

# HOUSE BILL 205

R5

4lr0563

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By: **Delegates K. Kelly, Anderson, Beitzel, Donoghue, and Frush**

Introduced and read first time: January 16, 2014

Assigned to: Environmental Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 18, 2014

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

1 AN ACT concerning

2 **Vehicle Laws – Electric Bicycle – Definition**

3 FOR the purpose of altering the definition of “bicycle” for the purposes of the Maryland  
4 Vehicle Law to include an electric bicycle; defining the term “electric bicycle”;  
5 establishing that the definitions of “moped”, “motorized minibike”, and “motor  
6 vehicle”, ~~and “dirt bike” do~~ do not include an electric bicycle; and generally  
7 relating to electric bicycles.

8 BY repealing and reenacting, with amendments,  
9 Article – Transportation  
10 Section 11–104, 11–134.1, 11–134.4, ~~11–135, and 21–1128(a)~~ and 11–135  
11 Annotated Code of Maryland  
12 (2012 Replacement Volume and 2013 Supplement)

13 BY adding to  
14 Article – Transportation  
15 Section ~~11–118.1~~ 11–117.1  
16 Annotated Code of Maryland  
17 (2012 Replacement Volume and 2013 Supplement)

18 BY repealing and reenacting, without amendments,  
19 Article – Transportation  
20 Section ~~21–1202~~ 13–102(7), 13–104(a), 16–101(a), 17–104.1, and 21–1207.1  
21 Annotated Code of Maryland  
22 (2012 Replacement Volume and 2013 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 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 ~~(A)~~ “Bicycle” means ~~a~~:

6 **(1) A** vehicle that:

7 ~~(1)~~ **(I)** Is designed to be operated by human power;

8 ~~(2)~~ **(II)** Has two or three wheels, of which one is more than 14  
9 inches in diameter; and

10 ~~(3)~~ **(III)** Has a drive mechanism other than by pedals directly  
11 attached to a drive wheel; **OR**

12 **(2) AN ELECTRIC BICYCLE.**

13 ~~(B) “BICYCLE” INCLUDES AN ELECTRIC BICYCLE.~~

14 ~~11-118.1. 11-117.1.~~

15 **“ELECTRIC BICYCLE” MEANS A BICYCLE THAT:**

16 **(1) IS DESIGNED TO BE OPERATED BY HUMAN POWER WITH THE**  
17 **ASSISTANCE OF AN ELECTRIC MOTOR;**

18 **(2) IS EQUIPPED WITH FULLY OPERABLE PEDALS ~~THAT~~**  
19 **~~MECHANICALLY DRIVE THE REAR WHEEL;~~**

20 **(3) HAS TWO OR THREE WHEELS, ~~EACH OF WHICH IS MORE THAN~~**  
21 **~~11 INCHES IN DIAMETER;~~**

22 **(4) HAS A MOTOR WITH A RATING OF 750 WATTS OR LESS; AND**

23 **(5) IS CAPABLE OF A MAXIMUM SPEED OF 20 MILES PER HOUR ON**  
24 **A LEVEL SURFACE WHEN POWERED BY THE MOTOR; ~~AND~~**

25 ~~**(6) WEIGHS 100 POUNDS OR LESS.**~~

26 11-134.1.

1           **(A)**    “Moped” means a bicycle that:

2                   (1)    Is designed to be operated by human power with the assistance of a  
3 motor;

4                   (2)    Is equipped with pedals that mechanically drive the rear wheel or  
5 wheels;

6                   (3)    Has two or three wheels, of which one is more than 14 inches in  
7 diameter; and

8                   (4)    Has a motor with a rating of 1.5 brake horsepower or less and, if  
9 the motor is an internal combustion engine, a capacity of 50 cubic centimeters piston  
10 displacement or less.

11           **(B)**    **“MOPED” DOES NOT INCLUDE AN ELECTRIC BICYCLE.**

12 11–134.4.

13           (a)    “Motorized minibike” means a motor vehicle that:

14                   (1)    Has two or three wheels; and

15                   (2)    Is not subject to registration under Title 13 of this article.

16           (b)    “Motorized minibike” does not include:

17                   (1)    A motor scooter;

18                   (2)    A moped; [or]

19                   (3)    A farm tractor; **OR**

20                   **(4)    AN ELECTRIC BICYCLE.**

21 11–135.

22           (a)    (1)    “Motor vehicle” means, except as provided in subsection (b) of this  
23 section, a vehicle that:

24                           (i)    Is self-propelled or propelled by electric power obtained  
25 from overhead electrical wires; and

26                           (ii)   Is not operated on rails.

