

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 1460

H.P. 1045

House of Representatives, April 25, 2013

An Act To Update and Clarify the Laws Governing the Operation of Bicycles on Public Roadways

Reference to the Committee on Transportation suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative JORGENSEN of Portland.
Cosponsored by Senator GRATWICK of Penobscot and
Representatives: CHENETTE of Saco, CHIPMAN of Portland, DORNEY of Norridgewock,
McELWEE of Caribou, MOONEN of Portland, PEOPLES of Westbrook, ROCHELO of
Biddeford, VOLK of Scarborough.

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

2 **Sec. 1. 29-A MRSA §101, sub-§9,** as amended by PL 2001, c. 148, §1, is
3 repealed and the following enacted in its place:

4 **9. Bicycle.** "Bicycle" means a vehicle that:

5 A. Is designed to be operated on the ground on 2 or more wheels;

6 B. Has a seat or saddle for use of the rider; and

7 C. Is propelled exclusively by human power through a belt, chain or gears.

8 **Sec. 2. 29-A MRSA §101, sub-§63-B** is enacted to read:

9 **63-B. Roadway.** "Roadway" means the portion of a highway available for use by
10 vehicular traffic, whether public or private. "Roadway" does not include the shoulder.

11 **Sec. 3. 29-A MRSA §101, sub-§66-B** is enacted to read:

12 **66-B. Shoulder.** "Shoulder" means the portion of a highway, whether paved or
13 unpaved, contiguous to the roadway that is primarily, but not solely, for the
14 accommodation of stopped vehicles, for emergency use or for lateral support of base and
15 surface courses and that may be used by pedestrians, bicyclists, roller skiers and others.

16 **Sec. 4. 29-A MRSA §101, sub-§83,** as enacted by PL 1993, c. 683, Pt. A, §2 and
17 affected by Pt. B, §5, is amended to read:

18 **83. Traffic.** "Traffic" means pedestrians, ridden or herded animals, vehicles,
19 bicycles and other conveyances either singly or together using public way for travel.

20 **Sec. 5. 29-A MRSA §101, sub-§86-C** is enacted to read:

21 **86-C. Travel lane; traffic lane.** "Travel lane" or "traffic lane" means the part of a
22 roadway that is a one-way lane for the movement of vehicles and does not include a
23 shoulder or a lane exclusively for use in making turns.

24 **Sec. 6. 29-A MRSA §2060, sub-§1-A,** as amended by PL 2009, c. 484, §3, is
25 further amended to read:

26 **1-A. Right turns near bicyclists or roller skiers.** A person operating a motor
27 vehicle ~~that passes near~~ a person operating a bicycle or roller skis and proceeding in the
28 same direction may not make a right turn ~~at any intersection or into any road or way~~
29 unless the turn can be made with reasonable safety and without interfering with the safe
30 and legal operation of the bicycle or roller skis.

31 If a right turn, or an attempted right turn, by a person operating a motor vehicle is
32 immediately followed by a collision or accident involving a bicyclist or roller skier, there
33 is a rebuttable presumption of negligence on the part of the person operating the motor
34 vehicle making or attempting to make the right turn.

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

3 **§2063. Bicycles, roller skis and scooters**

4 **1. Definitions.** For the purpose of this section, "bicycle" includes a motorized
5 bicycle, a motorized tricycle or a motorized scooter.

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

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

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

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

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

22 E. When proceeding in a travel lane that is too narrow for a bicyclist or roller skier
23 and a vehicle to travel safely side by side in the lane, based on an operational space
24 by the bicyclist or roller skier of 4 feet and a distance between the bicyclist or roller
25 skier and the vehicle of at least 3 feet.

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

29 In case of any conflict with any local ordinance or regulation, the provisions of this
30 subsection govern the rights and responsibilities of persons operating bicycles and roller
31 skiers.

32 **2-A. Bicyclist or roller skier traveling on shoulder.** Notwithstanding subsection 2,
33 a person operating a bicycle or roller skis may travel on ~~paved shoulders~~ a shoulder. This
34 subsection may not be construed to require a person operating a bicycle or roller skis to
35 travel on a shoulder. If a person elects to operate a bicycle or roller skis on a shoulder,
36 that person may use the entire width of the shoulder.

