

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE

Senate Bill 520

(Senator Robey)

Judicial Proceedings

Environmental Matters

Vehicle Laws - Bicycles and Motor Scooters - Operation on Roadways

This bill establishes an exception to the prohibition against a person riding a bicycle or motor scooter on any roadway with a speed limit exceeding 50 miles an hour. If a person is lawfully operating a bicycle or motor scooter on a shoulder adjacent to such a roadway, the person may enter the roadway if (1) attempting to make a left turn; (2) crossing through an intersection; or (3) the shoulder is overlaid with a right turn, merge, or bypass lane, or any other marking that breaks the continuity of the shoulder.

Fiscal Summary

State Effect: Potential minimal reduction in general fund revenues, to the extent that fewer citations to operators of bicycles and motor scooters are issued. No effect on expenditures, as enforcement can be handled with existing resources.

Local Effect: Enforcement can be handled with existing resources.

Small Business Effect: None.

Analysis

Current Law: 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 pedals directly attached to a drive wheel.

A “motor scooter” is a nonpedal vehicle that has an operator’s seat and two wheels, one of which is 10 inches or more in diameter. A motor scooter has a step-through chassis, a motor with a maximum rating of 2.7 horsepower or a maximum capacity of 50 cc piston

displacement, and an automatic transmission. A motor scooter does not include an off-road vehicle, a motorcycle, or an all-terrain vehicle. A motor scooter may not be operated at a speed in excess of 30 miles per hour.

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 no bike lane paved to a smooth surface, a person operating a bicycle or motor scooter may use the roadway or shoulder. Where there is a bike lane paved to a smooth surface, a person operating a bicycle or motor scooter must use the bike lane 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 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 lane markings that break the continuity of the bike lane. A bicycle or motor scooter operator may not leave a bike lane unless the move can be made with reasonable safety and after an appropriate signal.

A violation of any of the above provisions is a misdemeanor, with a maximum fine of \$500. The prepayment penalty for most of these provisions is \$50. However, the prepayment penalty for riding a bicycle or motor scooter on the roadway where a smooth bike lane exists is \$90.

Background: According to the District Court, in fiscal 2013, 60 citations were issued to persons who rode bicycles or motor scooters on roadways that had maximum posted speed limits in excess of 50 miles per hour. Of those, 31 citations were prepaid, 20 citations were disposed of by trial in the District Court, and 9 citations remained open.

State Fiscal Effect: Potential minimal reduction in general fund revenues due to the additional access to the specified roadways for bicyclists and motor scooters under the bill. Although 60 citations were issued for unlawful operation of these vehicles on these roadways in fiscal 2013, there is insufficient data to determine how many of these operators were attempting to operate on a roadway in the ways addressed by the bill. Accordingly, the number of reduced citations cannot be determined.

Additional Information

Prior Introductions: None.

Cross File: HB 530 (Delegate Malone) - Environmental Matters.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of State Police, Maryland Department of Transportation, Department of Legislative Services

Fiscal Note History: First Reader - February 10, 2014
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