

SENATE BILL 378

R6, R4

(4lr1063)

ENROLLED BILL

— *Judicial Proceedings/Environmental Matters* —

Introduced by **Senator Conway**

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.

President.

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 ~~defined terms~~ *definitions of* “moped”, “motorized
6 minibike”, and “motor vehicle” 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, 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 11–117.1
 3 Annotated Code of Maryland
 4 (2012 Replacement Volume and 2013 Supplement)

5 BY repealing and reenacting, without amendments,
 6 Article – Transportation
 7 Section 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 11–117.1.

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

25 ~~(1) HAS A POST MOUNTED SEAT OR SADDLE FOR EACH PERSON~~
 26 ~~THAT THE VEHICLE IS DESIGNED AND EQUIPPED TO CARRY;~~

27 ~~(2) HAS TWO OR THREE WHEELS IN CONTACT WITH THE GROUND~~
 28 ~~THAT ARE MORE THAN 16 INCHES IN DIAMETER;~~

1 ~~(3) IS EQUIPPED WITH PEDALS FOR HUMAN PROPULSION~~ IS
 2 DESIGNED TO BE OPERATED BY HUMAN POWER WITH THE ASSISTANCE OF AN
 3 ELECTRIC MOTOR;

4 (2) IS EQUIPPED WITH FULLY OPERABLE PEDALS;

5 (3) HAS TWO OR THREE WHEELS;

6 (4) HAS A MOTOR WITH A RATING OF 500 WATTS OR LESS; AND

7 ~~(4) (5) IS EQUIPPED WITH AN ELECTRIC MOTOR AND IS~~
 8 CAPABLE OF A MAXIMUM SPEED OF 20 MILES PER HOUR ON A LEVEL SURFACE
 9 WHEN POWERED BY THE MOTOR.

10 11-134.1.

11 (A) “Moped” means a bicycle that:

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

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

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

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

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

22 11-134.4.

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

24 (1) Has two or three wheels; and

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

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

27 (1) A motor scooter;

28 (2) A moped; [or]

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

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

3 11–135.

4 (a) (1) “Motor vehicle” means, except as provided in subsection (b) of this
5 section, a vehicle that:

6 (i) Is self-propelled or propelled by electric power obtained
7 from overhead electrical wires; and

8 (ii) Is not operated on rails.

9 (2) “Motor vehicle” includes a low speed vehicle.

10 (b) “Motor vehicle” does not include:

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

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

13 (3) **AN ELECTRIC BICYCLE, AS DEFINED IN § 11–117.1 OF THIS**
14 **SUBTITLE.**

15 13–102.

16 A certificate of title is not required for:

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

18 13–104.

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

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

24 (3) The owner of a motor scooter or moped shall certify at the time of
25 titling that the motor scooter or moped is covered by the required security described in
26 § 17–103 of this article.

27 16–101.

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

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

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

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

8 17-104.1.

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

11 21-1207.1.

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

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

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

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

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

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

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

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

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.