

MAINE STATE LEGISLATURE

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M
R.O.S.

L.D. 1543

DATE: 5-3-99

(Filing No. H-378)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
119TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1096, L.D. 1543, Bill, "An Act to Create the Bicycle Safety Act"

Amend the bill by striking out the title and substituting the following:

'An Act to Create a Bicycle Safety Education Act'

Amend the bill in section 1 in that part designated "~~§2321.~~" in the first paragraph in the first line (page 1, line 11 in L.D.) by inserting after the following: "Safety" the following: 'Education'

Further amend the bill in section 1 in that part designated "~~§2322.~~" in subsection 2 in the last line (page 1, line 25 in L.D.) by striking out the following: "Council's" and inserting in its place the following: 'Commission's'

Further amend the bill in section 1 in that part designated "~~§2322.~~" in subsection 7 in the 2nd and 3rd lines (page 1, lines 45 and 46 in L.D.) by striking out the following: "manpowered vehicles" and inserting in its place the following: 'vehicles propelled by human power'

Further amend the bill in section 1 in that part designated "~~§2322.~~" by striking out all of subsections 10 and 11 (page 2, lines 10 to 13 in L.D.)

Further amend the bill in section 1 by striking out all of those parts designated "~~§2323.~~" to "~~§2326.~~" and inserting in their place the following:

COMMITTEE AMENDMENT

'§2323. Bicycle helmet use; passenger seat use

2 1. Use of helmet. A person under 16 years of age who is an
4 operator or a passenger on a bicycle on a public roadway or a
6 public bikeway shall wear a helmet of good fit, positioned
properly and fastened securely upon the head by helmet straps.

8 2. Passenger seat. A bicycle passenger must be seated
10 properly in a bicycle passenger seat.

§2324. Obligation of businesses renting bicycles

12 A person who is in the business of renting bicycles shall
14 post or make available to a person renting a bicycle a written
16 notice explaining the provisions of this chapter and shall
18 provide an appropriate helmet to an operator or passenger who is
under 16 years of age. A reasonable fee may be charged for the
helmet rental.

§2325. Limitation of liability

20 A person who is in the business of selling or renting
22 bicycles who complies with this chapter is not liable in a civil
24 suit for damages for any physical injuries sustained by a bicycle
26 operator or passenger as a result of the operator's or
passenger's failure to use a helmet.

§2326. Violations and enforcement

28 A law enforcement officer may provide bicycle safety
30 information to a person who is in violation of section 2323. The
32 officer may also inform that person's parent about the provisions
34 of this chapter and about where to obtain a protective bicycle
helmet.'

36 Further amend the bill in section 1 by inserting after that
38 part designated "**§2327.**" the following:

'§2328. Evidence

40 In an accident involving a bicycle, the nonuse of a helmet
42 by the operator or passenger is not admissible as evidence in a
44 civil or criminal trial.'

46 Further amend the bill in section 2 in the 9th line (page 3,
48 line 25 in L.D.) by striking out the following: "curriculum" and
inserting in its place the following: 'guidelines'

50 Further amend the bill in section 2 in the last line (page
3, line 30 in L.D.) by inserting after the following: "Kids;" the

following: 'a cycling instructor certified by a national league of American bicyclists;'

Further amend the bill by inserting at the end before the summary the following:

FISCAL NOTE

The Department of Education will incur some minor additional costs to develop bicycle safety guidelines for distribution to school administrative units. These costs can be absorbed within the department's existing budgeted resources.

The Department of Human Services, the Department of Public Safety and the Department of Transportation will incur some minor additional costs to work with the Department of Education in developing a list of exemplary bicycle safety resources. These costs can be absorbed within the departments' existing budgeted resources.

The additional enforcement costs can be absorbed by the Department of Public Safety utilizing existing budgeted resources.'

SUMMARY

This amendment renames the Bicycle Safety Act to the Bicycle Safety Education Act and makes several amendments to the bill to clarify liability and evidentiary issues pertaining to the use and nonuse of bicycle helmets.