

MAINE STATE LEGISLATURE

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BING
ROFS

Date: 5/22/13

L.D. 1460

(Filing No. H-221)

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TRANSPORTATION

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STATE OF MAINE

6

HOUSE OF REPRESENTATIVES

7

126TH LEGISLATURE

8

FIRST REGULAR SESSION

9

COMMITTEE AMENDMENT "A" to H.P. 1045, L.D. 1460, Bill, "An Act To Update and Clarify the Laws Governing the Operation of Bicycles on Public Roadways"

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Amend the bill by striking out all of sections 1 to 3.

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Amend the bill by striking out all of section 5.

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Amend the bill in section 6 in subsection 1-A by striking out all of the blocked paragraph (page 1, lines 31 to 34 in L.D.)

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Amend the bill by inserting after section 6 the following:

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'Sec. 7. 29-A MRSA §2060, sub-§2, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

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2. **Left turns on 2-way roadways.** At an intersection where traffic is permitted to move in both directions on each way entering the intersection, an approach for a left turn must be made in that portion of the right half of the way nearest the center line and by passing to the right of the center line where it enters the intersection. After entering the intersection, an operator must make the left turn so as to leave the intersection to the right of the center line of the roadway being entered.

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When practicable, the left turn must be made in that portion of the intersection to the left of the center of the intersection.

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An operator intending to turn to the left must yield the right-of-way to a ~~vehicle~~ traffic approaching from the opposite direction that is so close as to constitute an immediate hazard.'

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Amend the bill by striking out all of sections 7 to 14 and inserting the following:

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'Sec. 7. 29-A MRSA §2063, sub-§2, as amended by PL 2009, c. 484, §5, is further amended to read:

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2. **Riding to the right.** A person operating a bicycle or roller skis upon a roadway at a speed less than the normal speed of traffic moving in the same direction at that time and

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COMMITTEE AMENDMENT

1 place shall ~~drive~~ operate on the right portion of the way as far as practicable except when
2 it is unsafe to do so as determined by the bicyclist or roller skier or:

3 A. When overtaking and passing another roller skier, bicycle or other vehicle
4 proceeding in the same direction;

5 B. When preparing for or making a left turn at an intersection or into a private road
6 or driveway;

7 C. When proceeding straight in a place where right turns are permitted; and

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

15 This subsection does not apply in a municipality that, by ordinance approved by the
16 Department of Public Safety and the Department of Transportation, makes other
17 provisions regarding the operating location of a bicycle or roller skier on a roadway.

18 **Sec. 8. 29-A MRSA §2070, sub-§1-A**, as amended by PL 2009, c. 484, §6, is
19 further amended to read:

20 **1-A. Passing bicycle or roller skier.** An operator of a motor vehicle that is passing
21 a bicycle or roller skier proceeding in the same direction shall exercise due care by
22 leaving a distance between the motor vehicle and the bicycle or roller skier of not less
23 than 3 feet while the motor vehicle is passing the bicycle or roller skier. A motor vehicle
24 operator may pass a bicycle or roller skier traveling in the same direction in a no-passing
25 zone only when it is safe to do so.

26 The collision of a motor vehicle with a person operating a bicycle or roller skis is prima
27 facie evidence of a violation of this subsection.'

28 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
29 section number to read consecutively.

30 SUMMARY

31 This amendment does the following.

32 1. It retains the provision in the bill that amends the definition of "traffic" to include
33 bicycles.

34 2. It retains the provision in the bill that prohibits the operator of a motor vehicle
35 from making a right turn near a bicyclist or roller skier unless the turn can be made in a
36 manner that does not interfere with the safe and legal operation of the bicycle or roller
37 skis. It strikes the provision in the bill that establishes a rebuttable presumption of
38 negligence on the part of the operator of a motor vehicle making or attempting to make
39 the right turn if that action is immediately followed by a collision or accident involving a
40 bicyclist or roller skier.

1 3. It strikes all other provisions in the bill.

2 4. It includes bicycles in the "traffic" to which an operator intending to turn to the
3 left must yield the right-of-way when the traffic is approaching from the opposite
4 direction and is so close as to constitute an immediate hazard.

5 5. In the provision of law that requires a person operating a bicycle or roller skis
6 upon a roadway to operate on the right portion of the way as far as practicable except
7 when it is unsafe to do so, it specifies that the determination of safety is made by the
8 bicyclist or roller skier.

9 6. Current law requires the operator of a motor vehicle, when passing a bicyclist or
10 roller skier, to leave a distance of at least 3 feet between the motor vehicle and the
11 bicyclist or roller skier. The amendment provides that the collision of a motor vehicle
12 with a person operating a bicycle or roller skis is prima facie evidence of a violation of
13 the 3-foot distance requirement.