

Department of Legislative Services  
Maryland General Assembly  
2014 Session

FISCAL AND POLICY NOTE

House Bill 92 (Delegate Cardin)  
Environmental Matters

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**Vehicle Laws - Passing a Bicycle, an Electric Personal Assistive Mobility Device,  
or a Motor Scooter - Distance Requirement**

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This bill increases the distance that the driver of a vehicle is required to maintain when passing a bicycle, electric personal assistive mobility device (EPAMD), or a motor scooter from three feet to four feet. When overtaking a bicycle, EPAMD, or motor scooter, the driver of a vehicle must pass safely at a distance of at least four feet unless (1) the rider fails to ride to the right side of the roadway as required by the Maryland Vehicle Law; (2) the rider fails to ride in a bicycle lane or on a shoulder that is paved to a smooth surface; (3) a passing clearance of less than four feet is solely caused by the bicycle, EPAMD, or motor scooter rider failing to maintain a steady course; or (4) the highway on which the vehicle is being driven is not wide enough to lawfully pass the bicycle, EPAMD, or motor scooter at a distance of at least four feet.

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**Fiscal Summary**

**State Effect:** Potential minimal increase in general fund revenues to the extent additional people receive citations under the bill's provisions. Enforcement can be handled with existing resources.

**Local Effect:** Enforcement can be handled with existing resources.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** A "vehicle" is any device (except an EPAMD) in, on, or by which an individual or property may be transported or towed on a highway.

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.

An “EPAMD” is a pedestrian device that has two nontandem wheels, is self-balancing, is powered by an electric propulsion system, and is designed to transport one person at a maximum speed of 15 miles per hour.

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.

*Lawfully Passing or Overtaking Another Vehicle – Generally:* The driver of a vehicle overtaking another vehicle that is going in the same direction must pass to the left of the overtaken vehicle at a safe distance. The driver of a vehicle overtaking another vehicle that is going in the same direction may not drive his or her vehicle directly in front of the overtaken vehicle until safely clear of the overtaken vehicle. Except when passing on the right is permitted, the driver of an overtaken vehicle must give way to the right, upon audible signal, in favor of the overtaking vehicle. A violation of these provisions is a misdemeanor, subject to a maximum fine of \$500. The prepayment penalty established by the District Court for these violations is \$90 and, upon conviction, one point assessed against the driver’s license. If the violation contributes to an accident, the prepayment penalty is \$130 and three points assessed against the license.

*Overtaking Bicycles, EPAMDs, and Motor Scooters:* A driver of a vehicle must exercise due care to avoid colliding with any bicycle, motor scooter, or EPAMD. A violation of this provision is a misdemeanor, subject to a maximum fine of \$500. The prepayment penalty assessed by the District Court is \$290.

A driver of a vehicle is required to safely overtake a bicycle, EPAMD, or a motor scooter at a distance of at least three feet, except as otherwise specified. The requirement does not apply if, at the time, (1) the bicycle, EPAMD, or motor scooter rider fails to ride to the right side of the roadway as required by the Maryland Vehicle Law; (2) the rider fails to comply with the requirement to ride in a bicycle lane or shoulder that is paved to a smooth surface; (3) the passing with a clearance of less than three feet is caused solely by the failure of the bicycle, EPAMD, or motor scooter rider to maintain a steady course; or (4) the highway on which the vehicle is being driven is not wide enough to lawfully pass the bicycle, EPAMD, or motor scooter at a distance of at least three feet. Unless otherwise specified by law, the driver of a vehicle is required to yield the right-of-way to a person who is lawfully riding a bicycle, an EPAMD, or a motor scooter in a designated

bicycle lane or shoulder if the vehicle driver is about to enter or cross the designated bicycle lane or shoulder. A violation of these provisions is a misdemeanor with a maximum fine of \$500. The prepayment penalty for these violations is \$80 and, upon conviction, one point assessed against the driver's license. If the violation contributes to an accident, the prepayment penalty is \$120 and three points assessed against the license.

**Background:** Exhibit 1 shows the frequency of charges for unlawfully overtaking another bicycle, motor scooter, or EPAMD.

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**Exhibit 1**  
**Citations – Overtaking Certain Vehicles**  
**Fiscal 2013**

	<u>Open</u>	<u>Prepaid</u>	<u>Trial</u>	<u>Total</u>
<b>Overtaking Bike/Motor Scooter/EPAMD</b>				
Failure to Exercise Due Care to Avoid Collision	0	1	2	3
Failure to Pass Safely at Distance of Three Feet	0	4	2	6

Source: District Court of Maryland

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According to the National Highway Transportation Safety Administration (NHTSA), 677 “pedacyclists” were killed and 48,000 were injured nationwide in crashes with motor vehicles during 2011 (the latest year available). NHTSA uses the term “pedacyclists” to refer to riders of two-wheeled nonmotorized vehicles, tricycles, and unicycles powered by pedals and human power. Nationally, pedacyclist deaths accounted for about 2% of all traffic fatalities in 2011. During the same period in Maryland, NHTSA reports that 5 of the total 485 traffic fatalities (or 1.0%) involved pedacyclists.

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**Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - January 24, 2014  
ncs/ljm

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