

Department of Legislative Services  
Maryland General Assembly  
2016 Session

FISCAL AND POLICY NOTE  
First Reader

Senate Bill 1123

(Senator Klausmeier, *et al.*)

Judicial Proceedings

---

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

---

This bill expands the duty of a driver to safely overtake a bicycle, an electric personal assistive mobility device (EPAMD), or a motor scooter at a distance of at least three feet (unless specified conditions exist). Specifically, a person who lawfully passes these vehicles must (1) do so at a reasonable and prudent speed that is safe for existing weather, road, vehicular, and pedestrian traffic conditions and (2) not endanger, impede, or interfere with the bicycle, EPAMD, or motor scooter or any other traffic using the highway.

The bill imposes a new duty on a driver to refrain from overtaking a bicycle, EPAMD, or motor scooter if 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.

The bill takes effect June 1, 2016.

---

**Fiscal Summary**

**State Effect:** Potential minimal increase in general fund revenues to the extent additional people receive citations under the bill's provisions. Enforcement can be handled with existing resources.

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

**Small Business Effect:** None.

---

## Analysis

**Bill Summary:** The bill repeals the provision that allows a driver of a vehicle to drive at a distance of less than three feet when overtaking a bicycle, EPAMD, or motor scooter if the highway on which the vehicle is being driven is not wide enough to lawfully pass the bicycle, EPAMD, or motor scooter.

**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 (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. It includes an electric bicycle or a moped.

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

*Lawfully Passing or Overtaking Another Vehicle – Generally:* The driver of a vehicle overtaking another vehicle that is going in the same direction must pass to the left of the overtaken vehicle at a safe distance. The driver of a vehicle overtaking another vehicle that is going in the same direction may not drive his or her vehicle directly in front of the overtaken vehicle until safely clear of the overtaken vehicle. Except when passing on the right is permitted, the driver of an overtaken vehicle must give way to the right, upon audible signal, in favor of the overtaking vehicle. A violation of these provisions is a misdemeanor, subject to a maximum fine of \$500. The prepayment penalty established by the District Court for these violations is \$90 and, upon conviction, one point assessed against the driver’s license. If the violation contributes to an accident, the prepayment penalty is \$130 and three points assessed against the license.

*Overtaking Bicycles, EPAMDs, and Motor Scooters:* A driver of a vehicle must exercise due care to avoid colliding with any bicycle, motor scooter, or EPAMD. 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 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:** Exhibit 1 shows the frequency of charges for unlawfully overtaking another bicycle, motor scooter, or EPAMD.

---

**Exhibit 1**  
**Citations – Overtaking Certain Vehicles**  
**Fiscal 2015**

	<u>Open</u>	<u>Prepaid</u>	<u>Trial</u>	<u>Total</u>
<b>Overtaking bike/motor scooter/EPAMD</b>				
Failure to exercise due care to avoid collision	5	3	3	11
Failure to pass safely at distance of three feet	1	4	1	6

Source: District Court of Maryland

---

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:** HB 588 of 2015, a similar bill, received an unfavorable report by the House Environment and Transportation Committee. Its cross file, SB 547, received an unfavorable report from the Senate Judicial Proceedings Committee.

**Cross File:** HB 214 (Delegate Lafferty, *et al.*) - Environment and Transportation.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Department of State Police, Maryland Department of Transportation, National Highway Traffic Safety Administration, Department of Legislative Services

**Fiscal Note History:** First Reader - March 15, 2016  
md/kdm

---

Analysis by: Michelle Davis

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