

ENROLLED BILL

-- Judicial Proceedings/Environmental Matters --

Introduced by **Senators Giannetti and Lawlah**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Vehicle Laws - Bicycles and Motor Scooters - Operation and Equipment**

3 FOR the purpose of ~~establishing a certain exception to the requirement that a bicycle~~
4 ~~or motor scooter traveling at a certain speed on a certain roadway stay to the~~
5 ~~right side of the roadway; repealing certain provisions of law prohibiting, except~~
6 ~~under certain circumstances, a person from operating a bicycle or motor scooter~~
7 ~~on a roadway where there is a bike lane or a shoulder paved to a smooth surface;~~
8 ~~repealing certain provisions prohibiting a person operating a bicycle or motor~~
9 ~~scooter from leaving the bike lane or shoulder until the movement can be made~~
10 ~~with reasonable safety and until giving an appropriate signal; altering certain~~
11 ~~provisions relating to braking, lighting, and audible equipment for a bicycle or~~
12 ~~motor scooter; clarifying language; and generally relating to the operation of and~~
13 ~~equipment for bicycles and motor scooters on roadways.~~

14 BY repealing and reenacting, with amendments,
15 Article - Transportation
16 Section ~~21-1205, 21-1205.1, and 21-1207~~

1 Annotated Code of Maryland
2 (2002 Replacement Volume and 2005 Supplement)

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

5 **Article - Transportation**

6 ~~21-1205.~~

7 ~~(a) Each person operating a bicycle or a motor scooter at a speed less than the~~
8 ~~speed of traffic at the time and place and under the conditions then existing on a~~
9 ~~roadway shall ride as near to the right side of the roadway as practicable and safe,~~
10 ~~except when:~~

11 ~~(1) Making or attempting to make a left turn;~~

12 ~~(2) Operating on a one-way street;~~

13 ~~(3) Passing a stopped or slower moving vehicle;~~

14 ~~(4) Avoiding pedestrians or road hazards;~~

15 ~~(5) The right lane is a right turn only lane; [or]~~

16 ~~(6) Operating in a lane that is too narrow for a bicycle or motor scooter~~
17 ~~and another vehicle to travel safely side by side within the lane;~~

18 ~~(7) THE ROADWAY INCLUDES A BIKE LANE THAT IS NOT ON THE RIGHT~~
19 ~~SIDE OF THE ROADWAY AND THE BICYCLE OR MOTOR SCOOTER IS BEING OPERATED~~
20 ~~IN THE BIKE LANE.~~

21 ~~(b) Each person operating a bicycle or a motor scooter on a roadway may ride~~
22 ~~two abreast only if the flow of traffic is unimpeded.~~

23 ~~(c) Each person operating a bicycle or a motor scooter on a roadway shall~~
24 ~~exercise due care when passing a vehicle.~~

25 ~~(d) Each person operating a bicycle or a motor scooter on a roadway may walk~~
26 ~~the bicycle or motor scooter on the right side of a highway if there is no sidewalk.~~

27 ~~21-1205.1.~~

28 ~~(a) Notwithstanding any other provision of this title, a person may not ride a~~
29 ~~bicycle or a motor scooter:~~

30 ~~(1) On any roadway where the posted maximum speed limit is more than~~
31 ~~50 miles an hour; or~~

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

4 (b) (1) Where there is a bike lane paved to a smooth surface or a shoulder
5 paved to a smooth surface, a person operating a bicycle or a motor scooter shall use
6 the bike lane or shoulder and may not ride on the roadway, except in the following
7 situations:

8 (i) When overtaking and passing another bicycle, motor scooter,
9 pedestrian, or other vehicle within the bike lane or shoulder if the overtaking and
10 passing cannot be done safely within the bike lane or shoulder;

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

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

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

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

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

24 (e) A motor scooter may not be operated at a speed in excess of 30 miles per
25 hour.

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

29 (e) (D) An EPAMD may not be operated at a speed in excess of 15 miles per
30 hour.

31 21-1207.

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

36 (i) On the front, with a lamp that emits a white light visible from
37 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 FUNCTIONING lamp
5 that ACTS AS A REFLECTOR AND emits a red light or a flashing amber light visible
6 from a distance of 500 feet to the rear INSTEAD OF OR in addition to the red reflector
7 required by paragraph (1) of this subsection.

8 (b) [A] SUBJECT TO SUBSECTION (C) OF THIS SECTION, A person may [not]
9 operate a bicycle or a motor scooter [unless it is] THAT IS equipped with a bell or
10 other device capable of giving a signal audible for a distance of at least 100 feet.

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

13 (d) Every bicycle and motor scooter shall be equipped with a [brake that
14 enables its operator to make the braked wheels skid] BRAKING SYSTEM CAPABLE OF
15 STOPPING FROM A SPEED OF 10 MILES PER HOUR WITHIN 15 FEET on dry, level, clean
16 pavement.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
18 effect October 1, 2006.