

Department of Legislative Services  
Maryland General Assembly  
2009 Session

**FISCAL AND POLICY NOTE**  
**Revised**

Senate Bill 428

(Senator Raskin, *et al.*)

Judicial Proceedings

Environmental Matters

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**Vehicle Laws - Bicycles, EPAMDs, and Motor Scooters - Rules of the Road**

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This bill requires a driver of a vehicle to safely overtake a bicycle, electronic personal assistive mobility device (EPAMD), or a motor scooter at a distance of at least three feet. The bill also requires the driver of a motor vehicle to yield the right-of-way to a person who is lawfully riding a bicycle, an EPAMD, or motor scooter in a designated bicycle lane or shoulder when the driver is crossing a designated bicycle lane or shoulder under specified circumstances. A violation of these provisions is a misdemeanor with a maximum fine of \$500.

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**Fiscal Summary**

**State Effect:** Potential minimal increase in general fund revenues due to the penalty provision applicable to this offense under the Maryland Vehicle Law (maximum \$500 fine for a misdemeanor offense). No effect on expenditures as the bill's requirements can be enforced with existing resources.

**Local Effect:** None. The bill's requirements can be enforced with existing resources.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** A "bicycle" is a vehicle that is designed to be operated by human power and has two or three wheels, one of which is more than 14 inches in diameter. A bicycle has a rear drive, and if the vehicle has two wheels, they are in tandem. If the bicycle has three wheels, one wheel is in front and the two rear wheels are equidistant from the center of the vehicle.

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 cubic centimeters piston displacement, and an automatic transmission. A motor scooter does not include an off-road vehicle, a motorcycle, or an all-terrain vehicle.

A person riding a bicycle, motor scooter, or EPAMD on a roadway must ride as near to the right side of the roadway as practicable and safe, except when:

- making or attempting a left turn;
- operating on a one-way street;
- passing a stopped or slower-moving vehicle;
- avoiding pedestrians or road hazards;
- the right lane is a right-turn-only lane; or
- operating in a lane that is too narrow for a bicycle or motor scooter and another vehicle to travel safely side by side within the lane.

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. A person may not operate an EPAMD on any roadway where there are sidewalks adjacent to the roadway or the posted maximum speed limit is more than 30 miles per hour. An EPAMD may not be operated at a speed in excess of 15 miles per hour. A violation of any of the above-mentioned provisions is a misdemeanor and is subject to a maximum fine of \$500. If the fine is uncontested, the prepayment penalty assessed by the District Court is \$40.

The driver of a vehicle must exercise due care to avoid colliding with any bicycle, EPAMD, or motor scooter being ridden by a person. A person is prohibited from throwing any object at or in the direction of any person riding a bicycle, EPAMD, or motor scooter. A person is prohibited from opening the door of any motor vehicle with the intent to strike, injure, or interfere with a person riding a bicycle, EPAMD, or motor scooter. A person violating any of these provisions is guilty of a misdemeanor and

is subject to a maximum fine of \$500. If the fine for these penalties is prepaid rather than contested, the District Court penalty is \$280.

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### **Additional Information**

**Prior Introductions:** HB 143 of 2008, a similar bill, was heard by the House Environmental Matters Committee but received no further action.

**Cross File:** HB 496 (Delegate Cardin, *et al.*) - Environmental Matters.

**Information Source(s):** Department of Legislative Services

**Fiscal Note History:** First Reader - February 18, 2009  
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Analysis by: Karen D. Morgan

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510