

HOUSE BILL 1197

R5

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By: **Delegate Carr**

Introduced and read first time: February 13, 2009

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Bicycles – Rules of the Road**

3 FOR the purpose of creating an exception for a bicycle operator to the prohibition
4 against passing another vehicle to the right by driving off the roadway;
5 establishing that at an intersection, a person operating a bicycle is subject to
6 certain traffic control signals, but that at all other places has the rights and is
7 subject to the restrictions applicable to pedestrians under specified provisions of
8 law; authorizing local jurisdictions to regulate the operation of bicycles on
9 sidewalks; authorizing, under certain circumstances, a person who is operating
10 a bicycle or motor scooter to use the roadway even if a shoulder is present;
11 altering the defined term “bicycle”; altering the defined term “shoulder” to
12 reflect certain authorized uses; and generally relating to the rules of the road
13 for operating bicycles.

14 BY repealing and reenacting, with amendments,
15 Article – Transportation
16 Section 11–104, 21–101(v), 21–304, 21–501.1, and 21–1205.1
17 Annotated Code of Maryland
18 (2006 Replacement Volume and 2008 Supplement)

19 BY repealing and reenacting, without amendments,
20 Article – Transportation
21 Section 21–506
22 Annotated Code of Maryland
23 (2006 Replacement Volume and 2008 Supplement)

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

26 **Article – Transportation**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 11–104.

2 “Bicycle” means a vehicle that:

3 (1) Is designed to be operated by human power; **AND**

4 (2) Has two or three wheels, of which one is more than 14 inches in
5 diameter[;

6 (3) Has a rear drive; and

7 (4) Has a wheel configuration as follows:

8 (i) If the vehicle has two wheels, with both wheels in tandem;
9 or

10 (ii) If the vehicle has three wheels, with one front wheel and
11 with two rear wheels that are spaced equidistant from the center of the vehicle].

12 21–101.

13 (v) “Shoulder” means that portion of a highway contiguous with the roadway
14 for the accommodation of stopped vehicles, for emergency use, **FOR USE BY BICYCLES**
15 **AND MOTOR SCOOTERS**, and for the lateral support of the base and surface courses of
16 the roadway.

17 21–304.

18 (a) Subject to the requirements of subsection (b) of this section, the driver of
19 a vehicle may overtake and pass to the right of another vehicle only:

20 (1) If the overtaken vehicle is making or about to make a left turn;

21 (2) On a highway with unobstructed pavement not occupied by parked
22 vehicles and wide enough for two or more lines of vehicles moving lawfully in the same
23 direction as the overtaking vehicle; or

24 (3) On any one–way roadway, if the roadway is free from obstruction
25 and wide enough for two or more lines of moving vehicles.

26 (b) The driver of a vehicle may overtake and pass another vehicle to the right
27 only if it is safe to do so.

28 (c) [The] **EXCEPT FOR AN OPERATOR OF A BICYCLE, A PERSON MAY NOT**
29 **MAKE THE** movement described under subsection (b) of this section [may not be
30 made] by driving off the roadway.

1 21-501.1.

2 (a) (1) (I) At an intersection, a person [using] **OPERATING A BICYCLE**
3 **OR** an EPAMD is subject to all traffic control signals, as provided in §§ 21-202 and
4 21-203 of this title.

5 (II) [However] **SUBJECT TO PARAGRAPH (2) OF THIS**
6 **SUBSECTION**, at any other place, a person [using] **OPERATING A BICYCLE OR** an
7 EPAMD has the rights and is subject to the restrictions applicable to pedestrians
8 under this title.

9 (2) (I) **THE PROVISIONS OF § 21-506 OF THIS SUBTITLE**
10 **GOVERNING PEDESTRIANS ON ROADWAYS DO NOT APPLY TO THE OPERATION OF**
11 **BICYCLES.**

12 (II) **A LOCAL JURISDICTION MAY REGULATE THE**
13 **OPERATION OF BICYCLES ON SIDEWALKS.**

14 (b) At an intersection, a person using a wheelchair is subject to all traffic
15 control signals, as provided in §§ 21-202 and 21-203 of this title. However, at any
16 other place, a person using a wheelchair has the rights and is subject to the
17 restrictions applicable to pedestrians under this title.

18 21-506.

19 (a) Where a sidewalk is provided, a pedestrian may not walk along and on an
20 adjacent roadway.

21 (b) Where a sidewalk is not provided, a pedestrian who walks along and on a
22 highway may walk only on the left shoulder, if practicable, or on the left side of the
23 roadway, as near as practicable to the edge of the roadway, facing any traffic that
24 might approach from the opposite direction.

25 21-1205.1.

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

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

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

1 (b) (1) **WHERE THERE IS NOT A BIKE LANE PAVED TO A SMOOTH**
2 **SURFACE, A PERSON OPERATING A BICYCLE OR A MOTOR SCOOTER MAY USE**
3 **THE ROADWAY OR THE SHOULDER.**

4 (2) 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
14 shoulder] to avoid debris or other hazardous condition; or

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

18 [(2)] (3) A person operating a bicycle or a motor scooter may not
19 leave a bike lane [or shoulder] until the movement can be made with reasonable
20 safety and then only after giving an appropriate signal.

21 [(3)] (4) The Department shall promulgate rules and regulations
22 pertaining to this subsection which will include, but not be limited to, a definition of
23 “smooth surface”.

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

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

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2009.