

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 337

(Senator Manno, *et al.*)

Judicial Proceedings

Vehicle Laws - Bicycles and Pedestrians - Use of Crosswalks

This bill expands the right-of-way for pedestrians and individuals on bicycles when no traffic control signal is in operation by requiring a vehicle to stop when a pedestrian or bicycle is *waiting* to cross a roadway in a crosswalk from a curb, median divider, or other place of safety. The same expansion of right-of-way applies to pedestrians where there is no pedestrian tunnel or overhead pedestrian crossing. The driver of a vehicle must also come to a stop when a bicycle is either on the half of the roadway on which the vehicle is traveling or approaching from an adjacent lane on the other half of the roadway. The bill also allows a person to ride a bicycle from any curb or road edge, in or through a crosswalk, regardless of whether the bicycle is permitted on the adjacent sidewalk or sidewalk area.

Fiscal Summary

State Effect: Minimal increase in general fund revenues due to the bill's penalty. Any increase in the District Court's caseload can be handled with existing resources. 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: Under the bill, a person riding a bicycle in or through a crosswalk is subject to all traffic control signals as specified in the Maryland Vehicle Law and may not suddenly leave a curb or other place of safety and move into the path of a vehicle that is so

close it is impossible for the driver to yield. A driver of a vehicle approaching a crosswalk or unmarked crosswalk at an intersection may not overtake and pass another vehicle that is stopped to let a bicycle cross the roadway.

Current Law:

Bicycles: 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. With regard to the provisions that govern driving on sidewalks, the term “bicycle” does not include “moped” as defined in the Maryland Vehicle Law.

Except as otherwise provided, a person may not drive any vehicle on a sidewalk or sidewalk area unless it is a permanent or authorized temporary driveway. Where allowed by local ordinance, however, a person may ride a bicycle, play vehicle, or unicycle on a sidewalk or sidewalk area. In a place where a person may ride a bicycle on a sidewalk or sidewalk area, a person may also ride the bicycle from the curb or edge of the roadway in or through a crosswalk to the opposite curb or edge of the roadway.

A person who violates the restrictions governing the driving of vehicles on sidewalks is guilty of a misdemeanor and subject to a maximum fine of \$500. The prepayment penalty established by the District Court is \$70, with one point against the driver’s license. If the violation contributes to an accident, the prepayment penalty is \$110 with three points against the driver’s license.

Pedestrians at Crosswalks: A pedestrian may not suddenly leave a curb or other place of safety and walk or run into the path of a vehicle that is so close that it is impossible for the driver to yield. A driver of a vehicle approaching a crosswalk or unmarked crosswalk at an intersection may not overtake and pass another vehicle that is stopped to let a pedestrian cross the roadway. When no traffic control signal is in operation, a vehicle must come to a stop when a pedestrian is on the half of the roadway on which the vehicle is traveling or when a pedestrian is approaching from an adjacent lane on the highway. A person who violates the provisions above is guilty of a misdemeanor and subject to a maximum fine of \$500. A person who violates the restriction on a pedestrian leaving the curb in an unsafe manner is subject to a prepayment penalty established by the District Court of \$50. Both the failure of a driver to stop for a pedestrian in a crosswalk as well as the unlawful passing of another vehicle that is stopped for a pedestrian in a crosswalk are violations each subject to a prepayment penalty of \$80 and one point against the driver’s license by the Motor Vehicle Administration. However, if the violations contribute to an accident, the fine may not be prepaid. The violators must appear in court to answer the charges.

Background: According to the Washington Area Bicyclist Association, a driver received a “not guilty” verdict from the District Court for Montgomery County although the driver had killed a bicyclist in a crosswalk after passing another vehicle that was stopped at the crosswalk. The judge reportedly cited the wording of § 21-502(c) of the Transportation Article (unlawful to pass a vehicle stopped for a pedestrian at crosswalk) which refers to “pedestrians” and not “bicyclists.” The bill is intended to grant a right-of-way to riders of bicycles when in crosswalks that is similar to the right-of-way granted to pedestrians.

The District Court advises that, in fiscal 2016, 1,428 citations were issued for failing to stop for a pedestrian in a crosswalk and 95 citations were issued for passing a vehicle stopped for a pedestrian in a crosswalk.

Additional Information

Prior Introductions: None.

Cross File: Although designated as a cross file, HB 527 (Delegate Kramer, *et al.*) - Environment and Transportation) is not identical.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of State Police; Maryland Department of Transportation; Washington Area Bicyclist Association; Department of Legislative Services

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mm/kdm

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