

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 527 (Delegate Kramer, *et al.*)
Environment and Transportation

Vehicle Laws - Bicycles - Use of Crosswalks

This bill requires the driver of a vehicle to come to a stop when a bicycle crossing the roadway in a crosswalk is either on the half of the roadway on which the vehicle is traveling or approaching from an adjacent lane on the other half of the roadway. The expanded right-of-way for bicycle riders does not apply when there is a pedestrian tunnel or overhead pedestrian crossing, or when a traffic control signal is in operation. The bill also allows a person to ride a bicycle from any curb or road edge, in or through a crosswalk, regardless of whether the bicycle is permitted on the adjacent sidewalk or sidewalk area.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues due to the bill's penalty. Any increase in the District Court's caseload can be handled with existing resources. Enforcement can be handled with existing resources.

Local Effect: Enforcement can be handled with existing resources. Revenues are not affected.

Small Business Effect: None.

Analysis

Bill Summary: Under the bill, a person riding a bicycle in or through a crosswalk is subject to all traffic control signals as specified in the Maryland Vehicle Law and may not suddenly leave a curb or other place of safety and move into the path of a vehicle that is so close it is impossible for the driver to yield. A driver of a vehicle approaching a crosswalk

or unmarked crosswalk at an intersection may not overtake and pass another vehicle that is stopped to let a bicycle cross the roadway.

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. With regard to the provisions that govern driving on sidewalks, the term “bicycle” does not include “moped” as defined in the Maryland Vehicle Law.

Except as otherwise provided, a person may not drive any vehicle on a sidewalk or sidewalk area, unless it is a permanent or authorized temporary driveway. Where allowed by local ordinance, however, a person may ride a bicycle, play vehicle, or unicycle on a sidewalk or sidewalk area. In a place where a person may ride a bicycle on a sidewalk or sidewalk area, a person may also ride the bicycle from the curb or edge of the roadway in or through a crosswalk to the opposite curb or edge of the roadway.

A person who violates the restrictions governing the driving of vehicles on sidewalks is guilty of a misdemeanor and subject to a maximum fine of \$500. The prepayment penalty established by the District Court is \$70, with one point against the driver’s license. If the violation contributes to an accident, the prepayment penalty is \$110, with three points against the driver’s license.

Background: According to the Washington Area Bicyclist Association, a driver received a “not guilty” verdict from the District Court for Montgomery County, although the driver had killed a bicyclist in a crosswalk after passing another vehicle that was stopped at the crosswalk. The judge reportedly cited the wording of § 21-502(c) of the Transportation Article (unlawful to pass a vehicle stopped for a pedestrian at a crosswalk), which refers to “pedestrians” and not “bicyclists.” The bill is intended to grant a right-of-way to riders of bicycles when in crosswalks that is similar to the right-of-way granted to pedestrians.

The District Court advises that, in fiscal 2016, 1,428 citations were issued for failing to stop for a pedestrian in a crosswalk, and 95 citations were issued for passing a vehicle stopped for a pedestrian in a crosswalk.

Additional Information

Prior Introductions: None.

Cross File: Although designated as a cross file, SB 337 (Senator Manno, *et al.* - Judicial Proceedings) is not identical.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of State Police; Maryland Department of Transportation; Washington Area Bicyclist Association; Department of Legislative Services

Fiscal Note History: First Reader - February 22, 2017
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