

SENATE BILL 793

R4

9lr1696
CF HB 650

By: **Senators Klausmeier, Kasemeyer, and Rosapepe**

Introduced and read first time: February 6, 2009

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Motor Scooters – Licensing, Titling, Registration, and**
3 **Insurance**

4 FOR the purpose of requiring a motor scooter in the State to be titled and registered
5 by the Motor Vehicle Administration; requiring an operator of a motor scooter in
6 the State to be licensed and insured; requiring an application for the
7 registration of motor scooters to be submitted electronically; requiring a
8 licensed dealer of motor scooters under certain circumstances to obtain a motor
9 scooter registration application from the owner, collect registration fees, and
10 transmit the application and fees in a certain manner within a certain period of
11 time; providing for the registration classification of motor scooters; establishing
12 an annual registration fee for motor scooters; repealing the authority of a
13 person to operate a motor scooter under a moped operator's permit; providing
14 that certain vehicle equipment and inspection requirements do not apply to
15 motor scooters; altering certain definitions; and generally relating to titling,
16 registration, licensing, and insurance requirements for motor scooters and
17 operators of motor scooters.

18 BY repealing and reenacting, without amendments,

19 Article – Transportation
20 Section 11–134.5, 13–101.1, 13–402(a)(1), 16–101(a), 17–103(a)(1), 21–1202,
21 21–1205, 21–1205.1(a) through (c), 21–1207, 23–101(a), 23–104,
22 23–107(a)(1), 23–202(a)(1), and 23–206(a)
23 Annotated Code of Maryland
24 (2006 Replacement Volume and 2008 Supplement)

25 BY repealing and reenacting, with amendments,

26 Article – Transportation
27 Section 11–135, 11–176, 13–403, 13–954, 16–104.2(d), 22–101(e)(1),
28 23–101(i)(3), and 23–206.2(c)
29 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2006 Replacement Volume and 2008 Supplement)

2 BY adding to

3 Article – Transportation

4 Section 13–939.3 and 23–206.2(c)

5 Annotated Code of Maryland

6 (2006 Replacement Volume and 2008 Supplement)

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

9 **Article – Transportation**

10 11–134.5.

11 (a) “Motor scooter” means a nonpedal vehicle that:

12 (1) Has a seat for the operator;

13 (2) Has two wheels, of which one is 10 inches or more in diameter;

14 (3) Has a step–through chassis;

15 (4) Has a motor:

16 (i) With a rating of 2.7 brake horsepower or less; or

17 (ii) If the motor is an internal combustion engine, with a
18 capacity of 50 cubic centimeters piston displacement or less; and

19 (5) Is equipped with an automatic transmission.

20 (b) “Motor scooter” does not include a vehicle that has been manufactured for
21 off–road use, including a motorcycle and an all–terrain vehicle.

22 11–135.

23 (a) (1) “Motor vehicle” means, except as provided in subsection (b) of this
24 section, a vehicle that:

25 (i) Is self–propelled or propelled by electric power obtained
26 from overhead electrical wires; and

27 (ii) Is not operated on rails.

28 (2) “Motor vehicle” includes [a]:

1 (I) A low speed vehicle; AND

2 (II) A MOTOR SCOOTER.

3 (b) “Motor vehicle” does not include[:

4 (1) A] A moped, as defined in § 11–134.1 of this subtitle[; or

5 (2) A motor scooter, as defined in § 11–134.5 of this subtitle].

6 11–176.

7 (a) (1) “Vehicle” means, except as provided in subsection (b) of this
8 section, any device in, on, or by which any individual or property is or might be
9 transported or towed on a highway.

10 (2) “Vehicle” includes [a]:

11 (I) A low speed vehicle; AND

12 (II) A MOTOR SCOOTER.

13 (b) “Vehicle” does not include an electric personal assistive mobility device as
14 defined in § 21–101(j) of this article.

15 13–101.1.

