

SENATE BILL 624

R5

0lr1990
CF HB 1193

By: **Senators Frosh, Conway, Dyson, Forehand, Mooney, Raskin, and Rosapepe**

Introduced and read first time: February 5, 2010

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 23, 2010

CHAPTER _____

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section 21–101(c), (d), and (e), 21–202(b), (c), (d), (i), and (j), and 21–304(b)
 2 Annotated Code of Maryland
 3 (2009 Replacement Volume and 2009 Supplement)

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

6 **Article – Transportation**

7 11–104.

8 “Bicycle” means a vehicle that:

- 9 (1) Is designed to be operated by human power; ~~AND~~
- 10 (2) Has two or three wheels, of which one is more than 14 inches in
 11 diameter];
- 12 (3) Has a rear drive; and
- 13 (4) Has a wheel configuration as follows:
- 14 (i) If the vehicle has two wheels, with both wheels in tandem;
 15 or
- 16 (ii) If the vehicle has three wheels, with one front wheel and
 17 with two rear wheels that are spaced equidistant from the center of the vehicle]; AND
- 18 **(3) HAS A DRIVE MECHANISM OTHER THAN BY PEDALS DIRECTLY**
 19 **ATTACHED TO A DRIVE WHEEL.**

20 21–101.

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

25 (d) (1) “Bicycle way” means:

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

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

30 (2) “Bicycle way” includes:

1 (i) Bicycle path; and

2 (ii) Bike lane.

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

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

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

9 (2) **WITHIN THE PROLONGATION OR CONNECTION OF THE**
10 **LATERAL LINES OF A BICYCLE WAY WHERE A BICYCLE WAY AND A ROADWAY OF**
11 **ANY TYPE MEET OR JOIN, MEASURED FROM THE CURBS OR, IN THE ABSENCE OF**
12 **CURBS, FROM THE EDGES OF THE ROADWAY; OR**

13 (3) Distinctly indicated for pedestrian crossing by lines or other
14 markings.

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

19 21–202.

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

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

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

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

1 (i) Unless a sign prohibiting a 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:

4 (1) A right turn; or

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

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

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

13 21-304.

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

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

19 21-1103.

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

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

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

27 **(3) IN A PLACE WHERE A PERSON MAY RIDE A BICYCLE ON A**
28 **SIDEWALK OR SIDEWALK AREA, A PERSON MAY ALSO RIDE A BICYCLE FROM THE**
29 **CURB OR EDGE OF THE ROADWAY IN OR THROUGH A CROSSWALK TO THE**
30 **OPPOSITE CURB OR EDGE OF THE ROADWAY.**

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

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

3 21–1205.1.

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

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

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

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

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

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

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

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

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

28 [(2)] (3) A person operating a bicycle or a motor scooter may not
29 leave a bike lane [or shoulder] until the movement can be made with reasonable
30 safety and then only after giving an appropriate signal.

31 [(3)] (4) The Department shall [promulgate rules and] **ADOPT**
32 regulations pertaining to this subsection [which will include, but not be limited to],
33 **INCLUDING** a definition of “smooth surface”.

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

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

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.