

Department of Legislative Services
2010 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 51

(Senators Raskin and Forehand)

Judicial Proceedings

Environmental Matters

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

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, except as otherwise specified. 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.

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. 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.

Analysis

Bill Summary: The driver of a vehicle must pass safely at a distance of at least three feet, unless at the time, the bicycle, EPAMD, or motor scooter rider fails to ride to the right side of the roadway as required by the Maryland Vehicle Law or fails to comply with the requirement to ride in a bike lane or shoulder that is paved to a smooth surface; the passing with a clearance of less than three feet is caused solely by failure of the bicycle, EPAMD, or motor scooter rider to maintain a steady course; or 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.

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 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. A “bicycle lane” is any portion of a roadway or shoulder designated for bicycles in a single, directional flow. 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.

Generally, a person riding a bicycle or motor scooter 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 operating a bicycle or motor scooter must use a bicycle lane or shoulder when available and may not ride on the roadway except when:

- overtaking or passing another bicycle, motor scooter, pedestrian, or other vehicle within the bicycle lane or shoulder if overtaking and passing cannot safely be done within the bike lane or shoulder;
- preparing for a left turn at an intersection or into an alley, private road, or driveway;

- reasonably necessary to leave the bicycle lane or shoulder to avoid hazardous conditions or debris; or
- reasonably necessary to leave the bicycle lane or shoulder because the bicycle lane or shoulder is overlaid with a right turn or merge lane or other marking that breaks the continuity of the bicycle lane or shoulder.

A person operating a bicycle or motor scooter may not leave a bicycle lane or shoulder until the movement can be made with reasonable safety and then only after giving an appropriate signal.

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, except for the violation of riding in the roadway when a bicycle lane or smooth shoulder is available. The prepayment penalty for this offense is \$80.

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.

Additional Information

Prior Introductions: A similar bill, SB 428 of 2009, passed the Senate, as amended, but received an unfavorable report from the House Environmental Matters Committee. Its cross file, HB 496 of 2009, received an unfavorable report from the House Environmental Matters Committee. HB 143 of 2008, another similar bill, was heard by the House Environmental Matters Committee but received no further action.

Cross File: HB 461 (Delegate Cardin, *et al.*) - Environmental Matters.

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

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