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In Senate, April 9, 2015

An Act To Improve the Safety of Vulnerable Users in Traffic and To Clarify the Responsibilities of Bicyclists and Pedestrians

Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator VOLK of Cumberland.
Cosponsored by Representative RYKERSON of Kittery and
Senators: BREEN of Cumberland, GRATWICK of Penobscot, Representatives: FOLEY of Wells, GOLDEN of Lewiston, GROHMAN of Biddeford, McLEAN of Gorham, POWERS of Naples.

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

2 **Sec. 1. 29-A MRSA §101, sub-§91-A** is enacted to read:

3 **91-A. Vulnerable user.** "Vulnerable user" means:

4 A. A pedestrian, including a person on or within a public way engaged in work or the
5 provision of emergency or roadside assistance;

6 B. A person riding, guiding or leading an animal upon or within a public way;

7 C. A person being guided by a service animal upon or within a public way;

8 D. A person lawfully on or within a public way, crosswalk or shoulder portion of the
9 public way who is lawfully operating, riding, using, holding or otherwise on or in any
10 of the following devices:

11 (1) A bicycle, or a device that is an extension of a bicycle such as an extend-a-
12 bike, a bicycle trailer or a child's bicycle seat;

13 (2) A motorized bicycle or tricycle, including an electric-assisted bicycle;

14 (3) A farm tractor or similar vehicle designed primarily for farm use;

15 (4) A skateboard;

16 (5) Roller skates;

17 (6) In-line skates;

18 (7) A scooter;

19 (8) A moped;

20 (9) A motorcycle;

21 (10) A horse-drawn carriage;

22 (11) An electric personal assistive mobility device;

23 (12) A wheelchair;

24 (13) A Segway; or

25 (14) Roller skis; or

26 E. Any other such person a court finds and determines is similarly situated to a
27 person listed in paragraphs A to D.

28 **Sec. 2. 29-A MRSA §1351, sub-§4,** as enacted by PL 2003, c. 183, §1, is
29 repealed and the following enacted in its place:

30 **4. Requirements.** A driver education course approved under this subchapter must
31 include instruction that:

32 A. Imparts the understanding and skills necessary to operate a motor vehicle safely
33 in a situation in which a motorcycle is sharing the road with that motor vehicle; and

1 B. Includes at least 30 minutes of instruction that imparts the understanding and
2 skills necessary to operate a motor vehicle safely in a situation in which a vulnerable
3 user is sharing the road with that motor vehicle.

4 **Sec. 3. 29-A MRSA §2056, sub-§4**, as amended by PL 1999, c. 101, §1, is
5 repealed and the following enacted in its place:

6 **4. Pedestrian in a marked crosswalk.** Traffic must stop or yield the right-of-way,
7 as set forth in subsections 4-A and 4-B, to a pedestrian crossing the way in a marked
8 crosswalk when any part or extension of the pedestrian moves onto the way in a
9 crosswalk with the intention to proceed. For the purpose of this subsection, "part or
10 extension of the pedestrian" includes, but is not limited to, any part of the pedestrian's
11 body or a stroller, wheelchair, cane, crutch, roller ski, walking pole, bicycle or leashed
12 animal.

13 **Sec. 4. 29-A MRSA §2056, sub-§§4-A and 4-B** are enacted to read:

14 **4-A. Duty to stop and remain stopped.** The operator of a vehicle must stop and
15 remain stopped for a pedestrian crossing the way in a marked crosswalk when the
16 pedestrian is:

17 A. Proceeding in accordance with a traffic-control device as provided in section
18 2057 or crossing the way in a crosswalk; or

19 B. In any of the following locations:

20 (1) The lane in which the operator's vehicle is traveling;

21 (2) The lane adjacent to the lane in which the operator's vehicle is traveling;

22 (3) The lane into which the operator's vehicle is turning;

23 (4) A lane adjacent to the lane into which the operator's vehicle is turning if the
24 operator is making a turn at an intersection that does not have a traffic-control
25 device under which a pedestrian may proceed as provided under section 2057; or

26 (5) Less than 6 feet from the lane into which the operator's vehicle is turning, if
27 the operator is making a turn at an intersection that has a traffic-control device
28 under which a pedestrian may proceed as provided under section 2057.