16 Except as provided in § 13–102 of this subtitle, the owner of each vehicle that is
17 in this State and for which the Administration has not issued a certificate of title shall
18 apply to the Administration for a certificate of title of the vehicle.

19 13–402.

20 (a) (1) Except as otherwise provided in this section or elsewhere in the
21 Maryland Vehicle Law, each motor vehicle, trailer, semitrailer, and pole trailer driven
22 on a highway shall be registered under this subtitle.

23 13–403.

24 (a) (1) Except as provided in paragraph (2) of this subsection, the owner of
25 a vehicle subject to registration under this subtitle shall apply to the Administration
26 for the registration of the vehicle in a manner that the Administration requires.

27 (2) The application for registration of a low speed vehicle **OR A**
28 **MOTOR SCOOTER** shall be made by electronic transmission under § 13–610 of this
29 title.

1 (b) The application shall contain the information that the Administration
2 reasonably requires to determine if the vehicle is entitled to registration.

3 (c) If a licensed dealer holds a low speed vehicle **OR A MOTOR SCOOTER** for
4 sale and transfers the vehicle to a person other than another licensed dealer, the
5 dealer shall:

6 (1) Obtain from the transferee a completed application;

7 (2) Collect all fees required to register the low speed vehicle **OR**
8 **MOTOR SCOOTER** under this subtitle; and

9 (3) Within 30 days of the date of delivery of the low speed vehicle **OR**
10 **MOTOR SCOOTER**, electronically transmit the application and fees in accordance with
11 § 13-610 of this title.

12 **13-939.3.**

13 (A) **WHEN REGISTERED WITH THE ADMINISTRATION, EVERY MOTOR**
14 **SCOOTER IS A CLASS S (MOTOR SCOOTER) VEHICLE.**

15 (B) **FOR EACH CLASS S (MOTOR SCOOTER) VEHICLE, THE ANNUAL**
16 **REGISTRATION FEE IS \$35.00.**

17 13-954.

18 (a) In this section, “motor vehicle” means a:

19 (1) Class A (passenger) vehicle;

20 (2) Class B (for hire) vehicle;

21 (3) Class C (funeral and ambulance) vehicle;

22 (4) Class D (motorcycle) vehicle;

23 (5) Class E (truck) vehicle;

24 (6) Class F (tractor) vehicle;

25 (7) Class H (school) vehicle;

26 (8) Class J (vanpool) vehicle;

27 (9) Class M (multipurpose) vehicle;

28 (10) Class P (passenger bus) vehicle;

1 (11) Class Q (limousine) vehicle;

2 (12) Class R (low speed) vehicle; [or]

3 (13) **CLASS S (MOTOR SCOOTER) VEHICLE; OR**

4 (14) Vehicle within any other class designated by the Administrator.

5 (b) (1) In addition to the registration fee otherwise required by this title,
6 the owner of any motor vehicle registered under this title shall pay a surcharge of
7 \$13.50 per year for each motor vehicle registered.

8 (2) \$2.50 of the surcharge collected under paragraph (1) of this
9 subsection shall be paid into the Maryland Trauma Physician Services Fund
10 established under § 19–130 of the Health – General Article.

11 16–101.

12 (a) An individual may not drive or attempt to drive a motor vehicle on any
13 highway in this State unless:

14 (1) The individual holds a driver’s license issued under this title;

15 (2) The individual is expressly exempt from the licensing
16 requirements of this title; or

17 (3) The individual otherwise is specifically authorized by this title to
18 drive vehicles of the class that the individual is driving or attempting to drive.

19 16–104.2.

20 (d) (1) A permit is not valid unless the applicant signs the applicant’s
21 name on it in the applicant’s usual signature.

22 (2) When issued and signed, a moped operator’s permit only
23 authorizes its holder to operate a moped, as defined in § 11–134.1 of this article [or a
24 motor scooter, as defined in § 11–134.5 of this article].

25 17–103.

26 (a) (1) Except as provided in paragraph (2) of this subsection, the form of
27 security required under this subtitle is a vehicle liability insurance policy written by
28 an insurer authorized to write these policies in this State.

