

# HOUSE BILL 1397

R5

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By: **Delegates Cardin, Bobo, Carr, Frush, Luedtke, and Stein**

Introduced and read first time: February 24, 2012

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of creating an exception to certain prohibitions against driving a  
5 vehicle on the left side of the roadway in a no-passing zone for a driver who is  
6 making a certain adjustment under certain circumstances necessary to facilitate  
7 the provision of a certain clearance for overtaking and passing a bicycle,  
8 EPAMD, or motor scooter going in the same direction; clarifying certain  
9 language; and generally relating to overtaking and passing bicycles, EPAMDs,  
10 and motor scooters.

11 BY repealing and reenacting, without amendments,  
12 Article – Transportation  
13 Section 21–305 and 21–1209(a)  
14 Annotated Code of Maryland  
15 (2009 Replacement Volume and 2011 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article – Transportation  
18 Section 21–307  
19 Annotated Code of Maryland  
20 (2009 Replacement Volume and 2011 Supplement)

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

23 **Article – Transportation**

24 21–305.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 (i) Authorized by this subtitle; and

4 (ii) The left side of the roadway is clearly visible and is free of  
5 approaching traffic for a sufficient distance ahead to permit the overtaking and  
6 passing to be completed without interfering with the operation of any other vehicle  
7 approaching from the opposite direction or any other vehicle overtaken.

8 (2) The overtaking vehicle shall return to an authorized lane of travel  
9 as soon as practicable and, if the passing movement uses a lane authorized for vehicles  
10 approaching from the opposite direction, before coming within 200 feet of any  
11 approaching vehicle.

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

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

15 (i) The vehicle is approaching the crest of a grade or is on a  
16 curve in the highway where the driver's view is obstructed for such a distance as to be  
17 dangerous should another vehicle approach from the opposite direction;

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

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

22 21-307.

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

27 (2) [Where] **EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS**  
28 **SECTION, WHERE** the signs or markings are in place and clearly visible to an  
29 ordinarily observant individual, [every] A driver of a vehicle shall obey [their] **THE**  
30 **directions ON THE SIGNS OR MARKINGS.**

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

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

5 (d) The driver of a vehicle may drive across **OR ON** the left side of the  
6 roadway in a no-passing zone **[while]**:

7 (1) **WHILE** making a left turn, but only if it is safe to do so; **AND**

8 (2) **IN ACCORDANCE WITH § 21-305 OF THIS SUBTITLE, TO MAKE**  
9 **THE MINIMUM ADJUSTMENT NECESSARY TO FACILITATE THE PROVISION OF**  
10 **THE 3-FOOT CLEARANCE REQUIRED UNDER § 21-1209(A) OF THIS TITLE FOR**  
11 **OVERTAKING AND PASSING A BICYCLE, EPAMD, OR MOTOR SCOOTER GOING IN**  
12 **THE SAME DIRECTION.**

13 21-1209.

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

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

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

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

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

26 (iii) The highway on which the vehicle is being driven is not wide  
27 enough to lawfully pass the bicycle, EPAMD, or motor scooter at a distance of at least  
28 3 feet.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
30 October 1, 2012.