

MAINE STATE LEGISLATURE

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Legislative Document

No. 1808

S.P. 643

March 30, 2007

An Act To Improve Road Safety and Update Bicycling Laws

Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator DAMON of Hancock.

Cosponsored by Representative CLEARY of Houlton and Representatives: BARSTOW of Gorham, KOFFMAN of Bar Harbor, MARLEY of Portland, PIOTTI of Unity, SIMPSON of Auburn, WOODBURY of Yarmouth.

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

2 **Sec. 1. 1 MRSA §225** is enacted to read:

3 **§225. State bicycling manual**

4 "Bicycling Street Smarts" by John S. Allen, copyright 1988 and 2001 by Rodale, Inc.
5 of Emmaus, Pennsylvania and published by Rubel BikeMaps, is the official state
6 bicycling manual.

7 **Sec. 2. 14 MRSA §159-D** is enacted to read:

8 **§159-D. Liability related to a bicyclist using a drive-up window**

9 **1. Limited liability.** An establishment that has a drive-up window is not liable for
10 personal injury, property damage or death caused to a bicyclist that uses that
11 establishment's drive-up window.

12 **2. Limitations.** This section does not limit any liability that may otherwise exist for
13 willful or malicious actions or failures to guard or warn against a known dangerous
14 condition related to the use of the drive-up window.

15 **3. No duty created.** Nothing in this section creates a duty of care or ground for
16 liability

17 **4. Costs and fees.** The court may award any direct legal costs, including reasonable
18 attorney's fees, to an establishment that is found not to be liable for injury to a bicyclist
19 pursuant to this section.

20 **Sec. 3. 29-A MRSA §2063, sub-§1**, as amended by PL 2005, c. 577, §29, is
21 further amended to read:

22 **1. Definitions.** For the purpose of this section, "bicycle" includes a motorized
23 bicycle, a motorized tricycle or a motorized scooter, and "toy vehicle" includes, but is not
24 limited to, skateboards, rollerskates, wagons, sleds and coasters.

25 **Sec. 4. 29-A MRSA §2063, sub-§2**, as repealed and replaced by PL 2001, c. 667,
26 Pt. C, §17, is repealed and the following enacted in its place:

27 **2. Riding to the right.** A person operating a bicycle upon a roadway at a speed less
28 than the normal speed of traffic moving in the same direction at that time and place shall
29 drive on the right portion of the way as far as practicable except when it is unsafe to do so
30 or:

31 **A. When overtaking and passing another bicycle or other vehicle proceeding in the**
32 **same direction;**

33 **B. When preparing for a left turn at an intersection or into a private road or**
34 **driveway;**

35 **C. When approaching a place where right turns are permitted; and**

1 D. When necessary to avoid hazardous conditions, including, but not limited to,
2 fixed or moving objects, vehicles, bicycles, pedestrians, animals, broken pavement,
3 glass, sand, puddles, ice, surface hazards or opening doors from parallel-parked
4 vehicles, or a lane of substandard width that makes it unsafe to continue along the
5 right portion of the way. For purposes of this paragraph, "lane of substandard width"
6 means a lane that is too narrow for a bicycle and a vehicle to travel safely side by side
7 in the lane.

8 **Sec. 5. 29-A MRSA §2063, sub-§3**, as amended by PL 2003, c. 452, Pt. Q, §42
9 and affected by Pt. X, §2, is further amended to read:

10 **3. Seating.** A person operating a bicycle may not ride other than upon or astride a
11 regular and permanently attached seat.

12 **Sec. 6. 29-A MRSA §2063, sub-§4**, as repealed and replaced by PL 2001, c. 667,
13 Pt. C, §17, is amended to read:

14 **4. Hitching rides.** A person riding on a bicycle, or scooter or toy vehicle may not
15 attach it to a moving vehicle on a way.

16 **Sec. 7. 29-A MRSA §2063, sub-§7**, as repealed and replaced by PL 2001, c. 667,
17 Pt. C, §17, is repealed.

18 **Sec. 8. 29-A MRSA §2063, sub-§9** is enacted to read:

19 **9. Drive-up window.** A bicyclist may use a drive-up window at any establishment
20 that has a drive-up window, including, but not limited to, a bank, restaurant, pharmacy or
21 automated teller machine.

22 **Sec. 9. 29-A MRSA §2063-B** is enacted to read:

23 **§2063-B. Toy vehicles**

24 **1. Definitions.** For the purpose of this section, "toy vehicle" includes, but is not
25 limited to, skateboards, rollerskates, wagons, sleds and coasters.

26 **2. Hitching rides.** A person riding on a toy vehicle may not attach it to a moving
27 vehicle on a way.

28 **3. Penalties.** A person 17 years of age or over who violates this section commits a
29 traffic infraction.

30 **4. Impoundment.** The chief of police of a municipality, or if there is no chief of
31 police, the chair of the local legislative body, when satisfied that a juvenile under 17
32 years of age has ridden a toy vehicle in violation of this section, may impound the toy
33 vehicle for a period not to exceed 5 days for the first offense, 10 days for a 2nd offense
34 and 30 days for a subsequent offense.

