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By: **Delegates Donoghue and Shank**

Introduced and read first time: February 27, 2001

Assigned to: Rules and Executive Nominations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 20, 2001

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CHAPTER 557

1 AN ACT concerning

2 **Vehicle Laws - ~~Moped~~ Definition Motor Scooters**

3 FOR the purpose of ~~altering the definition of "moped"; making conforming changes;~~  
4 ~~and generally relating to mopeds~~ defining the term "motor scooter"; providing  
5 that a motor scooter is not a motor vehicle; requiring an individual who operates  
6 a motor scooter to carry a certain license or permit while operating the motor  
7 scooter; making certain provisions of law concerning the operation of bicycles  
8 apply to the operation of motor scooters; prohibiting a person from operating a  
9 motor scooter in excess of a certain speed; making stylistic changes; and  
10 generally relating to motor scooters.

11 BY adding to  
12 Article - Transportation  
13 Section 11-134.4  
14 Annotated Code of Maryland  
15 (1999 Replacement Volume and 2000 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article - Transportation  
18 Section ~~11-134.1~~, 11-135, 16-101(b), ~~and~~ 16-104.2(d), 21-1201 through  
19 21-1204(b), 21-1205 through 21-1207, and 21-1208 through 21-1210  
20 Annotated Code of Maryland  
21 (1999 Replacement Volume and 2000 Supplement)

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

1 **Article - Transportation**

2 ~~11-134.1.~~

3 "Moped" means a ~~[bicycle] PEDAL OR NONPEDAL VEHICLE~~ that:

4 (1) ~~[Is designed to be operated by human power with the assistance of a~~  
5 ~~motor;~~

6 (2) ~~Is equipped with pedals that mechanically drive the rear wheel or~~  
7 ~~wheels;~~

8 (3) ~~Has two [or three] wheels, of which one is [more than 14] 10 inches~~  
9 ~~OR MORE in diameter; [and~~

10 (4) (2) ~~Has a motor [with]:~~

11 (I) ~~WITH a rating of [1.5] 2.7 brake horsepower or less [and, if]; OR~~

12 (II) ~~IF the motor is an internal combustion engine, WITH a capacity~~  
13 ~~of [50] 55 cubic centimeters piston displacement or less; AND~~

14 (3) ~~HAS A MAXIMUM SPEED OF 30 MILES PER HOUR.~~

15 ~~11-134.4.~~

16 (A) "MOTOR SCOOTER" MEANS A NONPEDAL VEHICLE THAT:

17 (1) HAS A SEAT FOR THE OPERATOR;

18 (2) HAS TWO WHEELS, OF WHICH ONE IS 10 INCHES OR MORE IN  
19 DIAMETER;

20 (3) HAS A STEP-THROUGH CHASSIS;

21 (4) HAS A MOTOR:

22 (I) WITH A RATING OF 2.7 BRAKE HORSEPOWER OR LESS; OR

23 (II) IF THE MOTOR IS AN INTERNAL COMBUSTION ENGINE, WITH A  
24 CAPACITY OF 50 CUBIC CENTIMETERS PISTON DISPLACEMENT OR LESS; AND

25 (5) IS EQUIPPED WITH AN AUTOMATIC TRANSMISSION.

26 (B) "MOTOR SCOOTER" DOES NOT INCLUDE A VEHICLE THAT HAS BEEN  
27 MANUFACTURED FOR OFF-ROAD USE, INCLUDING A MOTORCYCLE AND AN  
28 ALL-TERRAIN VEHICLE.

1 11-135.

2 (a) "Motor vehicle" means, except as provided in subsection (b) of this section,  
3 a vehicle that:

4 (1) Is self-propelled or propelled by electric power obtained from  
5 overhead electrical wires; and

6 (2) Is not operated on rails.

7 (b) "Motor vehicle" does not include a:

8 (1) A [bicycle that is equipped with an assisting motor, as described]  
9 MOPED, AS DEFINED in § 11-134.1 of this subtitle; OR

10 (2) A MOTOR SCOOTER, AS DEFINED IN § 11-134.4 OF THIS SUBTITLE.

11 16-101.

12 (b) Each individual operating on any highway in this State a [bicycle that is  
13 equipped with an assisting motor, as described] MOPED, AS DEFINED in § 11-134.1 of  
14 this article OR A MOTOR SCOOTER, AS DEFINED IN § 11-134.4 OF THIS ARTICLE, shall  
15 have with ~~him~~ THE INDIVIDUAL:

16 (1) A driver's license issued to ~~him~~ THE INDIVIDUAL under this title,  
17 which license may be of any class issued by the Administration;

18 (2) If ~~he~~ THE INDIVIDUAL is a nonresident of this State, a license to drive  
19 issued to ~~him~~ THE INDIVIDUAL by the state or country of ~~his~~ THE INDIVIDUAL'S  
20 residence, which license may be for any class of vehicle; or

21 (3) A moped operator's permit issued to ~~him~~ THE INDIVIDUAL under this  
22 subtitle.

