

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1017

H.P. 738

House of Representatives, February 25, 2003

An Act To Broaden the Scope of Driving to Endanger

Reference to the Committee on Transportation suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative MARLEY of Portland.

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

4 **Sec. 1. 29-A MRSA §101, sub-§9-A** is enacted to read:

6 9-A. Bicyclist. "Bicyclist" means any person who is riding upon, operating or straddling a bicycle.

8 **Sec. 2. 29-A MRSA §2084-A** is enacted to read:

10 **§2084-A. Riding to endanger**

12 1. Riding to endanger. A person is guilty of riding to endanger if that person operates a bicycle in a manner that endangers a person or the property of another. Riding to endanger includes, but is not limited to:

16 A. Operating a bicycle at night without night equipment pursuant to section 2084, subsection 1;

18 B. Operating a bicycle in the wrong direction on a public way; and

22 C. Failure to stop at a stop sign or traffic light.

24 2. Penalties. Violation of subsection 1 is a traffic infraction punishable as described in section 2604. A court may waive the fine if the bicyclist produces proof of purchase of night equipment or proof of completion of a bicycle safety course.

26 **Sec. 3. 29-A MRSA §2413, sub-§§1 and 3,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

30 1. Definition. A person commits a Class E crime if, with criminal negligence as defined in Title 17-A, that person drives a motor vehicle in any place in a manner that endangers the property of another or a person, including a bicyclist, a pedestrian or the operator or passenger in the motor vehicle being driven.

32 3. Penalties. In addition to any other penalty, the court shall suspend the driver's license for ~~not less than 30 days nor~~ no more than 180 days, of which minimum 30 days may not be suspended. If the court fails to suspend the license, the Secretary of State shall impose the minimum period of suspension. If the person endangered is a bicyclist or a pedestrian, the court shall suspend the driver's license for at least 30 days and shall impose a fine of at least \$500 and not more than \$1,500, neither of which may be suspended. In

2 addition, the court shall require that the driver attend and
3 successfully complete a defensive driving course as described in
4 Title 23, section 4208.

6 **SUMMARY**

8 This bill clarifies that endangerment of bicyclists and
9 pedestrians is included in the definition of driving to
10 endanger. In addition to other penalties, if the person
11 endangered is a bicyclist or a pedestrian, then the court shall
12 suspend the driver's license for 30 days, none of which may be
13 suspended, and impose a fine of not less than \$500 nor more than
14 \$1,500, which fine may not be suspended. The court shall also
15 require that the driver attend and successfully complete a
16 defensive driving course. The bill also prohibits bicyclists
from riding a bicycle to endanger.