

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE

House Bill 946

(Delegate A. Miller, *et al.*)

Environmental Matters

Bicycles, Play Vehicles, and Unicycles - Riding on Sidewalks

This bill establishes that a person may ride a bicycle, play vehicle, or unicycle on a sidewalk or sidewalk area *unless prohibited by* local ordinance, and it repeals the restriction on the riding of these vehicles on sidewalks or sidewalk areas only *where allowed by* local ordinance.

Fiscal Summary

State Effect: Potential minimal decrease in general fund revenues due to the assessment of fewer fines under the bill's provisions. Enforcement can be handled with existing resources.

Local Effect: Enforcement can be handled with existing resources.

Small Business Effect: None.

Analysis

Current Law: A "bicycle" is a vehicle that (1) is designed to be operated by human power; (2) has two or three wheels, with one being more than 14 inches in diameter; and (3) has a drive mechanism other than pedals directly attached to a drive wheel. With regard to the provisions that govern driving on sidewalks, the term "bicycle" does not include "moped" as defined in the Maryland Vehicle Law.

A "play vehicle" means a vehicle that has two or three wheels, is propelled only by human power, and is not a bicycle. A "unicycle" is not defined for purposes of the

Maryland Vehicle Law, but it is commonly known to be a vehicle consisting of a frame mounted over a single wheel with pedals that is propelled by human power.

Except as otherwise provided, a person may not drive any vehicle on a sidewalk or sidewalk area unless it is a permanent or authorized temporary driveway. Where allowed by local ordinance, however, a person may ride a bicycle, play vehicle, or unicycle on a sidewalk or sidewalk area. In a place where a person may ride a bicycle on a sidewalk or sidewalk area, a person may also ride the bicycle from the curb or edge of the roadway in or through a crosswalk to the opposite curb or edge of the roadway.

Unless prohibited by local ordinance, an individual with a disability may use a special vehicle other than a wheelchair on sidewalks or sidewalk areas. Also, an individual may use a wheelchair on sidewalks or sidewalk areas in accordance with the Maryland Vehicle Law.

A person who violates the restrictions governing the driving of vehicles on sidewalks is guilty of a misdemeanor and subject to a maximum fine of \$500. The prepayment penalty established by the District Court is \$70, with one point against the driver's license. If the violation contributes to an accident, the prepayment penalty is \$110 with three points against the driver's license.

State and Local Fiscal Effect: The Maryland Department of Transportation (MDOT) advises that the existing prohibition against riding on sidewalks does not appear to be strongly enforced. Some municipal staff have reported to MDOT that bicycle riding is allowed on sidewalks although there is no municipal ordinance authorization. Local government agencies are responsible for sidewalk maintenance even along State highways. Although the bill could reduce general fund revenues from fine assessment, the impact is likely negligible.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of State Police, Maryland Department of Transportation, American Heritage Dictionary, Department of Legislative Services

Fiscal Note History: First Reader - March 7, 2012
mlm/ljm

Analysis by: Karen D. Morgan

Direct Inquiries to:
(410) 946-5510
(301) 970-5510