

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1184 (Delegate Malone)
Environment and Transportation

Vehicle Laws - Pedestrian Safety

This bill expands existing provisions related to the duties of drivers with respect to bicycles, electric personal assistive mobility devices (EPAMDs), and motor scooters to apply to pedestrians. Accordingly, a driver must exercise due care to avoid colliding with a pedestrian and meet specified minimum passing distance requirements. In addition, a person may not throw any object at or in the direction of any pedestrian and may not open the door of any motor vehicle with the intent to strike, injure, or interfere with any pedestrian. A violation of the bill's provisions is a misdemeanor subject to a maximum fine of \$500.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues to the extent additional citations are issued as a result of the bill. Enforcement can be handled with existing resources.

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

Small Business Effect: None.

Analysis

Bill Summary: When overtaking a pedestrian, a driver must pass safely at a distance of at least three feet unless, at the time, a passing clearance of less than three feet is caused solely by the pedestrian's failure to maintain a steady course or the highway on which the

vehicle is being driven is not wide enough to lawfully pass the pedestrian at a minimum distance of three feet.

Current Law: Notwithstanding any other rule of the road, the driver of a vehicle must exercise due care to avoid colliding with any pedestrian and, if necessary, warn any pedestrian by sounding the vehicle's horn. Additionally, the driver of a vehicle must exercise proper caution upon observation of a child or obviously confused or incapacitated individual. A violation is a misdemeanor, and a violator is subject to a maximum fine of \$500. The prepayment penalty established by the District Court is \$70, and the Motor Vehicle Administration (MVA) must assess one point against a violator's license. If the violation contributes to an accident, the prepayment penalty is \$110, and MVA must assess three points against the violator's license.

Duties of a Driver with Respect to Bicycles, EPAMDs, and Motor Scooters

Minimum Passing Distance: When overtaking a bicycle, an EPAMD, or a motor scooter, a driver must safely pass the bicycle, EPAMD, or motor scooter at a distance of at least three feet unless, at the time, (1) the bicycle, EPAMD, or motor scooter rider fails to ride to the right side of the roadway or in a bicycle lane that is paved to a smooth surface, as required by the Maryland Vehicle Law; (2) a passing clearance of less than three feet is caused solely by the rider's failure to maintain a steady course; or (3) the highway is not wide enough for the vehicle to lawfully pass at a minimum distance of three feet.

A violation is a misdemeanor subject to a maximum fine of \$500. The prepayment penalty is \$80, and MVA must assess one point against the driver's license. For a violation that contributes to an accident, the prepayment penalty is \$120.

Throwing Objects or Opening Doors: A person may not throw any object at or in the direction of any person riding a bicycle, an EPAMD, or a motor scooter. In addition, a person may not open the door of any motor vehicle with intent to strike, injure, or interfere with any person riding a bicycle, an EPAMD, or a motor scooter. A violation of either of these offenses is a misdemeanor subject to a maximum \$500 fine. The prepayment penalty for a violation is \$290.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of State Police; Maryland Department of Transportation; Department of Legislative Services

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