29 For the purpose of this subsection, a bicycle lane or part of a way is considered to be part
30 of a lane adjacent to the lane into which the driver's vehicle is turning.

31 **4-B. Duty to yield.** A bicyclist, roller skier or other nonmotorized traffic must yield
32 the right-of-way to a pedestrian crossing the way in a marked crosswalk who is
33 proceeding in accordance with a traffic-control device as provided in section 2057 or who
34 is proceeding without a traffic-control device in operation. For purposes of this
35 subsection, "yield the right-of-way" means to slow or stop to avoid colliding with or
36 causing other harm to a pedestrian.

37 **Sec. 5. 29-A MRSA §2057, first ¶**, as enacted by PL 1993, c. 683, Pt. A, §2 and
38 affected by Pt. B, §5, is amended to read:

1 An operator or a person riding a bicycle shall obey a traffic-control device, unless
2 otherwise directed by a law enforcement officer. A traffic-control device conforming to
3 the requirements for these devices is presumed to comply with this chapter.

4 **Sec. 6. 29-A MRSA §2057, sub-§7**, as enacted by PL 1993, c. 683, Pt. A, §2 and
5 affected by Pt. B, §5, is amended to read:

6 **7. Stop signs.** Unless directed to proceed by a law enforcement officer or traffic
7 control device, an operator of a vehicle or a person riding a bicycle approaching a stop
8 sign shall stop and:

9 A. Yield the right-of-way to a vehicle that has entered the intersection or that is
10 approaching so closely as to constitute an immediate hazard; and

11 B. Having yielded, an operator may proceed. All other operators approaching the
12 intersection shall yield the right-of-way to the vehicle so proceeding.

13 **Sec. 7. 29-A MRSA §2057, sub-§10**, as amended by PL 2007, c. 348, §21, is
14 further amended to read:

15 **10. Failure to yield; criminal offense.** A person commits a Class E crime if the
16 person operates a vehicle past a yield sign and collides with a vehicle, person riding a
17 bicycle or pedestrian proceeding on the intersecting way.

18 **Sec. 8. 29-A MRSA §2057, sub-§10-A**, as enacted by PL 2007, c. 348, §22, is
19 amended to read:

20 **10-A. Failure to yield; traffic infraction.** A person commits a traffic infraction if
21 the person operates a vehicle or a bicycle past a yield sign and fails to yield the right-of-
22 way to a vehicle, person riding a bicycle or pedestrian proceeding on the intersecting
23 way.

24 **Sec. 9. 29-A MRSA §2059**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected
25 by Pt. B, §5, is amended to read:

26 **§2059. One-way road**

27 On a public way posted for one-way traffic, unless directed to proceed by a law
28 enforcement officer or traffic control device, a vehicle may be driven or a bicycle ridden
29 only in the direction designated.

30 **Sec. 10. 29-A MRSA §2063, sub-§5**, as amended by PL 2009, c. 484, §5, is
31 further amended to read:

32 **5. Rights and duties.** A Subject to the laws expressly applicable to bicycles,
33 scooters and roller skis, including, but not limited to, this section and chapter 20, a person
34 riding a bicycle or scooter or operating roller skis on a way has the rights and is subject to
35 the duties applicable to the operator of a vehicle under this chapter, except as to:
36 provisions that by their express terms only apply to motor vehicles or by their nature can
37 have no application to bicycles, scooters or roller skis.

- 1 A. ~~Special regulations; and~~
- 2 B. ~~Provisions in this Title that by their nature can have no application.~~

3 **Sec. 11. 29-A MRSA §2063, sub-§7**, as amended by PL 2013, c. 482, §2, is
4 further amended to read:

5 **7. Penalties.** A person 17 years of age or over who violates ~~this section commits a~~
6 ~~traffic infraction~~ the laws expressly applicable to bicyclists, including, but not limited to,
7 this section and chapter 20, or who violates sections 2056, 2057 or 2059, commits a
8 traffic infraction for which a fine of not less than \$25 and not more than \$250 may be
9 adjudged. A person under 17 years of age is not subject to a fine under this section.

