

Department of Legislative Services  
Maryland General Assembly  
2010 Session

FISCAL AND POLICY NOTE  
Revised

House Bill 1193 (Delegate Carr, *et al.*)  
Environmental Matters

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Vehicle Laws - Bicycles and Motor Scooters - Rules of the Road

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This bill expands the definition of a “bicycle” and alters how bicycles may operate on crosswalks and sidewalks and how bicycles and motor scooters may operate on roadways.

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Fiscal Summary

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

**Local Effect:** No effect on expenditures as enforcement can be handled with existing resources.

**Small Business Effect:** None.

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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 that (1) is designed to be operated by human power; (2) has two or three wheels, with one being more than 14 inches in diameter; and (3) has a drive mechanism other than by pedals directly attached to a drive wheel. The definition of “crosswalk” is expanded to mean the connection of lateral lines of a bicycle way where a bicycle way and roadway of any type meet as measured from the curbs or the edges of the roadway, if there are no curbs.

Vehicular traffic facing a green arrow signal must yield the right-of-way to any bicycle lawfully within an adjacent crosswalk. 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 or motor scooter 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 specifies that, in a place where a person may ride a bicycle on a sidewalk, a person may also ride from the curb or edge of the roadway in or through a crosswalk to the opposite curb or edge. If there is no bike lane paved to a smooth surface, a person operating a bicycle or motor scooter may use the roadway or 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. A “motor scooter” is a nonpedal vehicle that has two wheels, as specified, a seat for the operator, a step-through chassis and a motor rated at 2.7 brake horsepower or 50cc piston displacement or less. The definition of motor scooter does not include motorcycles or all-terrain vehicles.

A “bicycle path” is a travel way designed and designated for bicycle use and located within its own right-of-way or a shared right-of-way. It is physically separate from motor vehicle traffic by a shoulder, curb, or other similar device. A “bicycle way” includes a bicycle path or lane. A “bicycle way” is a trail, path, part of a highway, a smooth or surfaced shoulder, sidewalk, or any other travelway specifically designated for bicycle travel. A “crosswalk” is that part of a roadway within the connection of the lateral lines of sidewalks at any place where two or more roadways of any type join, as measured from the curbs or the edges of the roadway, if there are no curbs. “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.

Vehicular traffic facing a circular green signal may proceed straight or turn, unless a sign otherwise prohibits the turn. A vehicle turning right or left must yield the right-of-way to any other vehicle or pedestrian lawfully in the intersection or an adjacent crosswalk. Vehicular traffic facing a green arrow signal may cautiously enter the intersection but only to make the movement indicated by the arrow or another movement if so permitted by other indications shown at the same time as the arrow. A person who violates these provisions is guilty of a misdemeanor and subject to a maximum fine of \$500. The prepayment penalty assessed by the District Court is \$90, and MVA must assess one

point against the driver's license. If the violation contributes to an accident, the prepayment penalty increases to \$130, and three points must be assessed against the driver's license.

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 (3) 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 or motor scooter 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 or motor scooter 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 or motor scooter 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.

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### **Additional Information**

**Prior Introductions:** A similar bill that pertained only to bicycles, HB 1197 of 2009, received an unfavorable report from the House Environmental Matters Committee.

**Cross File:** SB 624 (Senator Frosh, *et al.*) - Judicial Proceedings.

**Information Source(s):** Maryland Department of Transportation, Department of Legislative Services

**Fiscal Note History:** First Reader - February 23, 2010  
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