

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 997

(Delegates Fraser-Hidalgo and Kramer)

Environment and Transportation

Finance

Vehicle Laws - Bicycles, Play Vehicles, and Unicycles - Operation on Sidewalks
and in Crosswalks

This bill extends the same right-of-way privileges granted to pedestrians to a person that lawfully rides a bicycle, play vehicle, or unicycle on a sidewalk or sidewalk area or in or through a crosswalk. A person riding a bicycle, play vehicle, or unicycle must obey all traffic lights with a steady indication and all pedestrian control signals. However, the bill exempts these riders from the existing requirement for pedestrians to walk on a sidewalk and not on an adjacent roadway whenever a sidewalk is available, and the requirement to walk on the left shoulder or left side of the roadway facing oncoming traffic, when no sidewalk is available.

The bill also alters the definition of “play vehicle” to mean a vehicle that has two or more wheels, is propelled only by human power, and is not a bicycle or a wheelchair.

Fiscal Summary

State Effect: The District Court can handle the bill’s requirements with existing resources. Enforcement can be handled with existing resources. General fund revenues are not materially affected.

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

Small Business Effect: None.

Analysis

Current Law:

Bicycles: 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 “bicycle” may also be an electric bicycle or moped. However, with regard to the provisions that govern driving on sidewalks, the term “bicycle” does not include “moped” as defined in the Maryland Vehicle Law.

A “play vehicle” is a vehicle with two or three wheels that is propelled only by human power and is not a bicycle.

Bicyclist Rights and Duties: Generally, Maryland’s traffic laws apply to bicycles and motor scooters. A cyclist or person on a motor scooter may not ride on any roadway where the posted maximum speed limit is more than 50 miles an hour. Where there is not a bike lane paved to a smooth surface, a person operating a bicycle or a motor scooter may use the roadway or the shoulder. Where there is a bike lane paved to a smooth surface, a person operating a bicycle or a motor scooter must use the bike lane and may not ride on the roadway, except (1) when overtaking and passing another bicycle, motor scooter, pedestrian, or other vehicle within the bike lane if the overtaking and passing cannot be done safely within the bike lane; (2) when preparing for a left turn at an intersection or into an alley, private road, or driveway; (3) when reasonably necessary to leave the bike lane to avoid debris or other hazardous condition; or (4) when reasonably necessary to leave the bike lane because the bike lane is overlaid with a right turn lane, merge lane, or other marking that breaks the continuity of the bike lane.

Bicycles on Sidewalks: Where allowed by local ordinance, 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.

Pedestrian Rights and Duties: A pedestrian may not suddenly leave a curb or other place of safety and walk or run into the path of a vehicle that is so close that 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 pedestrian cross the roadway. When no traffic control signal is in operation, a vehicle must come to a stop when a pedestrian is on the half of the roadway on which the vehicle is traveling or when a pedestrian is approaching from an adjacent lane on the highway. If practicable, a pedestrian must walk on the right half of a crosswalk. A person who violates the provisions above is guilty of a misdemeanor and subject to a maximum fine of \$500.

A person who violates the restriction on a pedestrian leaving the curb in an unsafe manner is subject to a prepayment penalty established by the District Court of \$50. Both the failure of a driver to stop for a pedestrian in a crosswalk, as well as the unlawful passing of another vehicle that is stopped for a pedestrian in a crosswalk, are violations each subject to a prepayment penalty of \$80 and one point against the driver's license by the Motor Vehicle Administration. However, if the violations contribute to an accident, the fine may not be prepaid. The violators must appear in court to answer the charges.

Duty to Warn a Pedestrian: A driver of a vehicle must exercise due care to avoid colliding with any pedestrian. If necessary, a driver must warn any pedestrian by sounding the horn of the vehicle and has a duty to exercise proper precaution upon observing any child or any obviously confused or incapacitated individual. A person who violates the provisions above is guilty of a misdemeanor and subject to a maximum fine of \$500. The prepayment penalty is \$70 and one point against the driver's license. If the violation contributes to an accident, the prepayment penalty is \$100 with three points against the driver's license.

Pedestrians on Sidewalks: A pedestrian may not walk along and on an adjacent roadway if there is a sidewalk provided. Where a sidewalk is not provided, a pedestrian who walks along and on a highway may walk only on the left shoulder, if practicable, or on the left side of the roadway, as near as practicable to the edge of the roadway, facing any traffic that might approach from the opposite direction. A person who violates these provisions is guilty of a misdemeanor and subject to a maximum fine of \$500. The prepayment penalty is \$50.

Additional Information

Prior Introductions: None.

Cross File: SB 925 (Senator Madaleno, *et al.*) - Finance.

Information Source(s): Department of State Police; Maryland Department of Transportation; Department of Legislative Services

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