29 21–1202.

1 Every person operating a bicycle or a motor scooter in a public bicycle area has
2 all the rights granted to and is subject to all the duties required of the driver of a
3 vehicle by this title, including the duties set forth in § 21–504 of this title, except:

4 (1) As otherwise provided in this subtitle; and

5 (2) For those provisions of this title that by their very nature cannot
6 apply.

7 21–1205.

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

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

13 (2) Operating on a one–way street;

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

15 (4) Avoiding pedestrians or road hazards;

16 (5) The right lane is a right turn only lane; or

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

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

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

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

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

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 the
6 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) A person operating a bicycle or a motor scooter may not leave a
19 bike lane or shoulder until the movement can be made with reasonable safety and
20 then 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 (c) A motor scooter may not be operated at a speed in excess of 30 miles per
25 hour.

26 21–1207.

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

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

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

1 (2) A bicycle or bicyclist may be equipped with a functioning lamp that
2 acts as a reflector and emits a red light or a flashing amber light visible from a
3 distance of 500 feet to the rear instead of or in addition to the red reflector required by
4 paragraph (1) of this subsection.

5 (b) Subject to subsection (c) of this section, a person may operate a bicycle or
6 a motor scooter that is equipped with a bell or other device capable of giving a signal
7 audible for a distance of at least 100 feet.

8 (c) A bicycle or motor scooter may not be equipped with nor may any person
9 use on a bicycle any siren or whistle.

10 (d) Every bicycle and motor scooter shall be equipped with a braking system
11 capable of stopping from a speed of 10 miles per hour within 15 feet on dry, level, clean
12 pavement.

13 22–101.

14 (e) (1) The provisions of this title with respect to equipment on vehicles do
15 not apply to farm equipment, road machinery, road rollers, [or] farm tractors, **OR**
16 **MOTOR SCOOTERS**, except as made applicable in this title.

17 23–101.

18 (a) In this subtitle the following words have the meanings indicated.

19 (i) (3) “Vehicle” does not include any Class L (historic) vehicle, **A CLASS**
20 **S (MOTOR SCOOTER) VEHICLE**, or any trailer which is a mobile home as defined by §
21 11–134 of this article.

22 23–104.

23 (a) Every vehicle driven on the highways in this State shall, where
24 applicable, have the following equipment, meeting or exceeding the standards
25 established jointly by the Administration and the Division: brakes, steering,
26 suspension, horn, door handles, mirrors, tires, exhaust system, lights, glazing,
27 windshield wipers, odometer, speedometer, bumpers, properly aligned wheels, wheels
28 and wheel lugs, fenders, floor pans, hood, hood catches, emissions equipment, fuel
29 system, front seat, motor mounts, gear selection indicator for automatic transmissions,
30 universal joints, and seat belts or combination seat belt–shoulder harness if required
31 as original equipment under § 22–412 or § 22–412.1 of this article.

32 (b) (1) The Administration and the Division jointly may establish
33 standards by rule or regulation for this equipment.

1 (2) The Administration and the Division shall adopt, consistent with
2 federal law, regulations establishing equipment, performance, and other technical
3 standards for low speed vehicles.

4 23-107.

5 (a) (1) Before the Administration titles and registers any used vehicle, it
6 shall require the applicant to present a valid inspection certificate for the vehicle.

7 23-202.

8 (a) (1) Subject to subsection (d) of this section, the Administration and the
9 Secretary shall establish an emissions control program in the State in accordance with
10 the federal Clean Air Act.

11 23-206.

12 (a) An owner of a motor vehicle that is registered in this State shall have the
13 vehicle inspected and tested as required under this subtitle.

14 23-206.2.

15 **(C) A MOTOR SCOOTER IS EXEMPT FROM THE MANDATORY**
16 **INSPECTIONS REQUIRED BY THIS SUBTITLE.**

17 [(c)] **(D)** The Administrator may adopt regulations as necessary to
18 administer or enforce the provisions of this section.

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