

HOUSE BILL 1193

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CF SB 624

By: **Delegates Carr, Barkley, Bobo, Bronrott, Cardin, Frick, Frush, Hecht, Heller, Hucker, Kaiser, Kramer, Lee, Manno, Mizeur, Montgomery, Ross, Taylor, and Waldstreicher**

Introduced and read first time: February 18, 2010

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Bicycles and Motor Scooters – Rules of the Road**

3 FOR the purpose of authorizing a person operating a bicycle to ride the bicycle in or
4 through a crosswalk in certain locations under certain circumstances; requiring
5 a vehicle to yield the right-of-way under certain circumstances to a bicycle that
6 is lawfully in a crosswalk; creating an exception for an operator of a bicycle or
7 motor scooter to the prohibition against passing another vehicle to the right by
8 driving off the roadway; authorizing, under certain circumstances, a person who
9 is operating a bicycle or motor scooter to use the roadway even if a shoulder is
10 present; altering the definition of “bicycle”; altering the definition of “crosswalk”
11 to reflect circumstances where an unmarked bicycle way crosses a roadway;
12 altering the definition of “shoulder” to reflect certain authorized uses; making
13 certain stylistic changes; and generally relating to the rules of the road for
14 operating bicycles and motor scooters.

15 BY repealing and reenacting, with amendments,
16 Article – Transportation
17 Section 11–104, 21–101(i) and (v), 21–202(e) and (k), 21–304(c), 21–1103, and
18 21–1205.1
19 Annotated Code of Maryland
20 (2009 Replacement Volume and 2009 Supplement)

21 BY repealing and reenacting, without amendments,
22 Article – Transportation
23 Section 21–101(c), (d), and (e), 21–202(b), (c), (d), (i), and (j), and 21–304(b)
24 Annotated Code of Maryland
25 (2009 Replacement Volume and 2009 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Transportation**

4 11–104.

5 “Bicycle” means a vehicle that:

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

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

9 (3) Has a rear drive; and

10 (4) Has a wheel configuration as follows:

11 (i) If the vehicle has two wheels, with both wheels in tandem;

12 or

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

15 21–101.

16 (c) “Bicycle path” means any travelway designed and designated by signing
17 or signing and marking for bicycle use, located within its own right-of-way or in a
18 shared right-of-way, and physically separated from motor vehicle traffic by berm,
19 shoulder, curb, or other similar device.

20 (d) (1) “Bicycle way” means:

21 (i) Any trail, path, part of a highway, surfaced or smooth
22 shoulder, or sidewalk; or

23 (ii) Any other travelway specifically signed, marked, or
24 otherwise designated for bicycle travel.

25 (2) “Bicycle way” includes:

26 (i) Bicycle path; and

27 (ii) Bike lane.

28 (e) “Bike lane” means any portion of a roadway or shoulder designated for
29 single directional bicycle flow.

1 (i) “Crosswalk” means that part of a roadway that is:

2 (1) Within the prolongation or connection of the lateral lines of
3 sidewalks at any place where 2 or more roadways of any type meet or join, measured
4 from the curbs or, in the absence of curbs, from the edges of the roadway; [or]

5 (2) **WITHIN THE PROLONGATION OR CONNECTION OF THE**
6 **LATERAL LINES OF A BICYCLE WAY WHERE A BICYCLE WAY AND A ROADWAY OF**
7 **ANY TYPE MEET OR JOIN, MEASURED FROM THE CURBS OR, IN THE ABSENCE OF**
8 **CURBS, FROM THE EDGES OF THE ROADWAY; OR**

9 (3) Distinctly indicated for pedestrian crossing by lines or other
10 markings.

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

15 21–202.

16 (b) Vehicular traffic facing a circular green signal may proceed straight
17 through or, unless a sign at the place prohibits the turn, turn right or left.