23 16-104.2.

24 (d) (1) A permit is not valid unless the applicant signs ~~his~~ THE APPLICANT'S  
25 name on it in ~~his~~ THE APPLICANT'S usual signature.

26 (2) When issued and signed, a moped operator's permit only authorizes  
27 its holder to operate a [bicycle that is equipped with an assisting motor, as described]  
28 MOPED, AS DEFINED in § 11-134.1 of this article OR A MOTOR SCOOTER, AS DEFINED  
29 IN § 11-134.4 OF THIS ARTICLE.

30 21-1201.

31 (a) The parent of any minor or the guardian of any ward may not authorize  
32 the minor or ward to violate any provision of this subtitle.

33 (b) The parent of any minor or the guardian of any ward may not knowingly  
34 permit the minor or ward to violate any provision of this subtitle.

1 (c) With the exceptions stated in this subtitle, the provisions of this subtitle  
2 that are applicable to bicycles apply whenever a bicycle OR A MOTOR SCOOTER is  
3 operated on any highway or WHENEVER A BICYCLE IS OPERATED on any path set  
4 aside for the exclusive use of bicycles.

5 21-1202.

6 Every person operating a bicycle OR A MOTOR SCOOTER in a public bicycle area  
7 has all the rights granted to and is subject to all the duties required of the driver of a  
8 vehicle by this title, including the duties set forth in § 21-504 of this title, except:

9 (1) As otherwise provided in this subtitle; and

10 (2) For those provisions of this title that by their very nature cannot  
11 apply.

12 21-1203.

13 (a) The operator of a bicycle OR A MOTOR SCOOTER may ride the bicycle OR  
14 MOTOR SCOOTER only on or astride a permanent and regular seat securely attached  
15 to it.

16 (b) A bicycle may not carry any passenger unless it is designed for and  
17 equipped with a seat securely attached to it for each passenger.

18 (C) A MOTOR SCOOTER MAY NOT CARRY ANY PASSENGER UNLESS IT IS  
19 DESIGNED FOR AND EQUIPPED WITH A SEAT SECURELY ATTACHED TO IT AND  
20 FOOTRESTS FOR EACH PASSENGER.

21 21-1204.

22 (b) A person riding on any bicycle OR MOTOR SCOOTER may not attach it or  
23 himself to any vehicle on a roadway.

24 21-1205.

25 (a) Each person operating a bicycle OR A MOTOR SCOOTER on a roadway shall  
26 ride as near to the right side of the roadway as practicable and safe, except when  
27 making or attempting to make a left turn, when operating on a one-way street, or  
28 when passing a stopped or slower moving vehicle.

29 (b) Each person operating a bicycle OR A MOTOR SCOOTER on a roadway may  
30 ride two abreast only if the flow of traffic is unimpeded.

31 (c) Each person operating a bicycle OR A MOTOR SCOOTER on a roadway shall  
32 exercise due care when passing a vehicle.

33 (d) Each person operating a bicycle OR A MOTOR SCOOTER on a roadway may  
34 walk [a] THE bicycle OR MOTOR SCOOTER on the right side of a highway if there is no  
35 sidewalk.

1 21-1205.1.

2 (a) Notwithstanding any other provision of this title, a person may not ride a  
3 bicycle OR A MOTOR SCOOTER:

4 (1) On any roadway where the posted maximum speed limit is more than  
5 50 miles an hour; or

6 (2) On any expressway, except on an adjacent bicycle path or way  
7 approved by the State Highway Administration[:], or on any other controlled access  
8 highway signed in accordance with § 21-313 OF THIS TITLE.

9 (b) (1) Where there is a bike lane paved to a smooth surface or a shoulder  
10 paved to a smooth surface, a person operating a bicycle OR A MOTOR SCOOTER shall  
11 use the bike lane or shoulder and may not ride on the roadway, except in the following  
12 situations:

13 (i) When overtaking and passing another bicycle, MOTOR  
14 SCOOTER, pedestrian, or other vehicle within the bike lane or shoulder if the  
15 overtaking and passing cannot be done safely within the bike lane or shoulder;

16 (ii) When preparing for a left turn at an intersection or into an  
17 alley, private road, or driveway;

18 (iii) When reasonably necessary to leave the bike lane or shoulder to  
19 avoid debris or other hazardous condition; or

20 (iv) When reasonably necessary to leave the bike lane or shoulder  
21 because the bike lane or shoulder is overlaid with a right turn lane, merge lane, or  
22 other marking that breaks the continuity of the bike lane or shoulder.

23 (2) A person operating a bicycle OR A MOTOR SCOOTER may not leave a  
24 bike lane or shoulder until the movement can be made with reasonable safety and  
25 then only after giving an appropriate signal.

