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By: **Delegate McComas**

Introduced and read first time: February 21, 2005

Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicles - Motor Scooters, Mopeds, and Minibikes - Prohibition on**  
3 **Highways, Sidewalks, and Public Areas**

4 FOR the purpose of prohibiting a person from operating certain motor vehicles on  
5 highways, sidewalks, or any other public areas; providing that a person may  
6 only operate certain motor vehicles on private property with certain permission;  
7 repealing certain rules of the road for motor scooters; requiring certain motor  
8 vehicle dealers to disclose certain information regarding the prohibited uses of  
9 certain motor vehicles; repealing provisions of law establishing the moped  
10 operator's permit; altering a certain definition; making a technical correction;  
11 and generally relating to prohibiting the use of certain motor vehicles on  
12 highways, sidewalks, or any other public areas.

13 BY repealing

14 Article - Transportation  
15 Section 8-409(h)  
16 Annotated Code of Maryland  
17 (2001 Replacement Volume and 2004 Supplement)

18 BY repealing and reenacting, with amendments,

19 Article - Transportation  
20 Section 8-409(i)  
21 Annotated Code of Maryland  
22 (2001 Replacement Volume and 2004 Supplement)

23 BY repealing and reenacting, without amendments,

24 Article - Transportation  
25 Section 11-134.1, 11-134.4, and 11-136  
26 Annotated Code of Maryland  
27 (2002 Replacement Volume and 2004 Supplement)

28 BY repealing and reenacting, with amendments,

29 Article - Transportation

1 Section 11-135, 15-112, 16-101, 21-1201 through 21-1205.1, and 21-1206  
2 through 21-1210  
3 Annotated Code of Maryland  
4 (2002 Replacement Volume and 2004 Supplement)

5 BY repealing  
6 Article - Transportation  
7 Section 16-104.2  
8 Annotated Code of Maryland  
9 (2002 Replacement Volume and 2004 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 8-409.

14 [(h) A person may not operate a moped on a footpath, bicycle trail, bridle path,  
15 or horse trail unless the path or trail is posted with signs in accordance with  
16 subsection (g) of this section specifically approving the use of mopeds.]

17 [(i) (H) Notwithstanding the provisions of this subsection, the use of  
18 footpaths and bicycle trails shall be denied to MOTOR SCOOTERS, MOPEDS, sports  
19 cycles, trail bikes, [and] minibikes, AND ANY OTHER TWO- OR THREE-WHEELED  
20 MOTOR VEHICLES.

21 11-134.1.

22 "Moped" means a bicycle that:

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

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

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

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

32 11-134.4.

33 (a) "Motor scooter" means a nonpedal vehicle that:

34 (1) Has a seat for the operator;

- 1 (2) Has two wheels, of which one is 10 inches or more in diameter;
- 2 (3) Has a step-through chassis;
- 3 (4) Has a motor:
- 4 (i) With a rating of 2.7 brake horsepower or less; or
- 5 (ii) If the motor is an internal combustion engine, with a capacity of
- 6 50 cubic centimeters piston displacement or less; and
- 7 (5) Is equipped with an automatic transmission.
- 8 (b) "Motor scooter" does not include a vehicle that has been manufactured for
- 9 off-road use, including a motorcycle and an all-terrain vehicle.

10 11-135.

11 [(a)] "Motor vehicle" means[, except as provided in subsection (b) of this

12 section,] a vehicle that:

- 13 (1) Is self-propelled or propelled by electric power obtained from
- 14 overhead electrical wires; and
- 15 (2) Is not operated on rails.

16 [(b)] "Motor vehicle" does not include:

- 17 (1) A moped, as defined in § 11-134.1 of this subtitle; or
- 18 (2) A motor scooter, as defined in § 11-134.4 of this subtitle.]

19 11-136.