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

1 **3-A. Number of persons.** A bicycle may not be used to carry more persons than the
2 number for which it is designed and equipped.

3 **4. Hitching rides.** A person riding on roller skis, a bicycle or a scooter may not
4 attach it to a moving vehicle on a way.

5 **5. Rights and duties.** A person riding a bicycle or scooter or operating roller skis on
6 a way roadway has the rights and is subject to the duties applicable to the operator of a
7 vehicle, except as to:

8 A. Special regulations; and

9 B. Provisions in this Title that by their nature can have no application.

10 **6. Speed.** A motorized bicycle or motorized scooter may not be operated in excess
11 of 20 miles per hour.

12 **7. Penalties.** A person 17 years of age or over who violates this section commits a
13 civil violation for which a fine of not less than \$25 and not more than \$250 may be
14 adjudged. A person under 17 years of age is not subject to a fine under this section.

15 **8. Impoundment.** The chief of police of a municipality, or if there is no chief of
16 police, the chair of the local legislative body, when satisfied that a juvenile under the age
17 of 17 years has ridden a bicycle or scooter or has operated roller skis in violation of this
18 section, may impound the bicycle, scooter or roller skis for a period not to exceed 5 days
19 for the first offense, 10 days for a 2nd offense and 30 days for a subsequent offense.

20 **9. Passing a school bus.** A person operating a bicycle or roller skis on a way, in a
21 parking area or on school property, on meeting or overtaking a school bus from either
22 direction when the bus has stopped with its red lights flashing to receive or discharge
23 passengers, shall stop the bicycle or roller skis before reaching the school bus. The
24 ~~person bicyclist or roller skier~~ may not proceed until the school bus resumes motion or
25 until signaled by the school bus operator to proceed.

26 ~~The operator of a bicycle or roller skis~~ A person operating a bicycle or roller skis on a
27 way separated by curbing or other physical barrier need not stop on meeting or passing a
28 school bus traveling in a lane separated by the barrier from the lane in which that person
29 is traveling.

30 **Sec. 8. 29-A MRSA §2070, sub-§1-A,** as amended by PL 2009, c. 484, §6, is
31 repealed and the following enacted in its place:

32 **1-A. Passing a bicyclist or roller skier.** An operator of a motor vehicle that is
33 passing a person operating a bicycle or roller skis on a way proceeding in the same
34 direction shall pass in compliance with the provisions of this subsection and shall do so at
35 a safe distance that does not interfere with the overtaken bicyclist's or roller skier's safe
36 operation of the bicycle or roller skis, having due regard for the size and speed of all
37 vehicles and traffic, the conditions of the traffic, the weather, the visibility and the surface
38 and width of the way.

1 A. An operator of a motor vehicle may not overtake or pass a person operating a
2 bicycle or roller skis proceeding in the same direction on a way at a distance that
3 leaves less than 3 feet between any part of the motor vehicle and any part of the
4 bicycle or the roller skis or any part of the person operating a bicycle or the roller
5 skier.

6 B. When in a no-passing zone, the operator of a motor vehicle may pass a person
7 operating a bicycle or roller skis traveling in the same direction only when it is safe to
8 do so.

9 C. When traffic or road conditions prevent an operator of a motor vehicle from
10 passing a person operating a bicycle or roller skis or executing a pass in accordance
11 with paragraphs A and B, the operator of the motor vehicle shall slow the motor
12 vehicle to a reasonable and prudent speed and wait until the pass may be made safely
13 and in accordance with paragraphs A and B.

14 D. In the event of a collision between a motor vehicle and a person operating a
15 bicycle or roller skis that results in bodily injury to the person operating the bicycle or
16 roller skis, there is a rebuttable presumption that the driver of the motor vehicle is in
17 violation of this subsection.