35 **Sec. 10. 29-A MRSA §2070, sub-§1-A** is enacted to read:

1 **1-A. Passing bicycle.** An operator of a motor vehicle that is operating at a speed of
2 35 miles per hour and is passing a bicycle proceeding in the same direction shall exercise
3 due care by leaving a distance between the motor vehicle and the bicycle of not less than
4 3 feet while the motor vehicle is passing the bicycle. If the operator of the motor vehicle
5 is operating at a speed over 35 miles per hour, an additional foot for every 10 miles over
6 35 miles per hour must be allowed.

7 **Sec. 11. 29-A MRSA §2070, sub-§6,** as enacted by PL 1993, c. 683, Pt. A, §2
8 and affected by Pt. B, §5, is amended to read:

9 **6. Passing on the right.** An operator may pass a vehicle on the right only under the
10 following conditions:

- 11 A. When the vehicle to be passed is making or about to make a left turn;
- 12 B. On a way with unobstructed pavement not occupied by parked vehicles and of
13 sufficient width for 2 or more lines of traffic in each direction; or
- 14 C. On a way on which traffic is restricted to one direction, when the roadway is free
15 from obstructions and of sufficient width for 2 or more lines of traffic.

16 An operator may pass on the right only under conditions permitting that movement in
17 safety. An operator may not overtake by driving off the pavement or main traveled
18 portion of the way.

19 A person operating a bicycle may pass a vehicle on the right at the bicyclist's own risk.

20 **Sec. 12. 29-A MRSA §2085,** as amended by PL 1999, c. 753, §5, is repealed.

21 **Sec. 13. 29-A MRSA §2085-A** is enacted to read:

22 **§2085-A. Designated no-passing zones in residential areas; crossing yellow center**
23 **line**

24 **1. No-passing zone.** A municipality may request the department to designate a
25 segment of a state or state aid highway in that municipality as a no-passing zone if the
26 highway is outside the compact area of an urban compact municipality, as defined in Title
27 23, section 754. Such a request must be in writing to the commissioner and may be made
28 only with the approval of the municipality's legislative body. A request is limited to
29 segments of 2-lane ways in primarily residential areas and must be accompanied by a
30 map showing the location of the proposed no-passing zone or zones and a written
31 explanation of the need for such a zone in each location. The commissioner shall approve
32 such a request unless the commissioner determines that granting such a request will
33 unreasonably restrict the efficient flow of traffic or result in a threat to public safety in
34 that location. The commissioner shall notify the municipality in writing of the
35 commissioner's decision within 30 days of receiving the written request from the
36 municipality. If a request is denied, the notification must state the specific reasons for the
37 denial. A municipality whose request is denied may request the department to hold a
38 public hearing within that municipality for the purpose of receiving public input on the
39 requested change. The department shall hold the hearing within 30 days after a request is

1 made and must inform the municipality of its final decision within 30 days after the
2 hearing is held.

3 2. Double, solid, yellow center lines. As soon as practicable after approving a
4 municipal request, the department shall ensure that double, solid, yellow center lines are
5 painted along the entire length of the no-passing zone and that the zone is posted as a no-
6 passing zone, at a minimum, in each direction at the start and end of the zone. The
7 municipality may request additional posting along the length of the zone and shall
8 reimburse the department for the costs of all posting.

9 3. Posting required. A no-passing zone is not enforceable until the painting and
10 posting required by this section is completed. A motor vehicle operator who passes
11 another motor vehicle traveling in the same direction in a no-passing zone commits a
12 traffic infraction.

13 4. Signs. Nothing in this section limits the enforceability of signs installed under
14 section 2051.

15 5. Cross yellow center line. Notwithstanding subsection 3, a motor vehicle operator
16 may pass a bicycle traveling in the same direction in a no-passing zone when it is safe to
17 do so.

18 **Sec. 14. 29-A MRSA §2326,** as enacted by PL 1999, c. 331, §1, is repealed and
19 the following enacted in its place:

20 **§2326. Education; violations and enforcement**

21 A person who violates section 2323, subsection 1 commits a traffic infraction.

22 1. Education. For a first violation of section 2323, subsection 1, a law enforcement
23 officer may provide bicycle safety information to the person. The officer may also
24 inform that person's parent or guardian about the provisions of this chapter and about
25 where to obtain a bicycle helmet.

26 2. Forfeiture. For a 2nd or subsequent violation of section 2323, subsection 1, a
27 forfeiture of no more than \$25 may be adjudged. A law enforcement officer may waive
28 the fine if a person presents proof of purchase of a bicycle helmet since the citation.

29 **Sec. 15. 29-A MRSA §2401, sub-§6,** as enacted by PL 1993, c. 683, Pt. A, §2
30 and affected by Pt. B, §5, is amended to read:

31 **6. Operating.** "Operating," in any form, means operating or attempting to operate a
32 motor vehicle or a bicycle.

33 **Sec. 16. 29-A MRSA §2411-A** is enacted to read:

34 **§2411-A. Operating bicycle while intoxicated; penalties**

35 A person operating a bicycle under the influence of intoxicants or while having a
36 blood-alcohol level of 0.08% or more is subject only to the fines in section 2411.