27                   (2)    “Motor vehicle” includes a low speed vehicle.

1 (b) "Motor vehicle" does not include:

2 (1) A moped, as defined in § 11-134.1 of this subtitle; [or]

3 (2) A motor scooter, as defined in § 11-134.5 of this subtitle; **OR**

4 **(3) AN ELECTRIC BICYCLE, AS DEFINED IN § 11-117.1 OF THIS**  
5 **SUBTITLE.**

6 ~~21-1128.~~

7 (a) ~~(1) In this section the following words have the meanings indicated:~~

8 ~~(2) (i) "Dirt bike" means any motorcycle or similar vehicle that is~~  
9 ~~not required to be registered under Title 13 of this article.~~

10 ~~(ii) "Dirt bike" includes:~~

11 ~~1. A motorized minibike, as defined in § 11-134.4 of this~~  
12 ~~article; and~~

13 ~~2. An all-terrain vehicle with either 3 or 4 wheels.~~

14 ~~(iii) "Dirt bike" does not include:~~

15 ~~1. A moped, as defined in § 11-134.1 of this article; [or]~~

16 ~~2. A motor scooter, as defined in § 11-134.5 of this~~  
17 ~~article; **OR**~~

18 ~~3. **AN ELECTRIC BICYCLE.**~~

19 ~~(3) "Service station" means a place of business where motor fuel is sold~~  
20 ~~and delivered into the fuel supply tanks of motor vehicles.~~

21 ~~21-1202.~~

22 ~~Every person operating a bicycle or a motor scooter in a public bicycle area has~~  
23 ~~all the rights granted to and is subject to all the duties required of the driver of a~~  
24 ~~vehicle by this title, including the duties set forth in § 21-504 of this title, except:~~

25 ~~(1) As otherwise provided in this subtitle; and~~

26 ~~(2) For those provisions of this title that by their very nature cannot~~  
27 ~~apply.~~

1 13-102.

2 A certificate of title is not required for:

3 (7) A bicycle, except for a moped;

4 13-104.

5 (a) (1) The application for a certificate of title of a vehicle shall be made  
6 by the owner of the vehicle on the form that the Administration requires.

7 (2) Notwithstanding any other provision of this title, an application for  
8 a certificate of title of an off-highway recreational vehicle, a motor scooter, or a moped  
9 shall be made by electronic transmission under § 13-610 of this title.

10 (3) The owner of a motor scooter or moped shall certify at the time of  
11 titling that the motor scooter or moped is covered by the required security described in  
12 § 17-103 of this article.

13 16-101.

14 (a) An individual may not drive or attempt to drive a motor vehicle on any  
15 highway in this State unless:

16 (1) The individual holds a driver's license issued under this title;

17 (2) The individual is expressly exempt from the licensing  
18 requirements of this title; or

19 (3) The individual otherwise is specifically authorized by this title to  
20 drive vehicles of the class that the individual is driving or attempting to drive.

21 17-104.1.

22 The operator of a moped or motor scooter shall carry evidence of the required  
23 security when operating the moped or motor scooter.

24 21-1207.1.

25 (a) (1) The provisions of this section apply:

26 (i) At all times while a bicycle is being operated on any  
27 highway, bicycle way, or other property open to the public or used by the public for  
28 pedestrian or vehicular traffic; and

1                   (ii) To a person under the age of 16 who is riding on a bicycle,  
2 including a person under the age of 16 who is a passenger on a bicycle:

3                   1. In a restraining seat attached to the bicycle; or

4                   2. In a trailer being towed by the bicycle.

5                   (2) The provisions of this section do not apply to passengers in  
6 commercial bicycle rickshaws.

7                   (b) This section does not apply in the town of Ocean City, Maryland, on the  
8 boardwalk between the Ocean City inlet and 27th Street, during the hours in which  
9 bicycles are permitted by local ordinance to be operated on the boardwalk.

10                  (c) A person to whom this section applies may not operate or ride as a  
11 passenger on a bicycle unless the person is wearing a helmet that meets or exceeds the  
12 standards of the American National Standards Institute, the Snell Memorial  
13 Foundation, or the American Society for Testing and Materials for protective headgear  
14 for use in bicycling.

15                  (d) This section shall be enforced by the issuance of a warning that informs  
16 the offender of the requirements of this section and provides educational materials  
17 about bicycle helmet use.

18                  SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
19 October 1, 2014.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.