

SENATE BILL 1123

R5

6lr3773
CF HB 214

By: **Senators Klausmeier, Raskin, and Lee**
Introduced and read first time: February 25, 2016
Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Passing Bicycles, Personal Mobility Devices, or Motor Scooters**

3 FOR the purpose of repealing a certain exception to a certain requirement that a driver
4 overtake and pass a bicycle, an electric personal assistive mobility device (EPAMD),
5 or a motor scooter in a certain manner that applies when a highway lacks sufficient
6 width; requiring a driver who passes a bicycle, an EPAMD, or a motor scooter in
7 accordance with a certain provision of law to pass at a reasonable or prudent speed
8 that is safe for existing weather, road, and vehicular or pedestrian traffic conditions;
9 prohibiting a driver who passes a bicycle, an EPAMD, or a motor scooter in
10 accordance with a certain provision of law from endangering, impeding, or
11 interfering with the bicycle, EPAMD, or motor scooter, or any other traffic using the
12 highway; making a technical correction; and generally relating to rules of the road
13 for overtaking and passing bicycles, EPAMDs, and motor scooters.

14 BY repealing and reenacting, with amendments,
15 Article – Transportation
16 Section 21–1209
17 Annotated Code of Maryland
18 (2012 Replacement Volume and 2015 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
20 That the Laws of Maryland read as follows:

21 **Article – Transportation**

22 21–1209.

23 (a) Notwithstanding any other provision of this title, the driver of a vehicle shall:

24 (1) Exercise due care to avoid colliding with any bicycle, EPAMD, or motor
25 scooter being ridden by a person; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 (2) **(I)** When overtaking a bicycle, an EPAMD, or a motor scooter, pass
2 safely at a distance of not less than 3 feet, unless, at the time:

3 **[(i)] 1.** The bicycle, EPAMD, or motor scooter rider fails to operate
4 the vehicle in conformance with § 21–1205(a) of this subtitle (“Riding to right side of
5 roadway”) or § 21–1205.1(b) of this subtitle (“Roadway with bike lane [or shoulder] paved
6 to smooth surface”); **OR**

7 **[(ii)] 2.** A passing clearance of less than 3 feet is caused solely by
8 the bicycle, EPAMD, or motor scooter rider failing to maintain a steady course[; or

9 (iii) The highway on which the vehicle is being driven is not wide
10 enough to lawfully pass the bicycle, EPAMD, or motor scooter at a distance of at least 3
11 feet].

12 **(II) A PERSON WHO PASSES A BICYCLE, AN EPAMD, OR A**
13 **MOTOR SCOOTER IN ACCORDANCE WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH:**

14 **1. SHALL PASS AT A REASONABLE AND PRUDENT SPEED**
15 **THAT IS SAFE FOR EXISTING WEATHER, ROAD, AND VEHICULAR OR PEDESTRIAN**
16 **TRAFFIC CONDITIONS; AND**

17 **2. MAY NOT ENDANGER, IMPEDE, OR INTERFERE WITH**
18 **THE BICYCLE, EPAMD, OR MOTOR SCOOTER, OR ANY OTHER TRAFFIC USING THE**
19 **HIGHWAY.**

20 (b) A person may not throw any object at or in the direction of any person riding
21 a bicycle, an EPAMD, or a motor scooter.

22 (c) A person may not open the door of any motor vehicle with intent to strike,
23 injure, or interfere with any person riding a bicycle, an EPAMD, or a motor scooter.

24 (d) Unless otherwise specified in this title, the driver of a vehicle shall yield the
25 right-of-way to a person who is lawfully riding a bicycle, an EPAMD, or a motor scooter in
26 a designated bike lane or shoulder if the driver of the vehicle is about to enter or cross the
27 designated bike lane or shoulder.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
29 1, 2016.