

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 the Health of Maine Citizens and Safety of Pedestrians

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

Sec. 1. 29-A MRSA §2056, sub-§2, as amended by PL 2009, c. 91, §1, is further amended to read:

2. Pedestrian on way. Where sidewalks are not provided, a pedestrian shall walk facing approaching traffic on the left side of the public way or the way's shoulder when practicable. An operator of a motor vehicle who is passing a pedestrian on a public way or the way's shoulder shall exercise due care by leaving a distance between the motor vehicle and the pedestrian of not less than 3 feet while the motor vehicle is passing the pedestrian. A motor vehicle operator may pass a pedestrian in a no-passing zone only when it is safe to do so.

The collision of a motor vehicle with a pedestrian is prima facie evidence of a violation of this subsection.

SUMMARY

Current law requires the operator of a motor vehicle to leave a distance of at least 3 feet when passing a bicyclist, a person on roller skis or a pedestrian. If a collision occurs between a motor vehicle and a bicyclist or roller skier, it is prima facie evidence of a violation of the 3-foot requirement by the operator of the motor vehicle; no such provision is included for a collision between a motor vehicle and a pedestrian.

This bill provides that a collision between a motor vehicle and a pedestrian is prima facie evidence of a violation of the 3-foot requirement by the operator of the motor vehicle.