIS SUBTITLE; AND

(II) THE DRIVER REASONABLY BELIEVES, BASED ON WEATHER, ROAD, AND VEHICULAR OR PEDESTRIAN TRAFFIC CONDITIONS, THAT THE ADJUSTMENT DOES NOT ENDANGER, IMPEDE, OR INTERFERE WITH A PEDESTRIAN OR ANOTHER VEHICLE.

21-1209.

(a) Notwithstanding any other provision of this title, the driver of a vehicle shall:

(1) Exercise due care to avoid colliding with any bicycle, EPAMD, or motor scooter being ridden by a person; and

(2) When overtaking a bicycle, an EPAMD, or a motor scooter, pass safely at a distance of not less than 3 feet, unless, at the time:

(i) The bicycle, EPAMD, or motor scooter rider fails to operate the vehicle in conformance with § 21-1205(a) of this subtitle ("Riding to right side of roadway") or § 21-1205.1(b) of this subtitle ("Roadway with bike lane or shoulder paved to smooth surface"); **OR**

(ii) A passing clearance of less than 3 feet is caused solely by the bicycle, EPAMD, or motor scooter rider failing to maintain a steady course[]; or

(iii) The highway on which the vehicle is being driven is not wide enough to lawfully pass the bicycle, EPAMD, or motor scooter at a distance of at least 3 feet[].

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.