

Chapter 518

(Senate Bill 624)

AN ACT concerning

Vehicle Laws – Bicycles and Motor Scooters – Rules of the Road

FOR the purpose of authorizing a person operating a bicycle to ride the bicycle in or through a crosswalk in certain locations under certain circumstances; requiring a vehicle to yield the right-of-way under certain circumstances to a bicycle that is lawfully in a crosswalk; creating an exception for an operator of a bicycle or motor scooter to the prohibition against passing another vehicle to the right by driving off the roadway; authorizing, under certain circumstances, a person who is operating a bicycle or motor scooter to use the roadway even if a shoulder is present; altering the definition of “bicycle”; altering the definition of “crosswalk” to reflect circumstances where an unmarked bicycle way crosses a roadway; altering the definition of “shoulder” to reflect certain authorized uses; making certain stylistic changes; and generally relating to the rules of the road for operating bicycles and motor scooters.

BY repealing and reenacting, with amendments,

Article – Transportation

Section 11–104, 21–101(i) and (v), 21–202(e) and (k), 21–304(c), 21–1103, and 21–1205.1

Annotated Code of Maryland

(2009 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,

Article – Transportation

Section 21–101(c), (d), and (e), 21–202(b), (c), (d), (i), and (j), and 21–304(b)

Annotated Code of Maryland

(2009 Replacement Volume and 2009 Supplement)

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

Article – Transportation

11–104.

“Bicycle” means a vehicle that:

- (1) Is designed to be operated by human power; ~~AND~~

(2) Has two or three wheels, of which one is more than 14 inches in diameter[;

(3) Has a rear drive; and

(4) Has a wheel configuration as follows:

(i) If the vehicle has two wheels, with both wheels in tandem;

or

(ii) If the vehicle has three wheels, with one front wheel and with two rear wheels that are spaced equidistant from the center of the vehicle]; **AND**

(3) HAS A DRIVE MECHANISM OTHER THAN BY PEDALS DIRECTLY ATTACHED TO A DRIVE WHEEL.

21-101.

(c) “Bicycle path” means any travelway designed and designated by signing or signing and marking for bicycle use, located within its own right-of-way or in a shared right-of-way, and physically separated from motor vehicle traffic by berm, shoulder, curb, or other similar device.

(d) (1) “Bicycle way” means:

(i) Any trail, path, part of a highway, surfaced or smooth shoulder, or sidewalk; or

(ii) Any other travelway specifically signed, marked, or otherwise designated for bicycle travel.

(2) “Bicycle way” includes:

(i) Bicycle path; and

(ii) Bike lane.

(e) “Bike lane” means any portion of a roadway or shoulder designated for single directional bicycle flow.

(i) “Crosswalk” means that part of a roadway that is:

(1) Within the prolongation or connection of the lateral lines of sidewalks at any place where 2 or more roadways of any type meet or join, measured from the curbs or, in the absence of curbs, from the edges of the roadway; [or]

(2) **WITHIN THE PROLONGATION OR CONNECTION OF THE LATERAL LINES OF A BICYCLE WAY WHERE A BICYCLE WAY AND A ROADWAY OF ANY TYPE MEET OR JOIN, MEASURED FROM THE CURBS OR, IN THE ABSENCE OF CURBS, FROM THE EDGES OF THE ROADWAY; OR**

(3) Distinctly indicated for pedestrian crossing by lines or other markings.

(v) "Shoulder" means that portion of a highway contiguous with the roadway for the accommodation of stopped vehicles, for emergency use, **FOR USE BY BICYCLES AND MOTOR SCOOTERS**, and for the lateral support of the base and surface courses of the roadway.

21-202.

(b) Vehicular traffic facing a circular green signal may proceed straight through or, unless a sign at the place prohibits the turn, turn right or left.

(c) Vehicular traffic described under subsection (b) of this section, including any vehicle turning right or left, shall yield the right-of-way to any other vehicle and any pedestrian lawfully within the intersection or an adjacent crosswalk when the signal is shown.

(d) Vehicular traffic facing a green arrow signal, whether shown alone or with another indication, cautiously may enter the intersection, but only to make the movement indicated by the arrow or to make another movement permitted by other indications shown at the same time.

