

BY: Commerce and Government Matters Committee

AMENDMENTS TO HOUSE BILL NO. 1402

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Moped - Definition” and substitute “Motor Scooters”; strike beginning with “altering” in line 3 down through “mopeds” in line 4 and substitute “defining the term “motor scooter”; providing that a motor scooter is not a motor vehicle; requiring an individual who operates a motor scooter to carry a certain license or permit while operating the motor scooter; making certain provisions of law concerning the operation of bicycles apply to the operation of motor scooters; prohibiting a person from operating a motor scooter in excess of a certain speed; making stylistic changes; and generally relating to motor scooters”; after line 4, insert:

“BY adding to

Article - Transportation

Section 11- 134.4

Annotated Code of Maryland

(1999 Replacement Volume and 2000 Supplement)”;

in line 7, strike “11-134.1,”; in the same line, strike “and”; and in the same line, after “16-104.2(d)” insert “, 21-1201 through 21-1204(b), 21-1205 through 21-1207, and 21-1208 through 21-1210”.

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 13 on page 1 through line 1 on page 2, inclusive, and substitute:

“11-134.4.

(A) “MOTOR SCOOTER” MEANS A NONPEDAL VEHICLE THAT:

(Over)

- (1) HAS A SEAT FOR THE OPERATOR;
  - (2) HAS TWO WHEELS, OF WHICH ONE IS 10 INCHES OR MORE IN DIAMETER;
  - (3) HAS A STEP-THROUGH CHASSIS;
  - (4) HAS A MOTOR:
    - (I) WITH A RATING OF 2.7 BRAKE HORSEPOWER OR LESS; OR
    - (II) IF THE MOTOR IS AN INTERNAL COMBUSTION ENGINE, WITH A CAPACITY OF 50 CUBIC CENTIMETERS PISTON DISPLACEMENT OR LESS; AND
  - (5) IS EQUIPPED WITH AN AUTOMATIC TRANSMISSION.
- (B) “MOTOR SCOOTER” DOES NOT INCLUDE A VEHICLE THAT HAS BEEN MANUFACTURED FOR OFF-ROAD USE, INCLUDING A MOTORCYCLE AND AN ALL-TERRAIN VEHICLE.”.

AMENDMENT NO. 3

On page 2, in line 8, strike “a” and substitute “:

- (1) A”;

in line 9, after “subtitle” insert “;OR

- (2) A MOTOR SCOOTER, AS DEFINED IN §11-134.4 OF THIS SUBTITLE”;

in line 13, after “article” insert “OR A MOTOR SCOOTER, AS DEFINED IN §11-134.4 OF THIS ARTICLE”; in lines 13, 14, 16, and 18, in each instance, strike “him” and substitute “THE INDIVIDUAL”; in line 16, strike “he” and substitute “THE INDIVIDUAL”; in line 17, strike “his” and substitute “THE INDIVIDUAL’S”; in line 20, in each instance, strike “his” and substitute “THE APPLICANT’S”; in line 24, after “article” insert “OR A MOTOR SCOOTER, AS DEFINED IN §11-134.4 OF THIS ARTICLE”; and after line 24, insert:

“21-1201.

(a) The parent of any minor or the guardian of any ward may not authorize the minor or ward to violate any provision of this subtitle.

(b) The parent of any minor or the guardian of any ward may not knowingly permit the minor or ward to violate any provision of this subtitle.

(c) With the exceptions stated in this subtitle, the provisions of this subtitle that are applicable to bicycles apply whenever a bicycle OR A MOTOR SCOOTER is operated on any highway or WHENEVER A BICYCLE IS OPERATED on any path set aside for the exclusive use of bicycles.

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.

21-1203.

(a) The operator of a bicycle OR A MOTOR SCOOTER may ride the bicycle OR MOTOR SCOOTER only on or astride a permanent and regular seat securely attached to it.

(b) A bicycle may not carry any passenger unless it is designed for and equipped with a seat securely attached to it for each passenger.

(C) A MOTOR SCOOTER MAY NOT CARRY ANY PASSENGER UNLESS IT IS DESIGNED FOR AND EQUIPPED WITH A SEAT SECURELY ATTACHED TO IT AND FOOTRESTS FOR EACH PASSENGER.

(Over)

21-1204.

(b) A person riding on any bicycle OR MOTOR SCOOTER may not attach it or himself to any vehicle on a roadway.

21-1205.

(a) Each person operating a bicycle OR A MOTOR SCOOTER on a roadway shall ride as near to the right side of the roadway as practicable and safe, except when making or attempting to make a left turn, when operating on a one-way street, or when passing a stopped or slower moving vehicle.

(b) Each person operating a bicycle OR A MOTOR SCOOTER on a roadway may ride two abreast only if the flow of traffic is unimpeded.

(c) Each person operating a bicycle OR A MOTOR SCOOTER on a roadway shall exercise due care when passing a vehicle.

(d) Each person operating a bicycle OR A MOTOR SCOOTER on a roadway may walk [a] THE bicycle OR MOTOR SCOOTER on the right side of a highway if there is no sidewalk.

21-1205.1.

