

# HOUSE BILL 1167

R7

EMERGENCY BILL

11r2523  
CF SB 306

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By: **Delegates Conway, Cane, McDermott, and Rudolph**

Introduced and read first time: February 16, 2011

Assigned to: Rules and Executive Nominations

Re-referred to: Environmental Matters, February 28, 2011

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 30, 2011

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Vehicle Laws – ~~Motor Scooters – Definition~~ Motorized Passenger Scooter –**  
3 **Use in Ocean City**

4 FOR the purpose of ~~altering the definition of “motor scooter” under the Maryland~~  
5 ~~Vehicle Law~~ authorizing the use of a “motorized passenger scooter” on certain  
6 highways under certain conditions; authorizing the State Highway  
7 Administration to prohibit the operation of a motorized passenger scooter on  
8 certain highways under certain circumstances; defining certain terms; making  
9 this Act an emergency measure; and generally relating to ~~the definition of~~  
10 “motor scooter” under the Maryland Vehicle Law. the use of a motorized  
11 passenger scooter in Ocean City.

12 ~~BY repealing and reenacting, with amendments,~~  
13 ~~Article – Transportation~~  
14 ~~Section 11–134.5~~  
15 ~~Annotated Code of Maryland~~  
16 ~~(2009 Replacement Volume and 2010 Supplement)~~

17 BY repealing and reenacting, without amendments,  
18 Article – Transportation  
19 Section ~~21–1201(e)~~ 21–101(a), (c), (d), and (e)  
20 Annotated Code of Maryland  
21 (2009 Replacement Volume and 2010 Supplement)

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### 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 BY adding to  
 2 Article – Transportation  
 3 Section 25-102.2  
 4 Annotated Code of Maryland  
 5 (2009 Replacement Volume and 2010 Supplement)

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

8 **Article – Transportation**

9 ~~11-134.5.~~

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

11 ~~(1) Has a seat for the operator;~~

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

14 ~~(3) (i) [Has] FOR A TWO WHEEL VEHICLE, HAS a step through~~  
 15 ~~chassis; OR~~

16 ~~(ii) FOR A THREE WHEEL VEHICLE, HAS A COCKPIT;~~

17 ~~(4) Has a motor:~~

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

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

21 ~~(5) Is equipped with an automatic transmission.~~

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

24 ~~21-1201.~~

25 ~~(c) With the exceptions stated in this subtitle, the provisions of this subtitle~~  
 26 ~~that are applicable to bicycles apply whenever a bicycle, an EPAMD, or a motor~~  
 27 ~~scooter is operated on any highway or whenever a bicycle or an EPAMD is operated on~~  
 28 ~~any path set aside for the exclusive use of bicycles.~~

29 21-101.

1           (a) In this title and Title 25 of this article the following words have the  
2 meanings indicated.

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

7           (d) (1) “Bicycle way” means:

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

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

12                   (2) “Bicycle way” includes:

13                           (i) Bicycle path; and

14                           (ii) Bike lane.

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

17 **25-102.2.**

18           **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**  
19 **MEANINGS INDICATED.**

20                   **(2) (I) “LICENSED DRIVER” MEANS AN INDIVIDUAL WHO**  
21 **HOLDS A DRIVER’S LICENSE OF ANY CLASS ISSUED BY THE STATE OR, IF THE**  
22 **INDIVIDUAL IS A NONRESIDENT OF THE STATE, ISSUED BY ANOTHER STATE OR**  
23 **COUNTRY.**

24                           **(II) “LICENSED DRIVER” DOES NOT INCLUDE AN**  
25 **INDIVIDUAL WHO HOLDS A LEARNER’S PERMIT OR A PROVISIONAL LICENSE**  
26 **ISSUED BY THE STATE OR, IF THE INDIVIDUAL IS A NONRESIDENT OF THE**  
27 **STATE, THE EQUIVALENT LICENSE ISSUED BY ANOTHER STATE OR COUNTRY.**

28                   **(3) (I) “MOTORIZED PASSENGER SCOOTER” MEANS A**  
29 **NONPEDAL VEHICLE THAT:**

30                                   **1. HAS A COCKPIT CONTAINING A SEAT FOR THE**  
31 **OPERATOR AND A PASSENGER;**

1                                   **2. HAS THREE WHEELS, OF WHICH ONE IS 10 INCHES**  
2 **OR MORE IN DIAMETER;**

3                                   **3. HAS A MOTOR:**

4                                   **A. WITH A RATING OF 2.7 BRAKE HORSEPOWER OR**  
5 **LESS; OR**

6                                   **B. IF THE MOTOR IS AN INTERNAL COMBUSTION**  
7 **ENGINE, WITH A CAPACITY OF 50 CUBIC CENTIMETERS PISTON DISPLACEMENT**  
8 **OR LESS; AND**

9                                   **4. IS EQUIPPED WITH AN AUTOMATIC**  
10 **TRANSMISSION.**

11                                   **(II) “MOTORIZED PASSENGER SCOOTER” DOES NOT**  
12 **INCLUDE A VEHICLE THAT HAS BEEN MANUFACTURED FOR OFF-ROAD USE,**  
13 **INCLUDING A MOTORCYCLE AND AN ALL-TERRAIN VEHICLE.**

14                                   **(B) NOTWITHSTANDING ANY OTHER PROVISIONS OF THE MARYLAND**  
15 **VEHICLE LAW REGARDING THE OPERATION OF A VEHICLE ON A HIGHWAY IN**  
16 **THE STATE, IN THE MUNICIPAL BOUNDARIES OF OCEAN CITY, A LICENSED**  
17 **DRIVER MAY OPERATE A MOTORIZED PASSENGER SCOOTER ON:**

18                                   **(1) A LOCAL HIGHWAY; AND**

19                                   **(2) SUBJECT TO SUBSECTION (C) OF THIS SECTION, ANY PORTION**  
20 **OF A STATE HIGHWAY DESIGNATED BY THE STATE HIGHWAY ADMINISTRATION**  
21 **AS A BICYCLE WAY.**

22                                   **(C) THE STATE HIGHWAY ADMINISTRATION MAY PROHIBIT THE**  
23 **OPERATION OF A MOTORIZED PASSENGER SCOOTER ON A BICYCLE WAY UNDER**  
24 **THE JURISDICTION OF THE STATE HIGHWAY ADMINISTRATION IF IT**  
25 **DETERMINES THAT:**

26                                   **(1) AN OCCUPANT OF A MOTORIZED PASSENGER SCOOTER IS**  
27 **PLACED AT AN UNACCEPTABLE RISK OF INJURY ON THE BICYCLE WAY; OR**

28                                   **(2) THE OPERATION OF A MOTORIZED PASSENGER SCOOTER IS A**  
29 **THREAT TO THE SAFETY OR MOBILITY OF OTHERS ALONG THE BICYCLE WAY.**

30                                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency  
31 measure, is necessary for the immediate preservation of the public health or safety,  
32 has been passed by a ye and nay vote supported by three-fifths of all the members

1 elected to each of the two Houses of the General Assembly, and shall take effect from  
2 the date it is enacted.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.