26 (3) The Department shall promulgate rules and regulations pertaining  
27 to this subsection which will include, but not be limited to, a definition of "smooth  
28 surface".

29 (C) A MOTOR SCOOTER MAY NOT BE OPERATED AT A SPEED IN EXCESS OF 30  
30 MILES PER HOUR.

31 21-1206.

32 (a) A person may not operate a bicycle OR A MOTOR SCOOTER while carrying  
33 any package, bundle, or other article that prevents [him] THE PERSON from keeping  
34 both hands on the handlebars.

35 (b) A person may not carry on a bicycle OR A MOTOR SCOOTER any package,  
36 bundle, or other article that interferes with the view or balance of the operator.

1 (c) A person may not remove, ride on, or tamper with any part of a bicycle OR  
2 A MOTOR SCOOTER without the permission of its owner.

3 21-1207.

4 (a) (1)  
5 If a bicycle OR A MOTOR SCOOTER is used on a highway at any time when, due  
6 to insufficient light or unfavorable atmospheric conditions, persons and vehicles on  
7 the highway are not clearly discernible at a distance of 1,000 feet, the bicycle OR  
8 MOTOR SCOOTER shall be equipped:

9 (i) On the front, with a lamp that emits a white light visible from  
10 a distance of at least 500 feet to the front; and

11 (ii) On the rear, with a red reflector of a type approved by the  
12 Administration and visible from all distances from 600 feet to 100 feet to the rear  
13 when directly in front of lawful upper beams of head lamps on a motor vehicle.

14 (2) A bicycle or bicyclist may be equipped with a lamp that emits a red  
15 light or a flashing amber light visible from a distance of 500 feet to the rear in  
16 addition to the red reflector required by paragraph (1) of this subsection.

17 (b) A person may not operate a bicycle OR A MOTOR SCOOTER unless it is  
18 equipped with a bell or other device capable of giving a signal audible for a distance of  
19 at least 100 feet.

20 (c) However, a bicycle OR MOTOR SCOOTER may not be equipped with nor may  
21 any person use on a bicycle any siren or whistle.

22 (d) Every bicycle AND MOTOR SCOOTER shall be equipped with a brake that  
23 enables its operator to make the braked wheels skid on dry, level, clean pavement.

24 21-1208.

25 (a) A person may not secure a bicycle OR A MOTOR SCOOTER to a fire hydrant,  
26 police or fire call box, or traffic control device.

27 (b) A person may not secure a bicycle OR A MOTOR SCOOTER to a pole, meter,  
28 or device located within a bus or taxi-loading zone.

29 (c) A person may not secure a bicycle OR A MOTOR SCOOTER to a pole, meter,  
30 or device located within 25 feet of any intersection.

31 (d) A person may not secure a bicycle OR A MOTOR SCOOTER to a pole, meter,  
32 or device on which notice has been posted by the appropriate authorities forbidding  
33 the securing of bicycles.

34 (e) A person may not secure a bicycle OR A MOTOR SCOOTER to any place  
35 where the securing of a bicycle OR A MOTOR SCOOTER would obstruct or impede  
36 vehicular traffic or pedestrian movement.

1 (f) A bicycle OR A MOTOR SCOOTER may be secured to a parking meter,  
2 without payment of the usual fees, if the bicycle is entirely removed from the bed of  
3 the street normally used for vehicular parking.

4 21-1209.

5 (a) Notwithstanding any other provision of this title, the driver of a vehicle  
6 shall exercise due care to avoid colliding with any bicycle OR MOTOR SCOOTER being  
7 ridden by a person.

8 (b) A person may not throw any object at or in the direction of any person  
9 riding a bicycle OR A MOTOR SCOOTER.

10 (c) A person may not open the door of any motor vehicle with intent to strike,  
11 injure, or interfere with any person riding a bicycle OR A MOTOR SCOOTER.

12 21-1210.

13 (a) A person may not operate a bicycle OR A MOTOR SCOOTER on any highway,  
14 or on any roadway, while the person is wearing any headset covering both ears.

15 (b) A person may not operate a bicycle OR A MOTOR SCOOTER on any highway,  
16 or on any roadway, while the person is wearing any earplugs in both ears.

17 (c) The provisions of this section do not apply to:

18 (1) Any person wearing personal hearing protectors in the form of  
19 custom earplugs or molds that are designed to attenuate injurious noise levels, if the  
20 custom plugs or molds are designed in such a manner as to not inhibit the wearer's  
21 ability to hear a siren or horn from an emergency vehicle or a horn from another  
22 vehicle;

23 (2) Any person wearing a prosthetic device used to aid the hard of  
24 hearing; or

25 (3) Any person operating a bicycle on a public bicycle pathway expressly  
26 authorized for the use of persons operating bicycles.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
28 ~~October~~ July 1, 2001.