

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE

House Bill 173

(Delegate Cardin, *et al.*)

Environmental Matters

Vehicle Laws - Bicycles, EPAMDs, and Motor Scooters - Rules of the Road

This bill prohibits the driver of a vehicle from intentionally interfering with the movement of a person who is riding a bicycle, an electronic personal assistive mobility device (EPAMD), or a motor scooter. The driver of a motor vehicle must yield the right-of-way to a person who is riding a bicycle, EPAMD, or motor scooter in a designated bicycle lane. In addition to any other provisions regulating the overtaking and passing of vehicles, the driver of a motor vehicle is prohibited from overtaking and passing a bicycle, an EPAMD, or motor scooter that is going in the same direction unless the driver can do so safely without endangering the rider of the bicycle, EPAMD, or motor scooter.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues due to the penalty provision applicable to this offense under the Maryland Vehicle Law (maximum \$500 fine for a misdemeanor offense). No effect on expenditures as the bill's requirements could be enforced with existing resources.

Local Effect: None. The bill's requirements could be enforced with existing resources.

Small Business Effect: None.

Analysis

Current Law: A "bicycle" is a vehicle that is designed to be operated by human power and has two or three wheels, one of which is more than 14 inches in diameter. A bicycle

has a rear drive, and if the vehicle has two wheels, they are in tandem. If the bicycle has three wheels, one wheel is in front and the two rear wheels are equidistant from the center of the vehicle.

An “EPAMD” is a pedestrian device that has two nontandem wheels, is self-balancing, is powered by an electric propulsion system, and is designed to transport one person at a maximum speed of 15 miles per hour.

A “motor scooter” is a nonpedal vehicle that has an operator’s seat and two wheels, one of which is 10 inches or more in diameter. A motor scooter has a step-through chassis, a motor with a maximum rating of 2.7 horsepower or a maximum capacity of 50 cc piston displacement, and an automatic transmission. A motor scooter does not include an off-road vehicle, a motorcycle, or an all-terrain vehicle.

A person riding a bicycle, motor scooter, or EPAMD on a roadway must ride as near to the right side of the roadway as practicable and safe, except when:

- making or attempting a left-turn;
- operating on a one-way street;
- passing a stopped or slower-moving vehicle;
- avoiding pedestrians or road hazards;
- the right lane is a right-turn-only lane; or
- operating in a lane that is too narrow for a bicycle or motor scooter and another vehicle to travel safely side by side within the lane.

A person may not ride a bicycle or motor scooter on any roadway where the posted maximum speed limit is more than 50 miles per hour or on any expressway except on an adjacent bicycle path or way approved by the State Highway Administration. A person may not operate an EPAMD on any roadway where there are sidewalks adjacent to the roadway or the posted maximum speed limit is more than 30 miles per hour. An EPAMD may not be operated at a speed in excess of 15 miles per hour. A violation of any of the above-mentioned provisions is a misdemeanor and is subject to a maximum fine of \$500. If the fine is uncontested, the District Court penalty is \$40.

The driver of a vehicle must exercise due care to avoid colliding with any bicycle, EPAMD, or motor scooter being ridden by a person. A person is prohibited from throwing any object at or in the direction of any person riding a bicycle, EPAMD, or motor scooter. A person is prohibited from opening the door of any motor vehicle with the intent to strike, injure, or interfere with a person riding a bicycle, EPAMD, or motor scooter. A person violating any of these provisions is guilty of a misdemeanor and is

subject to a maximum fine of \$500. If the fine for these penalties is prepaid rather than contested, the District Court penalty is \$280.

Additional Information

Prior Introductions: This bill is a reintroduction of SB 871/HB 721 of 2006. SB 871 as amended, passed the Senate and received an unfavorable report from the House Environmental Matters Committee. HB 721 received an unfavorable report from the House Environmental Matters Committee.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of State Police, Maryland Department of Transportation, Department of Legislative Services

Fiscal Note History: First Reader - January 30, 2007
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