

HOUSE BILL 205

R6, R4

(4lr0563)

ENROLLED BILL

— *Environmental Matters/Judicial Proceedings* —

Introduced by **Delegates K. Kelly, Anderson, Beitzel, Donoghue, and Frush**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Vehicle Laws – Electric Bicycle – Definition**

3 FOR the purpose of altering the definition of “bicycle” for the purposes of the Maryland
4 Vehicle Law to include an electric bicycle; defining the term “electric bicycle”;
5 establishing that the definitions of “moped”, “motorized minibike”, and “motor
6 vehicle”, ~~and “dirt bike” do~~ do not include an electric bicycle; and generally
7 relating to electric bicycles.

8 BY repealing and reenacting, with amendments,

9 Article – Transportation

10 Section 11–104, 11–134.1, 11–134.4, ~~11–135, and 21–1128(a)~~ and 11–135

11 Annotated Code of Maryland

12 (2012 Replacement Volume and 2013 Supplement)

13 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 Article – Transportation
 2 Section ~~11-118.1~~ 11-117.1
 3 Annotated Code of Maryland
 4 (2012 Replacement Volume and 2013 Supplement)

5 BY repealing and reenacting, without amendments,
 6 Article – Transportation
 7 Section ~~21-1202~~ 13-102(7), 13-104(a), 16-101(a), 17-104.1, and 21-1207.1
 8 Annotated Code of Maryland
 9 (2012 Replacement Volume and 2013 Supplement)

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

12 **Article – Transportation**

13 11-104.

14 ~~(A)~~ “Bicycle” means ~~a~~:

15 **(1)** A vehicle that:

16 ~~(1)~~ **(I)** Is designed to be operated by human power;

17 ~~(2)~~ **(II)** Has two or three wheels, of which one is more than 14
 18 inches in diameter; and

19 ~~(3)~~ **(III)** Has a drive mechanism other than by pedals directly
 20 attached to a drive wheel; **OR**

21 **(2)** AN ELECTRIC BICYCLE.

22 ~~(B) “BICYCLE” INCLUDES AN ELECTRIC BICYCLE.~~

23 ~~11-118.1. 11-117.1.~~

24 **“ELECTRIC BICYCLE” MEANS A ~~BICYCLE~~ VEHICLE THAT:**

25 **(1) IS DESIGNED TO BE OPERATED BY HUMAN POWER WITH THE**
 26 **ASSISTANCE OF AN ELECTRIC MOTOR;**

27 **(2) IS EQUIPPED WITH FULLY OPERABLE PEDALS ~~THAT~~**
 28 **~~MECHANICALLY DRIVE THE REAR WHEEL;~~**

1 **(3) HAS TWO OR THREE WHEELS, ~~EACH OF WHICH IS MORE THAN~~**
2 **~~11 INCHES IN DIAMETER;~~**

3 **(4) HAS A MOTOR WITH A RATING OF ~~750~~ 500 WATTS OR LESS;**
4 **AND**

5 **(5) IS CAPABLE OF A MAXIMUM SPEED OF 20 MILES PER HOUR ON**
6 **A LEVEL SURFACE WHEN POWERED BY THE MOTOR, ~~AND~~**

7 **~~(6) WEIGHS 100 POUNDS OR LESS.~~**

8 11-134.1.

9 **(A)** “Moped” means a bicycle that:

10 (1) Is designed to be operated by human power with the assistance of a
11 motor;

12 (2) Is equipped with pedals that mechanically drive the rear wheel or
13 wheels;

14 (3) Has two or three wheels, of which one is more than 14 inches in
15 diameter; and

16 (4) Has a motor with a rating of 1.5 brake horsepower or less and, if
17 the motor is an internal combustion engine, a capacity of 50 cubic centimeters piston
18 displacement or less.

19 **(B) “MOPED” DOES NOT INCLUDE AN ELECTRIC BICYCLE.**

20 11-134.4.

21 (a) “Motorized minibike” means a motor vehicle that:

22 (1) Has two or three wheels; and

23 (2) Is not subject to registration under Title 13 of this article.

24 (b) “Motorized minibike” does not include:

25 (1) A motor scooter;

26 (2) A moped; [or]

27 (3) A farm tractor; **OR**

1 **(4) AN ELECTRIC BICYCLE.**

2 11-135.

