

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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Legislative Document

No. 1543

H.P. 1096

House of Representatives, February 25, 1999

### An Act to Create the Bicycle Safety Act.

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Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative BRENNAN of Portland.  
Cosponsored by Senator PARADIS of Aroostook and  
Representatives: McNEIL of Rockland, POWERS of Rockport, TOBIN of Dexter, USHER of  
Westbrook, WHEELER of Eliot, Senators: ABROMSON of Cumberland, GOLDTHWAIT of  
Hancock, O'GARA of Cumberland.

Be it enacted by the People of the State of Maine as follows:

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4           **Sec. 1. 29-A MRSA c. 20** is enacted to read:

6                                   **CHAPTER 20**

8                                   **BICYCLE SAFETY ACT**

10           **§2321. Short title**

12                   This chapter may be known and cited as the "Bicycle Safety Act."

14           **§2322. Definitions**

16                   As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

18                   1. **Bicycle.** "Bicycle" means a vehicle primarily propelled by human power, operated by a person usually seated on a seat and driven on the ground on wheels by the operator.

20                   2. **Bicycle helmet.** "Bicycle helmet" means a piece of protective headgear intended for bicyclists that meets or exceeds the Consumer Products Safety Council's standards.

22                   3. **Bicycle passenger.** "Bicycle passenger" means any person who is traveling on a bicycle, a bicycle trailer or a similar product but is not an operator.

24                   4. **Bicycle passenger seat.** "Bicycle passenger seat" means a seat separate from the saddle or seat for the operator of the bicycle or bicycle trailer or similar product that is securely fastened to the frame of the bicycle and is specifically designed for bicycle passenger use.

26                   5. **Bicycle taxi.** "Bicycle taxi" means a bicycle designed to carry passengers.

28                   6. **Bicycle taxi passenger.** "Bicycle taxi passenger" means a person who is traveling on a bicycle taxi but is not the operator of the bicycle taxi.

30                   7. **Bikeway.** "Bikeway" means a vehicle way, paved or unpaved, upon which bicycles, unicycles or other manpowered vehicles may be pedaled. The bikeway may be part of a road or highway or it may be adjacent to a road or highway. A bikeway is a right-of-way under the jurisdiction and control of the State or a local subdivision of the State for use primarily by bicyclists and pedestrians.

2           8. Operator. "Operator" means a person who travels on and  
controls a bicycle.

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6           9. Public roadway. "Public roadway" means a right-of-way  
under the jurisdiction and control of the State or a local  
8           political subdivision of the State for the use primarily by motor  
vehicular traffic.

10          10. Unicycle. "Unicycle" means a one-wheeled bicycle.

12          11. Wear a helmet. "Wear a helmet" means have a helmet of  
good fit fastened securely upon the head with the helmet straps.

14          **§2323. Bicycle helmet; passenger seat**

16           1. Use of helmet. A person under 16 years of age who is an  
18           operator or a passenger on a bicycle on a public roadway or a  
public bikeway shall wear a helmet.

20           2. Rental. A person who rents bicycles shall provide a  
22           helmet to a bicycle operator or passenger under 16 years of age.  
A reasonable fee may be charged for the helmet rental.

24           3. Passenger seat. A bicycle passenger must be seated  
26           properly in a bicycle passenger seat.

28          **§2324. Notice**

30           1. Bicycle seller. A person who is in the business of  
selling bicycles shall post or make available a written notice  
32           explaining the provisions of this chapter.

34           2. Bicycle renter. A person who is in the business of  
renting bicycles shall post or make available a written notice  
36           explaining the provisions of this chapter.

38          **§2325. Compliance**

40           A person who is in the business of selling or renting  
42           bicycles who complies with this chapter is not liable in a civil  
44           action for damages for any physical injuries sustained by a  
bicycle operator or passenger as a result of the operator's or  
passenger's failure to wear a helmet pursuant to this chapter.

46          **§2326. Violation**

48           1. Provide information. The chief of police of a  
municipality or, if there is no chief of police, the chair of the  
50           local legislative body shall counsel and provide information to

2 an operator of the bicycle who is in violation of section 2323,  
3 subsection 1 relative to bicycle helmet safety. The law  
4 enforcement officer shall instruct the operator to deliver the  
5 information to the operator's parent.

6 2. Citation. In addition to counseling the operator of a  
7 bicycle pursuant to subsection 1, upon a 2nd or subsequent  
8 offense, the law enforcement officer may issue a citation to the  
9 parent of the operator that instructs the parent to contact the  
10 police department for further information about the law and where  
11 to obtain a protective bicycle helmet.

12 **§2327. Exemption**

13 Bicycle taxi passengers are exempt from this Act.

14  
15 **Sec. 2. Bicycle safety guidelines.** The Department of Education  
16 shall develop bicycle safety guidelines that meet the performance  
17 indicators within the health education standards outlined in the  
18 State's learning results. The guidelines must also meet the  
19 requirements of the 1984 Education Reform Act, specifically the  
20 rules and regulations for Comprehensive School Health Education.  
21 The department shall also develop a list of exemplary bicycle  
22 safety resources for distribution to schools working on bicycle  
23 safety education. In developing the curriculum and identifying  
24 the resources, the department shall work with experts in bicycle  
25 safety, including, but not limited to: the Bicycle Coalition of  
26 Maine; the Department of Transportation; the Department of Public  
27 Safety, the Maine Transportation Safety Coalition; the Maine  
28 Coalition for Safe Kids; and the Bureau of Health.

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30 **Sec. 3. Municipal ordinance.** A municipality may by ordinance  
31 establish a more comprehensive bicycle safety program than that  
32 developed by the Department of Education.

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35 **SUMMARY**

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38 This bill creates the Bicycle Safety Act, which requires  
39 operators and passengers of bicycles who are under 16 years of  
40 age to wear bicycle helmets, and requires the Department of  
41 Education to develop bicycle safety education guidelines. The  
42 bill requires sellers and renters of bicycles to post a notice  
43 explaining the provisions of the Bicycle Safety Act and requires  
44 law enforcement officers to provide an operator of a bicycle in  
45 violation of the Bicycle Safety Act with information on the act.  
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