

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE
Revised

House Bill 1167

(Delegate Conway, *et al.*)

Environmental Matters

Judicial Proceedings

Vehicle Laws - Motorized Passenger Scooter - Use in Ocean City

This emergency bill authorizes a licensed driver to operate a motorized passenger scooter within the municipal boundaries of Ocean City on a local highway and on any bicycle way not prohibited by the State Highway Administration (SHA). The bill defines “motorized passenger scooter” as a nonpedal vehicle with a third wheel, with a cockpit for a driver and passenger, and that meets certain technical specifications relating to the motor and transmission.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State operations or finances.

Local Effect: The bill is not anticipated to materially affect local operations or finances.

Small Business Effect: Potential meaningful beneficial impact on any small business engaged in the manufacture of a motorized passenger scooter and for small businesses that sell, lease, or rent such vehicles.

Analysis

Bill Summary: The bill defines a “motorized passenger scooter” as a nonpedal vehicle that has:

- a cockpit containing a seat for the operator and a passenger;
- three wheels, one of which is 10 inches or more in diameter;

- a motor with a rating of 2.7 brake horsepower or less or a capacity of up to 50 cubic centimeters if the motor is an internal combustion engine; and
- been equipped with an automatic transmission.

In addition, a motorized passenger scooter is defined to specifically exclude a vehicle that has been manufactured for off-road use, including a motorcycle and an all-terrain vehicle.

The bill also defines “licensed driver” to mean an individual who holds a driver’s license issued by Maryland, or another state or country, but it does not include a learner’s permit or provisional license or equivalent licenses from other states or countries.

SHA may prohibit the operation of a motorized passenger scooter on a bicycle way under its jurisdiction if it determines that an occupant of a motorized passenger scooter is placed at an unacceptable risk of injury on the bicycle way, or the operation of a motorized passenger scooter is a threat to the safety or mobility of others along the bicycle way.

Current Law: A “motor scooter” is a nonpedal vehicle with two wheels that meets certain technical specifications including a motor that is under a specified horsepower or displacement capacity. A motor scooter is also defined to exclude vehicles manufactured for off-road use like motorcycles and all-terrain vehicles. A “moped” is a bicycle with two or three wheels, one of which is at least 14 inches in diameter; with pedals that drive the rear wheel (or wheels); and that is designed to be operated with the assistance of a motor of up to 1.5 brake horsepower or up to 50 cubic centimeters displacement if the motor is an internal combustion engine. A moped operator’s permit authorizes the holder to operate a moped or motor scooter.

A motor scooter may not be operated at more than 30 miles per hour or on a roadway with a maximum speed limit of more than 50 miles per hour. In addition, motor scooters are subject to separate rules of the road, which are generally similar to those applicable to bicycles.

A “bicycle way” is any trail, path, part of a highway, surfaced or smooth shoulder, or sidewalk, or any other travelway specifically signed, marked, or otherwise designated for bicycle travel, including a bike lane.

Background: Recent spikes in gas prices have contributed to the popularity of mopeds, motor scooters, and similar vehicles. Also, many people regard these vehicles as more efficient than automobiles for short trips. They can achieve about 70 miles per gallon of gas or more and are also considered more environmentally friendly than most automobiles. However, traffic safety advocates have expressed concerns about the

increasing number of motor scooters on high-speed thoroughfares since they cannot achieve the speeds of automobiles, making integration with automobile traffic difficult.

While a significant number of motor scooters are being designed with a third wheel, it is relatively uncommon for a motor scooter to have a cockpit or passenger cabin similar to cars and trucks. However, this design is growing in popularity for rental vehicles in resort areas, island towns, and beach destinations.

Additional Information

Prior Introductions: None.

Cross File: SB 306 (Senator Mathias) - Judicial Proceedings.

Information Source(s): Department of Legislative Services

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Analysis by: Evan M. Isaacson

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