HOUSE BILL 205

R5 4lr0563

By: **Delegates K. Kelly, Anderson, Beitzel, Donoghue, and Frush**
Introduced and read first time: January 16, 2014
Assigned to: Environmental Matters

A BILL ENTITLED

AN ACT concerning

Vehicle Laws – Electric Bicycle – Definition

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

BY repealing and reenacting, with amendments,
Article – Transportation
Section 11–104, 11–134.1, 11–134.4, 11–135, and 21–1128(a)
Annotated Code of Maryland
(2012 Replacement Volume and 2013 Supplement)

BY adding to
Article – Transportation
Section 11–118.1
Annotated Code of Maryland
(2012 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 21–1202
Annotated Code of Maryland
(2012 Replacement Volume and 2013 Supplement)

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

Article – Transportation

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
[Brackets**]** indicate matter deleted from existing law.

11–104.

(A) "Bicycle" means a vehicle that:

(1) Is designed to be operated by human power;

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

(3) Has a drive mechanism other than by pedals directly attached to a drive wheel.

(B) "BICYCLE" INCLUDES AN ELECTRIC BICYCLE.

11–118.1.

"ELECTRIC BICYCLE" MEANS A BICYCLE THAT:

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

(2) IS EQUIPPED WITH PEDALS THAT MECHANICALLY DRIVE THE REAR WHEEL;

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

(4) HAS A MOTOR WITH A RATING OF 750 WATTS OR LESS;

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

(6) WEIGHS 100 POUNDS OR LESS.

11–134.1.

(A) "Moped" means a bicycle that:

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

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

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

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

(B) "MOPED" DOES NOT INCLUDE AN ELECTRIC BICYCLE.

11–134.4.

(a) "Motorized minibike" means a motor vehicle that:

(1) Has two or three wheels; and

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

(b) "Motorized minibike" does not include:

(1) A motor scooter;

(2) A moped; **[**or**]**

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

(4) AN ELECTRIC BICYCLE.

11–135.

(a) (1) "Motor vehicle" means, except as provided in subsection (b) of this section, a vehicle that:

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

(ii) Is not operated on rails.

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

(b) "Motor vehicle" does not include:

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

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

(3) AN ELECTRIC BICYCLE.

21–1128.

(a) (1) In this section the following words have the meanings indicated.

(2) (i) "Dirt bike" means any motorcycle or similar vehicle that is not required to be registered under Title 13 of this article.

(ii) "Dirt bike" includes:

1. A motorized minibike, as defined in § 11–134.4 of this article; and

2. An all–terrain vehicle with either 3 or 4 wheels.

(iii) "Dirt bike" does not include:

1. A moped, as defined in § 11–134.1 of this article; **[**or**]**

2. A motor scooter, as defined in § 11–134.5 of this article**; OR**

3. AN ELECTRIC BICYCLE.

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

21–1202.

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

(1) As otherwise provided in this subtitle; and

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

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