10 **Sec. 12. 29-A MRSA §2070, sub-§1-A**, as amended by PL 2013, c. 241, §5, is
11 repealed and the following enacted in its place:

12 **1-A. Passing bicycle or roller skier.** An operator of a motor vehicle that is passing
13 a bicyclist or roller skier proceeding in the same direction:

14 A. Shall pass to the left at a safe distance and may not return to the right until safely
15 clear of the bicyclist or roller skier;

16 B. Shall exercise due care by taking into consideration the speed and size of the
17 operator's motor vehicle, all traffic, the surface and width of the way and other
18 conditions then existing and leaving a reasonable and proper distance between the
19 motor vehicle and the bicyclist or roller skier, but not less than 3 feet, while the motor
20 vehicle is passing the bicyclist or roller skier; and

21 C. May pass a bicyclist or roller skier traveling in the same direction in a no-passing
22 zone only when it is safe to do so.

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

25 **Sec. 13. 29-A MRSA §2120** is enacted to read:

26 **§2120. Vulnerable user law; prohibitions**

27 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
28 following terms have the following meanings.

29 A. "Operate" means to drive a motor vehicle on a public way with the motor running,
30 including while temporarily stationary because of traffic, a traffic light or a stop sign
31 or otherwise stationary. "Operate" does not include when the operator has pulled the
32 motor vehicle over to the side of, or off, a public way and has halted with or without
33 the motor running in a location where the motor vehicle can safely remain stationary.

34 B. "Shoulder" means that portion of a public way contiguous with the travel lane
35 portion of the public way.

36 **2. Prohibitions.** The following actions by the operator of a motor vehicle are
37 prohibited.

1 A. A person may not operate a motor vehicle in a careless or distracted manner that
2 causes serious physical injury or death to a vulnerable user.

3 B. A person may not:

4 (1) Physically assault, attempt to physically assault or threaten to physically
5 assault a vulnerable user based on, in whole or in part, that vulnerable user's
6 status as a vulnerable user;

7 (2) Harass or taunt, either orally or using a vehicle or other object, a vulnerable
8 user because of, in whole or in part, that vulnerable user's status as a vulnerable
9 user;

10 (3) Distract or attempt to distract a vulnerable user because of, in whole or in
11 part, that vulnerable user's status as a vulnerable user;

12 (4) Force or attempt to force a vulnerable user off a public way. This
13 subparagraph does not apply to an authorized emergency vehicle operated in
14 response to, but not returning from, a call or fire alarm or operated in pursuit of
15 an actual or suspected violator of the law when the vehicle is emitting a visual
16 signal using an emergency light and an audible signal using a bell or siren;

17 (5) Pass a vulnerable user at an unsafe distance;

18 (6) Fail to stop for or yield to a vulnerable user walking or running along the
19 roadway, crossing the roadway or using a public sidewalk, in order to intimidate
20 or injure the vulnerable user;

21 (7) Open the door of any motor vehicle with intent to strike, injure or interfere
22 with the safe and lawful travel of a vulnerable user; or

23 (8) Place dangerous materials or substances such as glass, oil, sand, debris or
24 other items on any portion of a public way with the intention of interfering with
25 the safe and lawful travel of a vulnerable user.

26 **3. Penalties.** The following penalties apply to a violation of this section.

27 A. A person who violates this section commits a traffic infraction for which a fine of
28 not less than \$50 but not more than \$250 may be adjudged.

29 B. A person who violates this section after previously having been adjudicated as
30 violating this section within a 3-year period commits a traffic infraction for which a
31 fine of not less than \$500 may be adjudged, and the Secretary of State shall suspend
32 the license of that person without right to hearing. The minimum periods of license
33 suspension are:

34 (1) Thirty days, if the person has 2 adjudications for a violation of this section
35 within a 3-year period;

36 (2) Sixty days, if the person has 3 adjudications for a violation of this section
37 within a 3-year period; and

38 (3) Ninety days, if the person has 4 or more adjudications for a violation of this
39 section within a 3-year period.

1 7. It expands the provisions of law for which a violation by a person over 17 years of
2 age riding a bicycle or scooter or operating on roller skis is a traffic infraction.

3 8. It specifies that the operator of a motor vehicle passing a bicyclist or roller skier
4 proceeding in the same direction must exercise due care by taking into consideration the
5 speed of the motor vehicle and other conditions and leaving a reasonable and proper
6 distance between the motor vehicle and the bicycle or roller skier, but not less than 3 feet,
7 while the motor vehicle is passing the bicycle or roller skier.