

# HOUSE BILL 426

R5

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By: **Delegates Carr, Kaiser, Lam, Luedtke, Moon, and Zucker**

Introduced and read first time: January 29, 2016

Assigned to: Environment and Transportation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Bicycles and Motor Scooters – Use of Bike Lanes**

3 FOR the purpose of repealing the requirement that a person operating a bicycle or motor  
4 scooter use a bike lane paved to a smooth surface under certain circumstances;  
5 authorizing a person to operate a bicycle or motor scooter on a roadway, shoulder, or  
6 bike lane, regardless of whether there is a bike lane available; making clarifying and  
7 conforming changes; and generally relating to the operation of bicycles and motor  
8 scooters.

9 BY repealing and reenacting, with amendments,  
10 Article – Transportation  
11 Section 21–1205.1(b) and 21–1209(a)  
12 Annotated Code of Maryland  
13 (2012 Replacement Volume and 2015 Supplement)

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

16 **Article – Transportation**

17 21–1205.1.

18 (b) (1) [Where there is not a bike lane paved to a smooth surface, a person  
19 operating a bicycle or a motor scooter may use the roadway or the shoulder.

20 (2) Where there is a bike lane paved to a smooth surface, a person  
21 operating a bicycle or a motor scooter shall use the bike lane and may not ride on the  
22 roadway, except in the following situations:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) When overtaking and passing another bicycle, motor scooter,  
2 pedestrian, or other vehicle within the bike lane if the overtaking and passing cannot be  
3 done safely within the bike lane;

4 (ii) When preparing for a left turn at an intersection or into an alley,  
5 private road, or driveway;

6 (iii) When reasonably necessary to leave the bike lane to avoid debris  
7 or other hazardous condition; or

8 (iv) When reasonably necessary to leave the bike lane because the  
9 bike lane is overlaid with a right turn lane, merge lane, or other marking that breaks the  
10 continuity of the bike lane] **REGARDLESS OF WHETHER THERE IS A BIKE LANE**  
11 **AVAILABLE, A PERSON MAY OPERATE A BICYCLE OR MOTOR SCOOTER ON A**  
12 **ROADWAY, SHOULDER, OR BIKE LANE.**

13 [(3)] (2) A person operating a bicycle or a motor scooter **IN A BIKE LANE**  
14 may not leave [a] **THE** bike lane until the movement can be made with reasonable safety  
15 and then only after giving an appropriate signal.

16 [(4)] (3) The Department shall adopt regulations pertaining to this  
17 subsection[, including a definition of “smooth surface”].

18 21–1209.

19 (a) Notwithstanding any other provision of this title, the driver of a vehicle shall:

20 (1) Exercise due care to avoid colliding with any bicycle, EPAMD, or motor  
21 scooter being ridden by a person; and

22 (2) When overtaking a bicycle, an EPAMD, or a motor scooter, pass safely  
23 at a distance of not less than 3 feet, unless, at the time:

24 (i) The bicycle, EPAMD, or motor scooter rider fails to operate the  
25 vehicle in conformance with § 21–1205(a) of this subtitle (“Riding to right side of roadway”)  
26 [or § 21–1205.1(b) of this subtitle (“Roadway with bike lane or shoulder paved to smooth  
27 surface”)];

28 (ii) A passing clearance of less than 3 feet is caused solely by the  
29 bicycle, EPAMD, or motor scooter rider failing to maintain a steady course; or

30 (iii) The highway on which the vehicle is being driven is not wide  
31 enough to lawfully pass the bicycle, EPAMD, or motor scooter at a distance of at least 3  
32 feet.

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2   October 1, 2016.