3 (a) (1) "Motor vehicle" means, except as provided in subsection (b) of this
4 section, a vehicle that:5 (i) Is self-propelled or propelled by electric power obtained
6 from overhead electrical wires; and

7 (ii) Is not operated on rails.

8 (2) "Motor vehicle" includes a low speed vehicle.

9 (b) "Motor vehicle" does not include:

10 (1) A moped, as defined in § 11-134.1 of this subtitle; [or]

11 (2) A motor scooter, as defined in § 11-134.5 of this subtitle; OR

12 **(3) AN ELECTRIC BICYCLE, AS DEFINED IN § 11-117.1 OF THIS**
13 **SUBTITLE.**14 ~~21-1128.~~15 ~~(a) (1) In this section the following words have the meanings indicated.~~16 ~~(2) (i) "Dirt bike" means any motorcycle or similar vehicle that is~~
17 ~~not required to be registered under Title 13 of this article.~~18 ~~(ii) "Dirt bike" includes:~~19 ~~1. A motorized minibike, as defined in § 11-134.4 of this~~
20 ~~article; and~~21 ~~2. An all-terrain vehicle with either 3 or 4 wheels.~~22 ~~(iii) "Dirt bike" does not include:~~23 ~~1. A moped, as defined in § 11-134.1 of this article; [or]~~24 ~~2. A motor scooter, as defined in § 11-134.5 of this~~
25 ~~article; OR~~26 ~~3. AN ELECTRIC BICYCLE.~~

1 ~~(3) "Service station" means a place of business where motor fuel is sold~~
2 ~~and delivered into the fuel supply tanks of motor vehicles.~~

3 ~~21-1202.~~

4 ~~Every person operating a bicycle or a motor scooter in a public bicycle area has~~
5 ~~all the rights granted to and is subject to all the duties required of the driver of a~~
6 ~~vehicle by this title, including the duties set forth in § 21-504 of this title, except:~~

7 ~~(1) As otherwise provided in this subtitle; and~~

8 ~~(2) For those provisions of this title that by their very nature cannot~~
9 ~~apply.~~

10 ~~13-102.~~

11 A certificate of title is not required for:

12 (7) A bicycle, except for a moped;

13 ~~13-104.~~

14 (a) (1) The application for a certificate of title of a vehicle shall be made
15 by the owner of the vehicle on the form that the Administration requires.

16 (2) Notwithstanding any other provision of this title, an application for
17 a certificate of title of an off-highway recreational vehicle, a motor scooter, or a moped
18 shall be made by electronic transmission under § 13-610 of this title.

19 (3) The owner of a motor scooter or moped shall certify at the time of
20 titling that the motor scooter or moped is covered by the required security described in
21 § 17-103 of this article.

22 ~~16-101.~~

23 (a) An individual may not drive or attempt to drive a motor vehicle on any
24 highway in this State unless:

25 (1) The individual holds a driver's license issued under this title;

26 (2) The individual is expressly exempt from the licensing
27 requirements of this title; or

28 (3) The individual otherwise is specifically authorized by this title to
29 drive vehicles of the class that the individual is driving or attempting to drive.

30 ~~17-104.1.~~

1 The operator of a moped or motor scooter shall carry evidence of the required
2 security when operating the moped or motor scooter.

3 21-1207.1.

4 (a) (1) The provisions of this section apply:

5 (i) At all times while a bicycle is being operated on any
6 highway, bicycle way, or other property open to the public or used by the public for
7 pedestrian or vehicular traffic; and

8 (ii) To a person under the age of 16 who is riding on a bicycle,
9 including a person under the age of 16 who is a passenger on a bicycle:

10 1. In a restraining seat attached to the bicycle; or

11 2. In a trailer being towed by the bicycle.

12 (2) The provisions of this section do not apply to passengers in
13 commercial bicycle rickshaws.

14 (b) This section does not apply in the town of Ocean City, Maryland, on the
15 boardwalk between the Ocean City inlet and 27th Street, during the hours in which
16 bicycles are permitted by local ordinance to be operated on the boardwalk.

17 (c) A person to whom this section applies may not operate or ride as a
18 passenger on a bicycle unless the person is wearing a helmet that meets or exceeds the
19 standards of the American National Standards Institute, the Snell Memorial
20 Foundation, or the American Society for Testing and Materials for protective headgear
21 for use in bicycling.

22 (d) This section shall be enforced by the issuance of a warning that informs
23 the offender of the requirements of this section and provides educational materials
24 about bicycle helmet use.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2014.