

SENATE BILL 378

R6, R4

4lr1063

By: **Senator Conway**

Introduced and read first time: January 23, 2014

Assigned to: Judicial Proceedings

A BILL ENTITLED

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 defined terms “moped”, “motorized minibike”, and “motor
6 vehicle” do not include an electric bicycle; and generally relating to electric
7 bicycles.

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

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

18 BY repealing and reenacting, without amendments,
19 Article – Transportation
20 Section 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)

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

25 **Article – Transportation**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 11-104.

2 (A) "Bicycle" means a vehicle that:

3 (1) Is designed to be operated by human power;

4 (2) Has two or three wheels, of which one is more than 14 inches in
5 diameter; and

6 (3) Has a drive mechanism other than by pedals directly attached to a
7 drive wheel.

8 (B) **"BICYCLE" INCLUDES AN ELECTRIC BICYCLE.**

9 11-117.1.

10 **"ELECTRIC BICYCLE" MEANS A VEHICLE THAT:**

11 (1) **HAS A POST MOUNTED SEAT OR SADDLE FOR EACH PERSON**
12 **THAT THE VEHICLE IS DESIGNED AND EQUIPPED TO CARRY;**

13 (2) **HAS TWO OR THREE WHEELS IN CONTACT WITH THE GROUND**
14 **THAT ARE MORE THAN 16 INCHES IN DIAMETER;**

15 (3) **IS EQUIPPED WITH PEDALS FOR HUMAN PROPULSION; AND**

16 (4) **IS EQUIPPED WITH AN ELECTRIC MOTOR AND IS CAPABLE OF**
17 **A MAXIMUM SPEED OF 20 MILES PER HOUR ON A LEVEL SURFACE WHEN**
18 **POWERED BY THE MOTOR.**

19 11-134.1.

20 (A) "Moped" means a bicycle that:

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

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

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

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

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

5 11–134.4.

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

7 (1) Has two or three wheels; and

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

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

10 (1) A motor scooter;

11 (2) A moped; [or]

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

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

14 11–135.

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

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

19 (ii) Is not operated on rails.

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

21 (b) “Motor vehicle” does not include:

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

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

24 **(3) AN ELECTRIC BICYCLE, AS DEFINED IN § 11–117.1 OF THIS**
25 **SUBTITLE.**

26 13–102.

1 A certificate of title is not required for:

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

3 13–104.

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

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

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

12 16–101.

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

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

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

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

20 17–104.1.

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

23 21–1207.1.

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

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

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

- 1 1. In a restraining seat attached to the bicycle; or
- 2 2. In a trailer being towed by the bicycle.

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

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

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

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

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