20 (a) "Motorcycle" means a motor vehicle that:

- 21 (1) Has one front wheel and one or two rear wheels on a single axle;
- 22 however, if it is equipped with two rear wheels on a single axle, the rear tread width
- 23 may not exceed 25 inches;
- 24 (2) Is self-propelled by a motor with a rating of more than 1.5 brake
- 25 horsepower and a capacity of at least 49 cubic centimeters piston displacement;
- 26 (3) Has a singular front steering road wheel mounted in a fork assembly
- 27 that passes through a frame steering bearing and to which is attached a handlebar or
- 28 other directly operated steering device;
- 29 (4) Has a seat that is straddled by the driver; and
- 30 (5) Except for a windshield or windscreen, does not have any enclosure
- 31 or provision for an enclosure for the driver or any passenger.

1 (b) A detachable sidecar is an accessory to and not a part of a motorcycle.

2 15-112.

3 (a) In this section, "minibike":

4 (1) Means a motor vehicle that:

5 (i) Has a saddle for the use of the rider;

6 (ii) Is designed to travel on not more than three wheels in contact  
7 with the ground; and

8 (iii) Is not subject to registration under Title 13 of this article; and

9 (2) Does not include a farm tractor.

10 (b) Any dealer or agent or employee of a dealer, any vehicle salesman, or any  
11 other person who sells a minibike shall inform the buyer that [the use of a minibike  
12 on a highway may be illegal] STATE LAW PROHIBITS THE USE OF MINIBIKES ON  
13 HIGHWAYS, SIDEWALKS AND SIDEWALK AREAS, AND ANY OTHER PUBLIC PROPERTY.

14 (c) Any dealer or agent or employee of a dealer, any vehicle salesman, or any  
15 other person who sells a minibike shall inform the buyer that local law, ordinance,  
16 and regulation may limit the use of the minibike.

17 16-101.

18 [(a)] An individual may not drive or attempt to drive a motor vehicle on any  
19 highway in this State unless:

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

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

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

25 [(b)] Each individual operating on any highway in this State a moped, as  
26 defined in § 11-134.1 of this article or a motor scooter, as defined in § 11-134.4 of this  
27 article, shall have with the individual:

28 (1) A driver's license issued to the individual under this title, which  
29 license may be of any class issued by the Administration;

30 (2) If the individual is a nonresident of this State, a license to drive  
31 issued to the individual by the state or country of the individual's residence, which  
32 license may be for any class of vehicle; or

1 (3) A moped operator's permit issued to the individual under this  
2 subtitle.]

3 [16-104.2.

4 (a) On application, the Administration shall issue a moped operator's permit  
5 to an individual who is 16 years of age or older, and who does not possess a valid  
6 driver's license issued by this State or any other jurisdiction, but whose license or  
7 privilege to drive is not revoked, suspended, refused, or cancelled.

8 (b) An applicant is entitled to receive a moped operator's permit if the  
9 applicant:

10 (1) Passes the examination provided for in § 16-110(c)(1) of this subtitle;  
11 and

12 (2) Pays the fee provided for in this section.

13 (c) Each application for a moped operator's permit shall be on a form and  
14 contain the information that the Administration requires and each permit issued  
15 shall be of a size, design, and content that the Administration specifies.

16 (d) (1) A permit is not valid unless the applicant signs the applicant's name  
17 on it in the applicant's usual signature.

18 (2) When issued and signed, a moped operator's permit only authorizes  
19 its holder to operate a moped, as defined in § 11-134.1 of this article or a motor  
20 scooter, as defined in § 11-134.4 of this article.

21 (e) A moped operator's permit expires every 5 years. It may be renewed on  
22 application and payment of the fee required by subsection (f) of this section.

23 (f) (1) For issuance or renewal of a moped operator's permit, an applicant  
24 shall pay the Administration a fee established by the Administration.

25 (2) For issuance of a duplicate moped operator's permit, an applicant  
26 shall pay the Administration a fee established by the Administration.]

27 21-1201.

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

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

32 (c) With the exceptions stated in this subtitle, the provisions of this subtitle  
33 that are applicable to bicycles apply whenever a [bicycle,] BICYCLE OR an EPAMD[,  
34 or a motor scooter] is operated on any highway or whenever a bicycle or an EPAMD  
35 is operated on any path set aside for the exclusive use of bicycles.

