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TRANSPORTATION

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
127TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 537, L.D. 788, Bill, “An Act To Improve the Health of Maine Citizens and Safety of Pedestrians”

Amend the bill in section 1 in subsection 2 by striking out all of the blocked paragraph (page 1, lines 11 and 12 in L.D.) and inserting the following:

'If a motor vehicle strikes a pedestrian and that pedestrian is complying with the duties required of that pedestrian as specified in this section, it is prima facie evidence of a violation of this subsection by the operator of that motor vehicle.'

Amend the bill by inserting after section 1 the following:

'Sec. 2. 29-A MRSA §2070, sub-§1-A, as amended by PL 2013, c. 241, §5, is further amended to read:

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

~~The collision of a motor vehicle with a person operating a bicycle or roller skis is prima facie evidence of a violation of this subsection.~~ If a motor vehicle strikes a person operating a bicycle or roller skis and the person operating a bicycle or roller skis is complying with the duties required of a person operating a bicycle or roller skis as specified in this Title, it is prima facie evidence of a violation of this subsection by the operator of the motor vehicle.'

SUMMARY

This amendment clarifies that if a motorist strikes a person operating a bicycle or roller skis and that person operating a bicycle or roller skis is complying with the duties imposed on a bicyclist or roller skier as specified in the Maine Revised Statutes, Title

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1 29-A, it is prima facie evidence of a violation of the 3-foot requirement in current law by
2 the operator of the motor vehicle.

3 The amendment also provides that if a motorist strikes a pedestrian and that
4 pedestrian is complying with the duties required of a pedestrian as specified in Title
5 29-A, section 2056, it is prima facie evidence of a violation of the 3-foot requirement in
6 current law by the operator of the motor vehicle.

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