

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE

Senate Bill 808 (Senator Raskin, *et al.*)
Judicial Proceedings

Vehicle Laws - Bicycles and Motor Scooters - Rules of the Road

This bill clarifies the duties of bicycle and motor scooter operators by specifying that every person operating a bicycle and motor scooter is subject only to the duties required by the driver of that vehicle, as specified, and also must watch for other vehicles in the public bicycle area. The bill expands the duties of the drivers of vehicles by specifying that the drivers must watch for bicycles on bicycle ways and highways where bicycles are allowed.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues to the extent additional people receive citations 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 "vehicle" is any device (except an electric personal assistive mobility device (EPAMD)) in, on, or by which an individual or property may be transported or towed on a highway.

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.

A “motor scooter” is a nonpedal vehicle that has an operator’s seat and two wheels, one of which is 10 inches or more in diameter. A motor scooter has a step-through chassis, a motor with a maximum rating of 2.7 horsepower or a maximum capacity of 50 cc piston displacement, and an automatic transmission. A motor scooter does not include an off-road vehicle, a motorcycle, or an all-terrain vehicle.

Except as otherwise provided, every person operating a bicycle or motor scooter in a public bicycle area has all the rights and is subject to all the duties required of a driver of a vehicle, including the duties to exercise due care to avoid collisions, to warn pedestrians, and to exercise precaution when encountering children or incapacitated individuals. This obligation does not apply for those provisions that, by their very nature, cannot apply to bicyclists and motor scooter operators.

Overtaking Bicycles, EPAMDs, and Motor Scooters: A driver of a vehicle must exercise due care to avoid colliding with any bicycle, motor scooter, or EPAMD. A violation of this provision is a misdemeanor, subject to a maximum fine of \$500. The prepayment penalty assessed by the District Court is \$290.

A driver of a vehicle is required to safely overtake a bicycle, EPAMD, or a motor scooter at a distance of at least three feet, except as otherwise specified. The requirement does not apply if, at the time, (1) the bicycle, EPAMD, or motor scooter rider fails to ride to the right side of the roadway as required by the Maryland Vehicle Law; (2) the rider fails to comply with the requirement to ride in a bicycle lane or shoulder that is paved to a smooth surface; (3) the passing with a clearance of less than three feet is caused solely by the failure of the bicycle, EPAMD, or motor scooter rider to maintain a steady course; or (4) the highway on which the vehicle is being driven is not wide enough to lawfully pass the bicycle, EPAMD, or motor scooter at a distance of at least three feet. Unless otherwise specified by law, the driver of a vehicle is required to yield the right-of-way to a person who is lawfully riding a bicycle, an EPAMD, or a motor scooter in a designated bicycle lane or shoulder if the vehicle driver is about to enter or cross the designated bicycle lane or shoulder. A violation of these provisions is a misdemeanor with a maximum fine of \$500. The prepayment penalty for these violations is \$80 and, upon conviction, one point assessed against the driver’s license. If the violation contributes to an accident, the prepayment penalty is \$120 and three points assessed against the license.

Background: Exhibit 1 shows the frequency of charges for unlawfully overtaking another bicycle, motor scooter, or EPAMD.

Exhibit 1
Citations – Overtaking Certain Vehicles
Fiscal 2013

	<u>Open</u>	<u>Prepaid</u>	<u>Trial</u>	<u>Total</u>
Overtaking Bike/Motor Scooter/EPAMD				
Failure to Exercise Due Care to Avoid Collision	0	1	2	3
Failure to Pass Safely at Distance of Three Feet	0	4	2	6

Source: District Court of Maryland

According to the National Highway Transportation Safety Administration (NHTSA), 677 “pedacyclists” were killed and 48,000 were injured nationwide in crashes with motor vehicles during 2011 (the latest year available). NHTSA uses the term “pedacyclists” to refer to riders of two-wheeled nonmotorized vehicles, tricycles, and unicycles powered by pedals and human power. Nationally, pedacyclist deaths accounted for about 2% of all traffic fatalities in 2011. During the same period in Maryland, NHTSA reports that 5 of the total 485 traffic fatalities (or 1.0%) involved pedacyclists.

Additional Information

Prior Introductions: None.

Cross File: HB 52 (Delegate Carr) - Environmental Matters.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of State Police, Maryland Department of Transportation, National Highway Transportation Safety Administration, Department of Legislative Services

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