1 (D) (1) A PERSON MAY NOT OPERATE A MOTOR SCOOTER, MOPED, MINIBIKE,  
2 OR ANY OTHER TWO- OR THREE-WHEELED MOTOR VEHICLE, OTHER THAN A  
3 MOTORCYCLE OR AN EPAMD AS AUTHORIZED BY LAW, ON:

4 (I) A HIGHWAY;

5 (II) A SIDEWALK OR SIDEWALK AREA; OR

6 (III) ANY OTHER PUBLIC PROPERTY.

7 (2) A PERSON MAY ONLY OPERATE A MOTOR SCOOTER, MOPED,  
8 MINIBIKE, OR ANY OTHER TWO- OR THREE-WHEELED MOTOR VEHICLE, OTHER  
9 THAN A MOTORCYCLE OR AN EPAMD, ON PRIVATE PROPERTY WITH THE PERMISSION  
10 OF THE PROPERTY OWNER.

11 21-1202.

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

15 (1) As otherwise provided in this subtitle; and

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

18 21-1203.

19 (a) The operator of a bicycle [or a motor scooter] may ride the bicycle [or  
20 motor scooter] only on or astride a permanent and regular seat securely attached to  
21 it.

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

24 (c) A motor scooter may not carry any passenger unless it is designed for and  
25 equipped with a seat securely attached to it and footrests for each passenger.

26 21-1204.

27 (a) This section does not apply to any log skid, drag, or farm sled while used in  
28 agricultural or forestry practices.

29 (b) A person riding on any bicycle [or motor scooter] may not attach it or  
30 himself to any vehicle on a roadway.

31 (c) A person riding on any play vehicle may not attach it or himself to any  
32 vehicle on a roadway.

33 (d) A person riding on any coaster may not attach it or himself to any vehicle  
34 on a roadway.

1 (e) A person riding on any skateboard may not attach it or himself to any  
2 vehicle on a roadway.

3 (f) A person riding on any roller skates may not attach them or himself to any  
4 vehicle on a roadway.

5 (g) A person riding on any sled may not attach it or himself to any vehicle on  
6 a roadway.

7 (h) A person riding on any toy vehicle may not attach it or himself to any  
8 vehicle on a roadway.

9 21-1205.

10 (a) Each person operating a bicycle [or a motor scooter] on a roadway shall  
11 ride as near to the right side of the roadway as practicable and safe, except when  
12 making or attempting to make a left turn, when operating on a one-way street, or  
13 when passing a stopped or slower moving vehicle.

14 (b) Each person operating a bicycle [or a motor scooter] on a roadway may  
15 ride two abreast only if the flow of traffic is unimpeded.

16 (c) Each person operating a bicycle [or a motor scooter] on a roadway shall  
17 exercise due care when passing a vehicle.

18 (d) Each person operating a bicycle [or a motor scooter] on a roadway may  
19 walk the bicycle [or motor scooter] on the right side of a highway if there is no  
20 sidewalk.

21 21-1205.1.

22 (a) Notwithstanding any other provision of this title, a person may not ride a  
23 bicycle [or a motor scooter]:

24 (1) On any roadway where the posted maximum speed limit is more than  
25 50 miles an hour; or

26 (2) On any expressway, except on an adjacent bicycle path or way  
27 approved by the State Highway Administration, or on any other controlled access  
28 highway signed in accordance with § 21-313 of this title.

29 (b) (1) Where there is a bike lane paved to a smooth surface or a shoulder  
30 paved to a smooth surface, a person operating a bicycle [or a motor scooter] shall use  
31 the bike lane or shoulder and may not ride on the roadway, except in the following  
32 situations:

33 (i) When overtaking and passing another bicycle, [motor scooter,]  
34 pedestrian, or other vehicle within the bike lane or shoulder if the overtaking and  
35 passing cannot be done safely within the bike lane or shoulder;

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

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

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

8 (2) A person operating a bicycle [or a motor scooter] may not leave a  
9 bike lane or shoulder until the movement can be made with reasonable safety and  
10 then only after giving an appropriate signal.

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

14 (c) [A motor scooter may not be operated at a speed in excess of 30 miles per  
15 hour.

