

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 426 (Delegate Carr, *et al.*)
Environment and Transportation

Vehicle Laws - Bicycles and Motor Scooters - Use of Bike Lanes

This bill repeals the requirement that a person operating a bicycle or a motor scooter use a bike lane paved to a smooth surface whenever available and under specified circumstances. The bill, instead, authorizes a person to operate a bicycle or motor scooter on a roadway, shoulder, or bike lane, regardless of whether there is a bike lane available.

Fiscal Summary

State Effect: The bill’s requirements can be handled with existing resources. No material effect on revenues.

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

Small Business Effect: None.

Analysis

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 and includes an electric bicycle or a moped.

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.

Use of Bike Lanes: A person operating a bicycle or a motor scooter is authorized to use the roadway or the shoulder when there is no bike lane paved to a smooth surface available. However, the bicycle operator may not ride on the roadway but, instead, must use a paved bike lane whenever one is available except when (1) 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) preparing for a left turn at an intersection or into an alley, private road, or driveway; (3) reasonably necessary to leave the bike lane to avoid debris or other hazardous condition; or (4) 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. Bicycle and motor scooter operators must not leave a bike lane until the movement can be made with reasonable safety and only after giving an appropriate signal. A violation of these provisions is a misdemeanor, subject to a maximum fine of \$500. The prepayment penalty for the violation of operating a bicycle on a roadway is \$90. The prepayment penalty for a violation of unsafely leaving a bike lane or shoulder without an appropriate signal is \$50.

Overtaking Bicycles, Electric Personal Assistive Mobility Devices, and Motor Scooters: A driver of a vehicle must exercise due care to avoid colliding with any bicycle, Electric Personal Assistive Mobility Device (EPAMD), or motor scooter. 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: The District Court reports that, in fiscal 2015, a total of 14 citations were issued for violations of the requirement that a person operating a bicycle do so in a bike lane paved to a smooth surface whenever available. Of those issued, none was prepaid, 10 went to trial, and 4 remained open. According to the National Highway Transportation Safety Administration (NHTSA), 743 “pedacyclists” were killed and 48,000 were injured nationwide in crashes with motor vehicles during 2013 (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 2.3% of all traffic fatalities in 2013. During the same period in Maryland, NHTSA reports that 6 of the total 465 traffic fatalities (or about 1.3%) involved pedacyclists.

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

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