

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Improve Road Safety and Update Bicycling Laws

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

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

§ 225. State bicycling manual

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

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

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

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

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

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

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

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

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

Sec. 4. 29-A MRSA §2063, sub-§2, as repealed and replaced by PL 2001, c. 667, Pt. C, §17, is repealed and the following enacted in its place:

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

- A. When overtaking and passing another bicycle or other vehicle proceeding in the same direction;
- B. When preparing for a left turn at an intersection or into a private road or driveway;
- C. When approaching a place where right turns are permitted; and

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

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

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

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

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

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

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

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

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

§ 2063-B. Toy vehicles

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

municipality for the purpose of receiving public input on the requested change. The department shall hold the hearing within 30 days after a request is made and must inform the municipality of its final decision within 30 days after the hearing is held.

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

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

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

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

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

§ 2326. Education; violations and enforcement

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

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

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

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

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

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

§ 2411-A. Operating bicycle while intoxicated; penalties

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

Sec. 17. 29-A MRSA §2458, sub-§3, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

3. Demerit point system. For the purpose of identifying reckless or negligent operators and habitual or frequent violators of traffic regulations, the Secretary of State shall adopt rules establishing a uniform system of assigning demerit points for convictions or adjudications of violations of statutes or rules governing the operation of motor vehicles, including violations of Title 17-A, section 360, subsection 1, paragraphs A and B.

The rules must include a designated level of point accumulation that identifies those drivers.

The Secretary of State may assess points for convictions or adjudications in other states or provinces of offenses that, if committed in this State, would be grounds for assessment.

Notice of assessment of points must be given when the point accumulation reaches 50% of the number at which suspension is authorized.

Points may not be assessed for violating a provision of this Title or a municipal ordinance regulating standing, parking, equipment, size or weight or for conviction of OUI while operating a bicycle.

SUMMARY

This bill amends the laws that pertain to bicycles. It removes "toy vehicle" from the section of law that governs bicycles and scooters and establishes a new section of law to govern toy vehicles. It requires an operator of a motor vehicle that is passing a bicycle to leave a distance of 3 feet between the motor vehicle and the bicycle. It allows a person operating a bicycle to pass a motor vehicle on the right at the bicyclist's own risk. It allows a motor vehicle to pass a bicycle traveling in the same direction in a no-passing zone when it is safe to do so. It allows a person operating a bicycle to use an establishment's drive-up window. It makes "Bicycling Street Smarts" by John S. Allen, copyright 1988 and 2001 by Rodale, Inc. of Emmaus, Pennsylvania and published by Rubel BikeMaps, the official state bicycling manual. It includes operating a bicycle in the operating-under-the-influence laws. It adds a fine of \$25 for a person under 16 years of age operating a bicycle without a helmet and gives a law enforcement officer authority to waive the fine if the person can provide proof of the purchase of a bicycle helmet since the citation.