

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

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 17, 2004

CHAPTER _____

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~~ special vehicle on sidewalks or sidewalk areas; altering an
10 exception to the prohibition against driving a vehicle on a sidewalk or a
11 sidewalk area; defining a certain term; and generally relating to persons using
12 wheelchairs.

13 BY adding to

14 Article - Transportation

15 Section 21-101(w)

16 Annotated Code of Maryland

17 (2002 Replacement Volume and 2003 Supplement)

18 BY repealing and reenacting, without amendments,

19 Article - Transportation

20 Section 21-202 and 21-203

21 Annotated Code of Maryland

22 (2002 Replacement Volume and 2003 Supplement)

1 BY repealing and reenacting, with amendments,
2 Article - Transportation
3 Section 21-501.1 and 21-1103
4 Annotated Code of Maryland
5 (2002 Replacement Volume and 2003 Supplement)

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

8 **Article - Transportation**

9 21-101.

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

12 (1) IS USABLE INDOORS;

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

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

17 21-202.

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

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

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

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

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

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

4 (f) Unless otherwise directed by a pedestrian control signal as provided in §
5 21-203 of this subtitle, a pedestrian facing any green signal, unless the green signal
6 is only a turn arrow, may cross the roadway, within any marked or unmarked
7 crosswalk, in the direction of the green signal.

8 (g) (1) Vehicular traffic facing a steady yellow signal is warned that the
9 related green movement is ending or that a red signal, which will prohibit vehicular
10 traffic from entering the intersection, will be shown immediately after the yellow
11 signal.

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

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

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

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

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

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

26 (i) May not enter the intersection to make the movement indicated
27 by the arrow;

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

- 30 1. At a clearly marked stop line;
31 2. If there is no clearly marked stop line, before entering any
32 crosswalk; or
33 3. If there is no crosswalk, before entering the intersection;
34 and

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

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

6 (1) A right turn; or

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

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

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

15 (l) Unless otherwise directed by a pedestrian control signal as provided in §
16 21-203 of this subtitle, pedestrians facing a steady red signal alone may not enter the
17 roadway.

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

23 21-203.

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

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

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

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

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

4 21-501.1.

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

9 (B) AT AN INTERSECTION, A PERSON USING A WHEELCHAIR IS SUBJECT TO
10 ALL TRAFFIC CONTROL SIGNALS, AS PROVIDED IN §§ 21-202 AND 21-203 OF THIS
11 TITLE. HOWEVER, AT ANY OTHER PLACE, A PERSON USING A WHEELCHAIR HAS THE
12 RIGHTS AND IS SUBJECT TO THE RESTRICTIONS APPLICABLE TO PEDESTRIANS
13 UNDER THIS TITLE.

14 21-1103.

15 (a) ~~(1)~~ ~~IN THIS SUBSECTION, "VEHICLE" DOES NOT INCLUDE A~~
16 ~~WHEELCHAIR.~~

17 ~~(2)~~ Except as provided in subsection (b) [or (c)], ~~(C), OR (D)~~ of this section,
18 a person may not drive any vehicle on a sidewalk or sidewalk area unless it is a
19 permanent or authorized temporary driveway.

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

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

24 ~~{(c) Where permitted~~ UNLESS PROHIBITED by local ordinance, an individual
25 with a disability may use a special vehicle OTHER THAN A WHEELCHAIR on sidewalks
26 or sidewalk areas ~~from one-half hour after sunrise to one-half hour before sunset.~~}

27 (D) AN INDIVIDUAL MAY USE A WHEELCHAIR ON SIDEWALKS OR SIDEWALK
28 AREAS IN ACCORDANCE WITH § 21-501.1 OF THIS TITLE.

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

