
By: **Delegate Cardin**

Introduced and read first time: February 18, 2005

Assigned to: Rules and Executive Nominations

Re-referred to: Environmental Matters, March 3, 2005

Committee Report: Favorable with amendments

House action: Adopted

Read second time: April 3, 2005

CHAPTER _____

1 AN ACT concerning

2 **Vehicle Laws - Bicycles and Motor Scooters on Roadways—Repeal of**
 3 **Restrictions - Exceptions to Requirement to Stay Right**

4 FOR the purpose of ~~repealing certain provisions of law prohibiting, except under~~
 5 ~~certain circumstances, a person from operating a bicycle or motor scooter on a~~
 6 ~~roadway where there is a bike lane or a shoulder paved to a smooth surface;~~
 7 ~~repealing certain provisions prohibiting a person operating a bicycle or motor~~
 8 ~~scooter from leaving the bike lane or shoulder until the movement can be made~~
 9 ~~with reasonable safety and until giving an appropriate signal; and generally~~
 10 ~~relating to the operation of bicycles and motor scooters on roadways. creating~~
 11 ~~certain additional exceptions to the requirement that a person operating a~~
 12 ~~bicycle or motor scooter stay as near to the right of the roadway as is safe and~~
 13 ~~practical; establishing that the requirement to stay to the right only applies to a~~
 14 ~~bicycle or motor scooter that is traveling at a speed less than the speed of traffic~~
 15 ~~under certain circumstances; and generally relating to the requirement to stay~~
 16 ~~as near to the right of the roadway as is safe and practical while operating a~~
 17 ~~bicycle or motor scooter.~~

18 BY repealing and reenacting, with amendments,
 19 Article - Transportation
 20 Section ~~21-1205.4~~ 21-1205
 21 Annotated Code of Maryland
 22 (2002 Replacement Volume and 2004 Supplement)

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

1

Article - Transportation

2 21-1205.1.

3 (a) Notwithstanding any other provision of this title, a person may not ride a
4 bicycle or a motor scooter:

5 (1) On any roadway where the posted maximum speed limit is more than
6 50 miles an hour; or

7 (2) On any expressway, except on an adjacent bicycle path or way
8 approved by the State Highway Administration, or on any other controlled access
9 highway signed in accordance with § 21-313 of this title.

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

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

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

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

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

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

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

30 (e) A motor scooter may not be operated at a speed in excess of 30 miles per
31 hour.

32 (d) (C) Notwithstanding any other provision of this title, a person may not
33 operate an EPAMD on any roadway where there are sidewalks adjacent to the
34 roadway or the posted maximum speed limit is more than 30 miles an hour.

35 (e) (D) An EPAMD may not be operated at a speed in excess of 15 miles per
36 hour.

1 21-1205.

2 (a) Each person operating a bicycle or a motor scooter AT A SPEED LESS THAN
3 THE SPEED OF TRAFFIC AT THE TIME AND PLACE AND UNDER THE CONDITIONS
4 THEN EXISTING on a roadway shall ride as near to the right side of the roadway as
5 practicable and safe, except when [making]:

6 (1) MAKING or attempting to make a left turn[, when operating]:

7 (2) OPERATING on a one-way street[, or when passing]:

8 (3) PASSING a stopped or slower moving vehicle;

9 (4) AVOIDING PEDESTRIANS OR ROAD HAZARDS;

10 (5) THE RIGHT LANE IS A RIGHT TURN ONLY LANE; OR

11 (6) OPERATING IN A LANE THAT IS TOO NARROW FOR A BICYCLE OR
12 MOTOR SCOOTER AND ANOTHER VEHICLE TO TRAVEL SAFELY SIDE BY SIDE WITHIN
13 THE LANE.

14 (b) Each person operating a bicycle or a motor scooter on a roadway may ride
15 two abreast only if the flow of traffic is unimpeded.

16 (c) Each person operating a bicycle or a motor scooter on a roadway shall
17 exercise due care when passing a vehicle.

18 (d) Each person operating a bicycle or a motor scooter on a roadway may walk
19 the bicycle or motor scooter on the right side of a highway if there is no sidewalk.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2005.