(e) Vehicular traffic described under subsection (d) of this section shall yield the right-of-way to any pedestrian **OR BICYCLE** lawfully within an adjacent crosswalk and to any other traffic lawfully using the intersection.

(i) Unless a sign prohibiting a turn is in place, vehicular traffic facing a steady red signal, after stopping as required by subsection (h) of this section, cautiously may enter the intersection and make:

(1) A right turn; or

(2) A left turn from a one-way street onto a one-way street.

(j) If a sign permitting any other turn is in place, vehicular traffic facing a steady red signal, after stopping as required by subsection (h) of this section, cautiously may enter the intersection and make the turn indicated by the sign.

(k) In each instance, vehicular traffic described in subsections (i) and (j) of this section shall yield the right-of-way to any pedestrian **OR BICYCLE** lawfully

within an adjacent crosswalk and to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard.

21-304.

(b) The driver of a vehicle may overtake and pass another vehicle to the right only if it is safe to do so.

(c) **[The] EXCEPT FOR AN OPERATOR OF A BICYCLE OR MOTOR SCOOTER, A PERSON MAY NOT MAKE THE** movement described under subsection (b) of this section **[may not be made]** by driving off the roadway.

21-1103.

(a) Except as provided in subsection (b), (c), or (d) of this section, a person may not drive any vehicle on a sidewalk or sidewalk area unless it is a permanent or authorized temporary driveway.

(b) (1) For **THE** purposes of this subsection, “bicycle” does not include “moped”, as defined in § 11-134.1 of this article.

(2) Where **[permitted] ALLOWED** by local ordinance, a person may ride a bicycle, play vehicle, or unicycle on a sidewalk or sidewalk area.

(3) IN A PLACE WHERE A PERSON MAY RIDE A BICYCLE ON A SIDEWALK OR SIDEWALK AREA, A PERSON MAY ALSO RIDE A BICYCLE FROM THE CURB OR EDGE OF THE ROADWAY IN OR THROUGH A CROSSWALK TO THE OPPOSITE CURB OR EDGE OF THE ROADWAY.

(c) Unless prohibited by local ordinance, an individual with a disability may use a special vehicle other than a wheelchair on sidewalks or sidewalk areas.

(d) An individual may use a wheelchair on sidewalks or sidewalk areas in accordance with § 21-501.1 of this title.

21-1205.1.

(a) Notwithstanding any other provision of this title, a person may not ride a bicycle or a motor scooter:

(1) On any roadway where the posted maximum speed limit is more than 50 miles an hour; or

(2) On any expressway, except on an adjacent bicycle path or way approved by the State Highway Administration, or on any other controlled access highway signed in accordance with § 21–313 of this title.

(b) (1) **WHERE THERE IS NOT A BIKE LANE PAVED TO A SMOOTH SURFACE, A PERSON OPERATING A BICYCLE OR A MOTOR SCOOTER MAY USE THE ROADWAY OR THE SHOULDER.**

(2) Where there is a bike lane paved to a smooth surface [or a shoulder paved to a smooth surface], a person operating a bicycle or a motor scooter shall use the bike lane [or shoulder] and may not ride on the roadway, except in the following situations:

(i) When overtaking and passing another bicycle, motor scooter, pedestrian, or other vehicle within the bike lane [or shoulder] if the overtaking and passing cannot be done safely within the bike lane [or shoulder];

(ii) When preparing for a left turn at an intersection or into an alley, private road, or driveway;

(iii) When reasonably necessary to leave the bike lane [or shoulder] to avoid debris or other hazardous condition; or

(iv) When reasonably necessary to leave the bike lane [or shoulder] because the bike lane [or shoulder] is overlaid with a right turn lane, merge lane, or other marking that breaks the continuity of the bike lane [or shoulder].

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

[(3)] (4) The Department shall [promulgate rules and] **ADOPT** regulations pertaining to this subsection [which will include, but not be limited to], **INCLUDING** a definition of “smooth surface”.

(c) A motor scooter may not be operated at a speed in excess of 30 miles per hour.

(d) Notwithstanding any other provision of this title, 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 an hour.

(e) An EPAMD may not be operated at a speed in excess of 15 miles per hour.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, May 20, 2010.