

HOUSE BILL 92

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2004 Regular Session
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(PRE-FILED)

By: **Chairman, Environmental Matters Committee (By Request -
Departmental - Transportation)**

Requested: November 17, 2003

Introduced and read first time: January 14, 2004

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Clarification of Rights for Wheelchair Use**

3 FOR the purpose of clarifying that a person using a wheelchair at an intersection is
4 subject to all traffic control signals, and at other locations, has the same rights
5 and is subject to the restrictions applicable to pedestrians under certain
6 provisions of law; providing an exception for wheelchair use to a prohibition
7 against driving a vehicle on a sidewalk or sidewalk area; eliminating a certain
8 restriction relating to the times within which a person with a disability may use
9 a wheelchair on sidewalks or sidewalk areas; defining a certain term; and
10 generally relating to persons using wheelchairs.

11 BY adding to
12 Article - Transportation
13 Section 21-101(w)
14 Annotated Code of Maryland
15 (2002 Replacement Volume and 2003 Supplement)

16 BY repealing and reenacting, without amendments,
17 Article - Transportation
18 Section 21-202 and 21-203
19 Annotated Code of Maryland
20 (2002 Replacement Volume and 2003 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article - Transportation
23 Section 21-501.1 and 21-1103
24 Annotated Code of Maryland
25 (2002 Replacement Volume and 2003 Supplement)

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

1

Article - Transportation

2 21-101.

3 (W) "WHEELCHAIR" MEANS A MOBILITY AID BELONGING TO ANY CLASS OF
4 THREE- OR FOUR-WHEELED DEVICES THAT:

5 (1) IS USABLE INDOORS;

6 (2) DOES NOT EXCEED 30 INCHES IN WIDTH AND 48 INCHES IN LENGTH,
7 WHEN MEASURED 2 INCHES ABOVE THE GROUND; AND

8 (3) IS DESIGNED FOR AND USED BY A MOBILITY IMPAIRED INDIVIDUAL,
9 WHETHER OPERATED MANUALLY OR POWERED.

10 21-202.

11 (a) (1) Except for special pedestrian signals that carry a legend, where
12 traffic is controlled by traffic control signals that show different colored lights or
13 colored lighted arrows, whether successively one at a time or in combination, only the
14 colors green, red, and yellow may be used.

15 (2) These lights apply to drivers and pedestrians as provided in this
16 section.

17 (b) Vehicular traffic facing a circular green signal may proceed straight
18 through or, unless a sign at the place prohibits the turn, turn right or left.

19 (c) Vehicular traffic described under subsection (b) of this section, including
20 any vehicle turning right or left, shall yield the right-of-way to any other vehicle and
21 any pedestrian lawfully within the intersection or an adjacent crosswalk when the
22 signal is shown.

23 (d) Vehicular traffic facing a green arrow signal, whether shown alone or with
24 another indication, cautiously may enter the intersection, but only to make the
25 movement indicated by the arrow or to make another movement permitted by other
26 indications shown at the same time.

27 (e) Vehicular traffic described under subsection (d) of this section shall yield
28 the right-of-way to any pedestrian lawfully within an adjacent crosswalk and to any
29 other traffic lawfully using the intersection.

30 (f) Unless otherwise directed by a pedestrian control signal as provided in §
31 21-203 of this subtitle, a pedestrian facing any green signal, unless the green signal
32 is only a turn arrow, may cross the roadway, within any marked or unmarked
33 crosswalk, in the direction of the green signal.

34 (g) (1) Vehicular traffic facing a steady yellow signal is warned that the
35 related green movement is ending or that a red signal, which will prohibit vehicular

1 traffic from entering the intersection, will be shown immediately after the yellow
2 signal.

3 (2) Unless otherwise directed by a pedestrian control signal as provided
4 in § 21-203 of this subtitle, a pedestrian facing a steady yellow signal is warned that
5 there is not enough time to cross the roadway before a red signal is shown, and a
6 pedestrian may not then start to cross the roadway.

7 (h) (1) Vehicular traffic facing a steady circular red signal alone:

8 (i) Shall stop at the near side of the intersection:

- 9 1. At a clearly marked stop line;
- 10 2. If there is no clearly marked stop line, before entering any
11 crosswalk; or
- 12 3. If there is no crosswalk, before entering the intersection;
13 and

14 (ii) Except as provided in subsections (i), (j), and (k) of this section,
15 shall remain stopped until a signal to proceed is shown.

