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By: **Senators Giannetti and Lawlah**

Introduced and read first time: February 8, 2006

Assigned to: Rules

Re-referred to: Judicial Proceedings, February 16, 2006

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Committee Report: Favorable

Senate action: Adopted

Read second time: March 23, 2006

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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  
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:

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**Article - Transportation**

2 21-1205.

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

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

8 (2) Operating on a one-way street;

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

10 (4) Avoiding pedestrians or road hazards;

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

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

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

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

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

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

23 21-1205.1.

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

26 (1) On any roadway where the posted maximum speed limit is more than  
27 50 miles an hour; or

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

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

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

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

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

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

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

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

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

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

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

24 21-1207.

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

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

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

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

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

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

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

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