
By: **Senators Giannetti and Lawlah**

Introduced and read first time: February 8, 2006

Assigned to: Rules

A BILL ENTITLED

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
17 Annotated Code of Maryland
18 (2002 Replacement Volume and 2005 Supplement)

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

21 **Article - Transportation**

22 21-1205.

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

- 27 (1) Making or attempting to make a left turn;
- 28 (2) Operating on a one-way street;

1 (3) Passing a stopped or slower moving vehicle;

2 (4) Avoiding pedestrians or road hazards;

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

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

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

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

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

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

15 21-1205.1.

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

18 (1) On any roadway where the posted maximum speed limit is more than
19 50 miles an hour; or

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

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

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

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

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

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

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

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

10 (c)] A motor scooter may not be operated at a speed in excess of 30 miles per
11 hour.

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

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

17 21-1207.

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

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

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

27 (2) A bicycle or bicyclist may be equipped with a FUNCTIONING lamp
28 that ACTS AS A REFLECTOR AND emits a red light or a flashing amber light visible
29 from a distance of 500 feet to the rear INSTEAD OF OR in addition to the red reflector
30 required by paragraph (1) of this subsection.

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

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

36 (d) Every bicycle and motor scooter shall be equipped with a [brake that
37 enables its operator to make the braked wheels skid] BRAKING SYSTEM CAPABLE OF

1 STOPPING FROM A SPEED OF 10 MILES PER HOUR WITHIN 15 FEET on dry, level, clean
2 pavement.

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