18 **Sec. 9. 29-A MRSA §2070, sub-§6**, as amended by PL 2009, c. 484, §7, is
19 further amended to read:

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

22 A. When the vehicle to be passed is making or about to make a left turn;

23 B. On a way with unobstructed pavement not occupied by parked vehicles and of
24 sufficient width for 2 or more lines of traffic in each direction; or

25 C. On a way on which traffic is restricted to one direction, when the roadway is free
26 from obstructions and of sufficient width for 2 or more lines of traffic.

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

30 ~~A person operating a bicycle or roller skis may pass a vehicle on the right at the~~
31 ~~bicyclist's or roller skier's own risk. This subsection does not apply to a person operating~~
32 ~~a bicycle or roller skis.~~

33 **Sec. 10. 29-A MRSA §2070, sub-§6-A** is enacted to read:

34 **6-A. Bicyclists and roller skiers passing on the right.** A person operating a
35 bicycle or roller skis may pass a vehicle on the right when it is reasonably safe to do so.
36 In making a determination regarding whether it is safe to pass on the right, the operator of
37 a bicycle or roller skis may assume that the operators of vehicles on the way will operate
38 their vehicles in accordance with the law and in a reasonably prudent manner.

39 As used in this subsection, "pass" means to move any portion of a bicycle or roller ski
40 beyond any portion of a vehicle being overtaken.

1 vehicle operator from making a right turn unless it can be made with reasonable safety.
2 The bill also establishes a rebuttable presumption of negligence on the part of the
3 operator of a motor vehicle making or attempting to make the right turn if that action is
4 immediately followed by a collision or accident involving a bicyclist or roller skier.

5 4. Current law requires a bicyclist or roller skier to operate as far to the right as
6 practicable except when it is unsafe to do so or, among other conditions, when a lane of
7 substandard width makes it unsafe to continue along the right portion of the way. This
8 bill provides that a bicyclist or roller skier does not have to keep as far to the right as
9 practicable if proceeding in a travel lane that is too narrow for a bicyclist or roller skier
10 and a vehicle to travel safely side by side in the lane, based on an operational space by the
11 bicyclist or roller skier of 4 feet and a distance between the bicyclist or roller skier and
12 the vehicle of at least 3 feet.

13 5. Current law allows a bicyclist or roller skier to operate on a paved shoulder of the
14 road. This bill specifies that this provision does not require the bicyclist or roller skier to
15 operate on the paved shoulder. This bill allows a bicyclist or roller skier to use the entire
16 width of the shoulder if bicycling or roller skiing there.

17 6. Current law requires the operator of a motor vehicle, when passing a bicyclist or
18 roller skier, to leave a distance of at least 3 feet between the motor vehicle and the
19 bicyclist or roller skier. This bill clarifies the conditions under which the pass may take
20 place and provides that a collision between a motor vehicle and a bicyclist or roller skier
21 that results in bodily injury to the bicyclist or roller skier creates a rebuttable presumption
22 that a violation of the law by the operator of the motor vehicle occurred.

23 7. Current law allows a bicyclist or roller skier to pass a vehicle on the right at the
24 bicyclist's or roller skier's own risk. This bill strikes that provision of law, clarifies when
25 a bicyclist or roller skier may pass on the right and allows the bicyclist or roller skier to
26 assume that the operators of vehicles on the roadway will operate their vehicles in
27 accordance with the law and in a reasonably prudent manner.

28 8. It requires a bicycle operated in the nighttime to be equipped with a red rear light
29 that is visible at least 200 feet to the rear of the bicycle and it requires any auxiliary lights
30 attached to the bicyclist to meet the requirements for lights attached to the bicycle.

31 9. It repeals the definition of "bicycle" in the Bicycle and Roller Skis Safety
32 Education Act. This definition is made redundant by the change to the definition of
33 "bicycle" for Title 29-A.

34 10. It amends the definition of "public roadway" for purposes of the Bicycle and
35 Roller Skis Safety Education Act to remove the definition's emphasis on motor vehicle
36 traffic.

37 11. It changes the headnote of the Maine Revised Statutes, Title 29-A to "Vehicles
38 and Traffic" to reflect the application of the Title to more than motor vehicles.