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Public Law
124th Legislature
Second Regular Session

Chapter 484
H.P. 1168 - L.D. 1640

An Act To Provide for the Safety of Maine Athletes

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

Sec. 1. 29-A MRSA §101, sub-§63-A is enacted to read:

63-A. Roller ski. "Roller ski" means an object affixed to a foot, separately from the other foot, primarily propelled by human power and driven by the operator on the ground via wheels.

Sec. 2. 29-A MRSA §2052, sub-§5, ¶B, as amended by PL 2005, c. 577, §27, is further amended to read:

B. Bicycles, roller skis or other nonmotorized traffic, scooters, motorized bicycles or tricycles or motorized scooters.

Sec. 3. 29-A MRSA §2060, sub-§1-A, as enacted by PL 2001, c. 148, §2, is amended to read:

1-A. Right turns near bicyclists or roller skiers. A person operating a vehicle that passes a person operating a bicycle or roller skis and proceeding in the same direction may not make a right turn at any intersection or into any road or way unless the turn can be made with reasonable safety.

Sec. 4. 29-A MRSA §2062, sub-§5, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

5. Passing. A motorcycle operator may not overtake or pass in the lane occupied by the vehicle being overtaken, except for passing a bicycle or a roller skier. This subsection does not apply to a law enforcement officer performing an officer's duties.

Sec. 5. 29-A MRSA §2063, as amended by PL 2009, c. 212, §1, is further amended to read:

§ 2063. Bicycles, roller skis, toy vehicles and scooters

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

2. Riding to the right. A person operating a bicycle or roller skis 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 roller skier, bicycle or other vehicle proceeding in the same direction;

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

C. When proceeding straight in 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, roller skiers, 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 or roller skier and a vehicle to travel safely side by side in the lane.

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

2-A. Bicycle or roller skier traveling on shoulder. Notwithstanding subsection 2, a person operating a bicycle or roller skis may travel on paved shoulders.

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

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

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

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

A. Special regulations; and

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

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

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

8. 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 the age of 17 years has ridden a bicycle or scooter or has operated roller skis in violation of this section, may impound the bicycle or , scooter or roller skis 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.

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

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

Sec. 6. 29-A MRSA §2070, sub-§1-A, as enacted by PL 2007, c. 400, §8, is 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.

Sec. 7. 29-A MRSA §2070, sub-§6, as amended by PL 2007, c. 400, §9, is further 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 or roller skis may pass a vehicle on the right at the bicyclist's or roller skier's own risk.

Sec. 8. 29-A MRSA §2071, sub-§5, as amended by PL 2001, c. 148, §4, is further amended to read:

5. Hand signals. Signals by hand and arm must be given by the left arm from the left side of a vehicle in the following manner:

- A. To indicate a left turn, the hand and arm must be extended horizontally;
- B. To indicate a right turn, the hand and arm must be extended upward, except that a person who is operating a bicycle or roller skis is not in violation of this subsection if the person signals a right turn by extending the person's right hand and arm horizontally; and

C. To indicate a stop or a decrease in speed, the hand and arm must be extended downward.

A person operating a bicycle may return the hand used to signal a turn to the handlebars during the turn to maintain proper control of the bicycle. A roller skier may return the hand used to signal a turn to a position required to maintain proper control of the roller skis during the turn.

Sec. 9. 29-A MRSA §2321, as enacted by PL 1999, c. 331, §1, is amended to read:

§ 2321. Short title

This chapter may be known and cited as the "Bicycle and Roller Skis Safety Education Act."

Sec. 10. 29-A MRSA §2322, sub-§8, as enacted by PL 1999, c. 331, §1, is amended to read:

8. Operator. "Operator" means a person who travels on and controls a bicycle or roller skis.

Sec. 11. 29-A MRSA §2323, as enacted by PL 1999, c. 331, §1, is amended to read:

§ 2323. Bicyclist and roller skier helmet use; passenger seat use

1. Use of helmet. A person under 16 years of age who is an operator or a passenger on a bicycle or an operator of roller skis on a public roadway or a public bikeway shall wear a helmet of good fit, positioned properly and fastened securely upon the head by helmet straps.

2. Passenger seat. A bicycle passenger must be seated properly in a bicycle passenger seat.

Sec. 12. 29-A MRSA §2324, as enacted by PL 1999, c. 331, §1, is amended to read:

§ 2324. Obligation of rental businesses

A person who is in the business of renting bicycles or roller skis shall post or make available to a person renting a bicycle or roller skis a written notice explaining the provisions of this chapter and shall provide an appropriate helmet to an operator or passenger who is under 16 years of age. A reasonable fee may be charged for the helmet rental.

Sec. 13. 29-A MRSA §2325, as enacted by PL 1999, c. 331, §1, is amended to read:

§ 2325. Limitation of liability

A person who is in the business of selling or renting bicycles or roller skis who complies with this chapter is not liable in a civil suit for damages for any physical injuries sustained by ~~a biecele~~ an operator or bicycle passenger as a result of the operator's or passenger's failure to use a helmet.

Sec. 14. 29-A MRSA §2326, sub-§1, as enacted by PL 2007, c. 400, §11, is amended to read:

1. Education. For a first violation of section 2323, subsection 1, a law enforcement officer may provide biecele 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 biecele~~ an appropriate helmet.

Sec. 15. 29-A MRSA §2328, as enacted by PL 1999, c. 331, §1, is amended to read:

§ 2328. Evidence

In an accident involving a bicycle or a roller skier, the nonuse of a helmet by the operator or passenger is not admissible as evidence in a civil or criminal trial.

Sec. 16. Maine Revised Statutes headnote amended; revision clause. In the Maine Revised Statutes, Title 29-A, chapter 20, in the chapter headnote, the words "bicycle safety education act" are amended to read "bicycle and roller skis safety education act" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

Effective July 12, 2010