(a) Notwithstanding any other provision of this title, a person may not ride a bicycle OR A MOTOR SCOOTER:

(1) On any roadway where the posted maximum speed limit is more than 50 miles an hour; or

(2) On any expressway, except on an adjacent bicycle path or way approved by the State Highway Administration[;], or on any other controlled access highway signed in accordance with § 21-313 OF THIS TITLE.

(b) (1) Where there is a bike lane paved to a smooth surface or a shoulder paved to a smooth surface, a person operating a bicycle OR A MOTOR SCOOTER shall use the bike lane or shoulder and may not ride on the roadway, except in the following situations:

(i) When overtaking and passing another bicycle, MOTOR SCOOTER, pedestrian, or other vehicle within the bike lane or shoulder if the overtaking and passing cannot be done safely within the bike lane or shoulder;

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

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

(iv) When reasonably necessary to leave the bike lane or shoulder because the bike lane or shoulder is overlaid with a right turn lane, merge lane, or other marking that breaks the continuity of the bike lane or shoulder.

(2) A person operating a bicycle OR A MOTOR SCOOTER may not leave a bike lane or shoulder until the movement can be made with reasonable safety and then only after giving an appropriate signal.

(3) The Department shall promulgate rules and regulations pertaining to this subsection which will include, but not be limited to, a definition of “smooth surface”.

(C) A MOTOR SCOOTER MAY NOT BE OPERATED AT A SPEED IN EXCESS OF 30 MILES PER HOUR.

21-1206.

(a) A person may not operate a bicycle OR A MOTOR SCOOTER while carrying any package, bundle, or other article that prevents [him] THE PERSON from keeping both hands on the handlebars.

(Over)

(b) A person may not carry on a bicycle OR A MOTOR SCOOTER any package, bundle, or other article that interferes with the view or balance of the operator.

(c) A person may not remove, ride on, or tamper with any part of a bicycle OR A MOTOR SCOOTER without the permission of its owner.

21-1207.

(a) (1) If a bicycle OR A MOTOR SCOOTER is used on a highway at any time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 1,000 feet, the bicycle OR MOTOR SCOOTER shall be equipped:

(i) On the front, with a lamp that emits a white light visible from a distance of at least 500 feet to the front; and

(ii) On the rear, with a red reflector of a type approved by the Administration and visible from all distances from 600 feet to 100 feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle.

(2) A bicycle or bicyclist may be equipped with a lamp that emits a red light or a flashing amber light visible from a distance of 500 feet to the rear in addition to the red reflector required by paragraph (1) of this subsection.

(b) A person may not operate a bicycle OR A MOTOR SCOOTER unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least 100 feet.

(c) However, a bicycle OR MOTOR SCOOTER may not be equipped with nor may any person use on a bicycle any siren or whistle.

(d) Every bicycle AND MOTOR SCOOTER shall be equipped with a brake that enables its operator to make the braked wheels skid on dry, level, clean pavement.

21-1208.

(a) A person may not secure a bicycle OR A MOTOR SCOOTER to a fire hydrant, police or fire call box, or traffic control device.

(b) A person may not secure a bicycle OR A MOTOR SCOOTER to a pole, meter, or device located within a bus or taxi-loading zone.

(c) A person may not secure a bicycle OR A MOTOR SCOOTER to a pole, meter, or device located within 25 feet of any intersection.

(d) A person may not secure a bicycle OR A MOTOR SCOOTER to a pole, meter, or device on which notice has been posted by the appropriate authorities forbidding the securing of bicycles.

(e) A person may not secure a bicycle OR A MOTOR SCOOTER to any place where the securing of a bicycle OR A MOTOR SCOOTER would obstruct or impede vehicular traffic or pedestrian movement.

(f) A bicycle OR A MOTOR SCOOTER may be secured to a parking meter, without payment of the usual fees, if the bicycle is entirely removed from the bed of the street normally used for vehicular parking.

21-1209.

(a) Notwithstanding any other provision of this title, the driver of a vehicle shall exercise due care to avoid colliding with any bicycle OR MOTOR SCOOTER being ridden by a person.

(b) A person may not throw any object at or in the direction of any person riding a bicycle OR A MOTOR SCOOTER.

(c) A person may not open the door of any motor vehicle with intent to strike, injure, or interfere with any person riding a bicycle OR A MOTOR SCOOTER.

(Over)

21-1210.

(a) A person may not operate a bicycle OR A MOTOR SCOOTER on any highway, or on any roadway, while the person is wearing any headset covering both ears.

(b) A person may not operate a bicycle OR A MOTOR SCOOTER on any highway, or on any roadway, while the person is wearing any earplugs in both ears.

(c) The provisions of this section do not apply to:

(1) Any person wearing personal hearing protectors in the form of custom earplugs or molds that are designed to attenuate injurious noise levels, if the custom plugs or molds are designed in such a manner as to not inhibit the wearer's ability to hear a siren or horn from an emergency vehicle or a horn from another vehicle;

(2) Any person wearing a prosthetic device used to aid the hard of hearing; or

(3) Any person operating a bicycle on a public bicycle pathway expressly authorized for the use of persons operating bicycles.”.

AMENDMENT NO. 4

On page 2, in line 26, strike “October” and substitute “July”.