

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

House Bill 1197 (Delegate Carr)
Environmental Matters

Vehicle Laws - Bicycles - Rules of the Road

This bill expands the definition of a bicycle and alters how a bicycle may operate on roadways and sidewalks.

Fiscal Summary

State Effect: Potential minimal decrease in general fund revenues due to fewer citations issued for passing on the right, use of the roadway or shoulder, and the delegation of regulation of bicycles on sidewalks to local authorities. No effect on expenditures as enforcement can be handled with existing resources.

Local Effect: Potential minimal increase in revenues from regulation of bicycles on sidewalks to the extent that additional citations for violations are issued. No effect on expenditures as enforcement can be handled with existing resources.

Small Business Effect: None.

Analysis

Bill Summary: The bill alters the definition of “bicycle” by repealing provisions that specify that a bicycle must have a rear drive and a specified wheel configuration and establishes instead that a bicycle is a vehicle designed to be operated by human power which has two or three wheels, with one being more than 14 inches in diameter. The bill alters the definition of highway “shoulder” to clarify that this portion of the highway contiguous with the roadway is for the use of bicycles and motor scooters. Also, if a bicycle operator is attempting to overtake and pass a vehicle on the right, the maneuver may be made by driving off the roadway, as long as it may be done safely.

The bill clarifies that a person operating a bicycle at an intersection is subject to all traffic control signals; however, at any other place, the person operating a bicycle is subject to those restrictions applicable to pedestrians. Local jurisdictions are authorized to regulate the operation of bicycles on sidewalks, rather than the Maryland Vehicle Law. If there is no bike lane paved to a smooth surface, a person operating a bicycle may use the roadway or the shoulder; however, exceptions as established in the Maryland Vehicle Law apply.

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. “Shoulder” means that portion of a highway contiguous with the roadway for the accommodation of stopped vehicles, for use in emergencies, and for the lateral support of the base and surface courses of the roadway.

The driver of a vehicle may overtake and pass a vehicle on the right only if (1) the overtaken vehicle is making or about to make a left turn; (2) on an unobstructed highway unoccupied by parked vehicles that is wide enough for two or more lines of vehicles moving in the same direction as the overtaking vehicle; or on any one-way roadway if unobstructed, and wide enough for two or more lines of moving vehicles. In the above circumstances, the driver of a vehicle may pass on the right only if it is safe to do so. The driver of a vehicle may not overtake and pass another vehicle on the right by driving off the roadway. The driver of a vehicle who passes on the right unlawfully or drives off the roadway while passing on the right is guilty of a misdemeanor and is subject to a maximum fine of \$500. The prepayment penalty assessed by the District Court is \$110 and MVA must assess one point against the driver’s license. If the violation contributes to an accident, the prepayment penalty increases to \$150 and three points must be assessed against the driver’s license.

A person riding a bicycle 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 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.

Where there is a bike lane or shoulder paved to a smooth surface, a person operating a bicycle must use the bike lane or shoulder and may not ride on the roadway except when (1) overtaking and passing another bicycle, motor scooter, pedestrian, or other vehicle in the bike lane or shoulder, as specified; (2) preparing for a left turn at an intersection or into an alley, private road, or driveway; (3) reasonably necessary to avoid debris or hazardous conditions; or (4) reasonably necessary to leave the bike lane because it is overlaid with a right turn, merge, or other markings that break the continuity of the bike lane or shoulder. A bicycle operator may not leave a bike lane or shoulder unless the move can be made with reasonable safety and after an appropriate signal.

A violation of any of the above-mentioned provisions is a misdemeanor and is subject to a maximum fine of \$500. Except as otherwise noted above, for passing on the right unlawfully, if the fine is uncontested, the prepayment penalty assessed by the District Court may be \$40 or \$80, depending on the specific provision violated.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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Analysis by: Karen D. Morgan

Direct Inquiries to:
(410) 946-5510
(301) 970-5510