16 (d) Notwithstanding any other provision of this title, a person may not operate  
17 an EPAMD on any roadway where there are sidewalks adjacent to the roadway or the  
18 posted maximum speed limit is more than 30 miles an hour.

19 [(e)] (D) An EPAMD may not be operated at a speed in excess of 15 miles per  
20 hour.

21 21-1206.

22 (a) A person may not operate a [bicycle,] BICYCLE OR an EPAMD[, or a motor  
23 scooter] while carrying any package, bundle, or other article that prevents the person  
24 from keeping both hands on the handlebars.

25 (b) A person may not carry on a [bicycle,] BICYCLE OR an EPAMD[, or a  
26 motor scooter] any package, bundle, or other article that interferes with the view or  
27 balance of the operator.

28 (c) A person may not remove, ride on, or tamper with any part of a [bicycle,]  
29 BICYCLE OR an EPAMD[, or a motor scooter] without the permission of its owner.

30 21-1207.

31 (a) (1) If a bicycle [or a motor scooter] is used on a highway at any time  
32 when, due to insufficient light or unfavorable atmospheric conditions, persons and  
33 vehicles on the highway are not clearly discernible at a distance of 1,000 feet, the  
34 bicycle [or motor scooter] shall be equipped:

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



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

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

7 (b) A person may not operate a bicycle [or a motor scooter] unless it is  
8 equipped with a bell or other device capable of giving a signal audible for a distance of  
9 at least 100 feet.

10 (c) However, a bicycle [or motor scooter] may not be equipped with nor may  
11 any person use on a bicycle any siren or whistle.

12 (d) Every bicycle [and motor scooter] shall be equipped with a brake that  
13 enables its operator to make the braked wheels skid on dry, level, clean pavement.

14 21-1208.

15 (a) A person may not secure a [bicycle,] BICYCLE OR an EPAMD[, or a motor  
16 scooter] to a fire hydrant, police or fire call box, or traffic control device.

17 (b) A person may not secure a [bicycle,] BICYCLE OR an EPAMD[, or a motor  
18 scooter] to a pole, meter, or device located within a bus or taxi-loading zone.

19 (c) A person may not secure a [bicycle,] BICYCLE OR an EPAMD[, or a motor  
20 scooter] to a pole, meter, or device located within 25 feet of any intersection.

21 (d) A person may not secure a [bicycle,] BICYCLE OR an EPAMD[, or a motor  
22 scooter] to a pole, meter, or device on which notice has been posted by the appropriate  
23 authorities forbidding the securing of bicycles.

24 (e) A person may not secure a [bicycle,] BICYCLE OR an EPAMD[, or a motor  
25 scooter] to any place where the securing of a bicycle or [a motor scooter] AN EPAMD  
26 would obstruct or impede vehicular traffic or pedestrian movement.

27 (f) A [bicycle,] BICYCLE OR an EPAMD[, or a motor scooter] may be secured  
28 to a parking meter, without payment of the usual fees, if it is entirely removed from  
29 the bed of the street normally used for vehicular parking.

30 21-1209.

31 (a) Notwithstanding any other provision of this title, the driver of a vehicle  
32 shall exercise due care to avoid colliding with any [bicycle,] BICYCLE OR EPAMD[, or  
33 motor scooter] being ridden by a person.

34 (b) A person may not throw any object at or in the direction of any person  
35 riding a [bicycle,] BICYCLE OR an EPAMD[, or a motor scooter].

1 (c) A person may not open the door of any motor vehicle with intent to strike,  
2 injure, or interfere with any person riding a [bicycle,] BICYCLE OR an EPAMD[, or a  
3 motor scooter].

4 21-1210.

5 (a) A person may not operate a [bicycle,] BICYCLE OR an EPAMD[, or a motor  
6 scooter] on any highway, or on any roadway, while the person is wearing any headset  
7 covering both ears.

8 (b) A person may not operate a [bicycle,] BICYCLE OR an EPAMD[, or a motor  
9 scooter] on any highway, or on any roadway, while the person is wearing any earplugs  
10 in both ears.

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

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

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

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

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 October 1, 2005.