



117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1446

S.P. 529

In Senate, May 2, 1995

An Act Promoting Bicycle Safety for Children and Adolescents.

Reference to the Committee on Transportation suggested and ordered printed.

May Th. Fores

MAY M. ROSS Secretary of the Senate

Presented by Senator PENDEXTER of Cumberland. (BY REQUEST). Cosponsored by Senator: FAIRCLOTH of Penobscot.

| Be | it enacted by the People of the State of Maine as follows: |
|----------------|---|
| | Sec. 1. 29-A §2063, as enacted by PL 1993, c. 683, Pt. A, §2 |
| and | affected by Pt. B, $\S5$, is repealed. |
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| | Sec. 2. 29-A §2084, as enacted by PL 1993, c. 683, Pt. A, §2 |
| n | d affected by Pt. B, $\S5$, is repealed. |
| | Sec. 3. 29-A MRSA c. 20 is enacted to read: |
| | CHAPTER 20 |
| | BICYCLE SAFETY ACT |
| \$2 : | 321. Short title |
| J 4 | |
| | This chapter is known and may be cited as the "Bicycle |
| <u>Sa</u> : | fety Act." |
| & 2 | 322. Definitions |
| y | |
| | As used in this chapter, unless the context otherwise |
| in | dicates, the following terms have the following meanings. |
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| | 1. Bicycle, "Bicycle" has the same meaning as defined in |
| | <u>ction 101, subsection 9 and includes a motorized bicycle or</u> torized tricycle. |
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| | 2. Operator. "Operator" means an individual who is in |
| <u>20</u> 2 | ntrol of a bicycle. |
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| . : | 3. Passenger. "Passenger" means a person who travels on a |
| 01 | cycle in any manner except as an operator. |
| | 4. Protective bicycle helmet. "Protective bicycle helmet" |
| me | ans a helmet that meets or exceeds the standards for protective |
| | cycle helmets as established by the Children's Bicycle Helmet |
| <u>Sa</u> | fety Act of 1994, 15 United States Code, Section 6004. |
| | 5. Restraining seat. "Restraining seat" means a seat |
| C O | parate from the seat of the operator of a bicycle that is |
| | stened securely to the frame of the bicycle and is equipped to |
| | strain a passenger and protect the passenger from the moving |
| | rts of the bicycle. A restraining seat may be used only by a |
| | ssenger who weighs less than 40 pounds or is less than 40 |
| <u>in</u> | <u>ches in height.</u> |
| | 6. Toy vehicle. "Toy vehicle" means a vehicle used for |
| | avel and includes, but is not limited to, skateboards, |
| ro | <u>llerskates, wagons, sleds and coasters.</u> |

Page 1-LR1183(1)

L.D.1446

2 §2323. Bicycles

| 4 | 1. Riding to the right. An operator of a bicycle shall |
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| 6 | ride it as far as practicable to the right side of the way, except when making a left turn. This subsection does not apply in a municipality that, by ordinance and with the approval of the |
| 8 | department and the Department of Public Safety, makes other provisions for the location of bicycle traffic. |
| 10 | 2. Operator's seat and restraining seat. An operator of a |
| 12 | bicycle may not ride in any other manner than astride a regular and permanently attached seat. A bicycle may not be used to |
| 14 | carry more persons than the number for which it is designed, unless it is equipped with a restraining seat. |
| 16 | 3. Hitching rides. An operator of a bicycle or a person |
| 18 | using a toy vehicle may not attach the bicycle or toy vehicle to a motor vehicle on a way. |
| 20 | 4. Operator rights and duties. An operator of a bicycle on |
| 22 | a way has the rights and is subject to the duties applicable to the operator of a vehicle, except as to: |
| 24 | A. Special regulations; and |
| 26 | B. Provisions in this Title that by their nature can have |
| 28 | no application to bicycles. |
| 30 | 5. Speed. A motorized bicycle or motorized tricycle may not be operated in excess of 20 miles per hour. |
| 32 | 6. Protective bicycle helmet. A person under 18 years of |
| 34 | age may not operate a bicycle or ride as a passenger on a bicycle unless that person wears a properly fitting protective bicycle |
| 36 | helmet. |
| 38 | 7. Night equipment. A bicycle, motorized bicycle or motorized tricycle, when in use in the nighttime or at other |
| 40 | times when motor vehicles are required to display headlights, must have: |
| 42 | A. A lit front light that emits a white light visible from |
| 44 | a distance of at least 200 feet to the front; |
| 46 | <u>B. A red reflector on the rear of the bicycle that is visible at least 200 feet to the rear; and</u> |
| 48 | C. Reflector strips on the pedals and handlebars. |
| 50 | <u></u> |

L.D.1446

Brakes. A bicycle, motorized bicycle or motorized
tricycle must be equipped with a brake sufficient to enable the operator to stop the vehicle within a reasonable distance.

9. Sales and rentals. A bicycle may not be sold, rented or leased to a person if the operator of the bicycle is under 18 years of age, unless that operator is in possession of a properly fitting protective bicycle helmet.

10 §2324. Violations

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12 1. Penalties. A person 18 years of age or older who violates any provision of this Act commits a traffic infraction 14 with a maximum fine of \$30.

16 2. Impoundment. The chief of police of a municipality or, if there is no chief of police, the chair of the local legislative body, when satisfied that a juvenile who is under 18 years of age has ridden a bicycle in violation of this Act, may 20 impound the bicycle for a period not to exceed 5 days for the first offense, 10 days for a 2nd offense and 30 days for a 22 subsequent offense.

 Sec. 4. Transition. Any violation of the Maine Revised Statutes, Title 29-A, section 2323, subsections 2 and 6 occurring
within 12 months of the effective date of this Act may be waived upon receipt of satisfactory proof that the first-time offender
has obtained, as appropriate, a protective bicycle helmet or a restraining seat.

STATEMENT OF FACT

34 This bill repeals current laws regarding bicycle use and incorporates those laws with new provisions requiring the use of protective bicycle helmets and restraining seats to create the 36 Bicycle Safety Act. This bill increases the current fine for a 38 violation of the bicycle laws from \$10 to \$30 and raises the age at which the fine would apply from 17 years of age or older to 18 40 years of age or older. The age provision for bicycle impoundment for juveniles under 17 years of age has been raised to under 18 42 years of age. A 12-month transition period is provided to waive any violation for a first-time offender who had not obtained a protective bicycle helmet or a restraining seat. 44

L.D.1446