16 (2) Vehicular traffic facing a steady red arrow signal:

17 (i) May not enter the intersection to make the movement indicated
18 by the arrow;

19 (ii) Unless entering the intersection to make a movement permitted
20 by another signal, shall stop at the near side of the intersection:

- 21 1. At a clearly marked stop line;
- 22 2. If there is no clearly marked stop line, before entering any
23 crosswalk; or
- 24 3. If there is no crosswalk, before entering the intersection;
25 and

26 (iii) Except as provided in subsections (i), (j), and (k) of this section,
27 shall remain stopped until a signal permitting the movement is shown.

28 (i) Unless a sign prohibiting a turn is in place, vehicular traffic facing a
29 steady red signal, after stopping as required by subsection (h) of this section,
30 cautiously may enter the intersection and make:

31 (1) A right turn; or

32 (2) A left turn from a one-way street onto a one-way street.

1 (j) If a sign permitting any other turn is in place, vehicular traffic facing a
2 steady red signal, after stopping as required by subsection (h) of this section,
3 cautiously may enter the intersection and make the turn indicated by the sign.

4 (k) In each instance, vehicular traffic described in subsections (i) and (j) of this
5 section shall yield the right-of-way to any pedestrian lawfully within an adjacent
6 crosswalk and to any vehicle in the intersection or approaching on another roadway
7 so closely as to constitute an immediate hazard.

8 (l) Unless otherwise directed by a pedestrian control signal as provided in §
9 21-203 of this subtitle, pedestrians facing a steady red signal alone may not enter the
10 roadway.

11 (m) Except for those provisions of this section that by their very nature cannot
12 apply, this section applies to a traffic control signal placed at a location other than an
13 intersection. Each stop required by the signal shall be made at a sign or marking on
14 the pavement indicating where the stop shall be made or, if there is no sign or
15 marking, at the signal.

16 21-203.

17 (a) Where special pedestrian control signals showing the words "walk", "dont
18 walk", or "wait" or the symbols of "walking person" or "upraised hand" are in place,
19 the signals have the indications provided in this section.

20 (b) A pedestrian facing a "walk" or "walking person" signal may cross the
21 roadway in the direction of the signal and shall be given the right-of-way by the
22 driver of any vehicle. At an intersection where an exclusive all-pedestrian interval is
23 provided, a pedestrian may cross the roadway in any direction within the
24 intersection.

25 (c) A pedestrian may not start to cross the roadway in the direction of a "dont
26 walk" or "upraised hand" signal.

27 (d) A pedestrian may not start to cross the roadway in the direction of a "wait
28 signal".

29 (e) If a pedestrian has partly completed crossing on a "walk" or "walking
30 person" signal, the pedestrian shall proceed without delay to a sidewalk or safety
31 island while the "dont walk", "wait", or "upraised hand" signal is showing.

32 21-501.1.

33 (A) At an intersection, a person using an EPAMD is subject to all traffic
34 control signals, as provided in §§ 21-202 and 21-203 of this title. However, at any
35 other place, a person using an EPAMD has the rights and is subject to the restrictions
36 applicable to pedestrians under this title.

37 (B) AT AN INTERSECTION, A PERSON USING A WHEELCHAIR IS SUBJECT TO
38 ALL TRAFFIC CONTROL SIGNALS, AS PROVIDED IN §§ 21-202 AND 21-203 OF THIS

1 TITLE. HOWEVER, AT ANY OTHER PLACE, A PERSON USING A WHEELCHAIR HAS THE
2 RIGHTS AND IS SUBJECT TO THE RESTRICTIONS APPLICABLE TO PEDESTRIANS
3 UNDER THIS TITLE.

4 21-1103.

5 (a) (1) IN THIS SUBSECTION, "VEHICLE" DOES NOT INCLUDE A
6 WHEELCHAIR.

7 (2) Except as provided in subsection (b) [or (c)] of this section, a person
8 may not drive any vehicle on a sidewalk or sidewalk area unless it is a permanent or
9 authorized temporary driveway.

10 (b) (1) For purposes of this subsection, "bicycle" does not include "moped", as
11 defined in § 11-134.1 of this article.

12 (2) Where permitted by local ordinance, a person may ride a bicycle, play
13 vehicle, or unicycle on a sidewalk or sidewalk area.

14 [(c) Where permitted by local ordinance, an individual with a disability may
15 use a special vehicle on sidewalks or sidewalk areas from one-half hour after sunrise
16 to one-half hour before sunset.]

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
18 effect October 1, 2004.