18 (c) Vehicular traffic described under subsection (b) of this section, including
19 any vehicle turning right or left, shall yield the right-of-way to any other vehicle and
20 any pedestrian lawfully within the intersection or an adjacent crosswalk when the
21 signal is shown.

22 (d) Vehicular traffic facing a green arrow signal, whether shown alone or
23 with another indication, cautiously may enter the intersection, but only to make the
24 movement indicated by the arrow or to make another movement permitted by other
25 indications shown at the same time.

26 (e) Vehicular traffic described under subsection (d) of this section shall yield
27 the right-of-way to any pedestrian **OR BICYCLE** lawfully within an adjacent
28 crosswalk and to any other traffic lawfully using the intersection.

29 (i) Unless a sign prohibiting a turn is in place, vehicular traffic facing a
30 steady red signal, after stopping as required by subsection (h) of this section,
31 cautiously may enter the intersection and make:

32 (1) A right turn; or

33 (2) A left turn from a one-way street onto a one-way street.

1 (j) If a sign permitting any other turn is in place, vehicular traffic facing a
2 steady red signal, after stopping as required by subsection (h) of this section,
3 cautiously may enter the intersection and make the turn indicated by the sign.

4 (k) In each instance, vehicular traffic described in subsections (i) and (j) of
5 this section shall yield the right-of-way to any pedestrian **OR BICYCLE** lawfully
6 within an adjacent crosswalk and to any vehicle in the intersection or approaching on
7 another roadway so closely as to constitute an immediate hazard.

8 21-304.

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

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

14 21-1103.

15 (a) Except as provided in subsection (b), (c), or (d) of this section, a person
16 may not drive any vehicle on a sidewalk or sidewalk area unless it is a permanent or
17 authorized temporary driveway.

18 (b) (1) For **THE** purposes of this subsection, “bicycle” does not include
19 “moped”, as defined in § 11-134.1 of this article.

20 (2) Where **[permitted] ALLOWED** by local ordinance, a person may
21 ride a bicycle, play vehicle, or unicycle on a sidewalk or sidewalk area.

22 **(3) IN A PLACE WHERE A PERSON MAY RIDE A BICYCLE ON A**
23 **SIDEWALK OR SIDEWALK AREA, A PERSON MAY ALSO RIDE A BICYCLE FROM THE**
24 **CURB OR EDGE OF THE ROADWAY IN OR THROUGH A CROSSWALK TO THE**
25 **OPPOSITE CURB OR EDGE OF THE ROADWAY.**

26 (c) Unless prohibited by local ordinance, an individual with a disability may
27 use a special vehicle other than a wheelchair on sidewalks or sidewalk areas.

28 (d) An individual may use a wheelchair on sidewalks or sidewalk areas in
29 accordance with § 21-501.1 of this title.

30 21-1205.1.

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

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

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

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

9 (2) Where there is a bike lane paved to a smooth surface [or a shoulder
10 paved to a smooth surface], a person operating a bicycle or a motor scooter shall use
11 the bike lane [or shoulder] and may not ride on the roadway, except in the following
12 situations:

13 (i) When overtaking and passing another bicycle, motor scooter,
14 pedestrian, or other vehicle within the bike lane [or shoulder] if the overtaking and
15 passing cannot be done safely within the bike lane [or shoulder];

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

18 (iii) When reasonably necessary to leave the bike lane [or
19 shoulder] to avoid debris or other hazardous condition; or

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

23 **[(2)] (3)** A person operating a bicycle or a motor scooter may not
24 leave a bike lane [or shoulder] until the movement can be made with reasonable
25 safety and then only after giving an appropriate signal.

26 **[(3)] (4)** The Department shall [promulgate rules and] **ADOPT**
27 regulations pertaining to this subsection [which will include, but not be limited to],
28 **INCLUDING** a definition of “smooth surface”.

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

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

1 (e) An EPAMD may not be operated at a speed in excess of 15 miles per
2 hour.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2010.