

# SENATE NO. 1389

## AN ACT RELATIVE TO BICYCLE SAFETY.

*Be it enacted by the Senate and House of Representatives in General Court assembled,  
And by the authority of the same, as follows:*

1 SECTION 1. Chapter 6 of the General Laws is hereby amended by inserting after section 116C  
2 the following section;-

3 Section 116D. (a) The municipal training committee shall develop and establish within the  
4 recruit basic training curriculum a course for regional and municipal police training schools on  
5 or before January 1, 2008 for the training of law enforcement officers in the commonwealth in  
6 bicycle safety enforcement and also shall develop guidelines for traffic enforcement for  
7 bicyclist safety. As used in this section, "law enforcement officer" shall mean any officer of a  
8 municipal police department.

9 (b) The course of basic training for law enforcement officers shall, no later than January 1, 2008  
10 include, but not limited to, at least 2 hours of instruction in the procedures and techniques  
11 described below:-

- 12 (1) the rights and duties of bicyclists set forth in chapter 85,  
13 (2) patterns and sources of injuries to bicyclists, both those involving and  
14 not involving motor vehicles, and the percentage of crashes involving  
15 cyclists riding against traffic, riding at night, and riding on sidewalks,

- 16 (3) the most dangerous actions by bicyclists, and methods for citing  
17 bicyclists, including minors,  
18 (4) common motorist actions causing bicycle crashes,  
19 (5) reporting bicyclist crashes, and  
20 (6) motorists intentionally endangering bicyclists.

21 (c) All law enforcement recruits shall receive the course of basic training for law enforcement  
22 officers, established in subsections (a) and (b), as part of their required training program.

23 (d)The course of basic training for law enforcement officers shall be taught as part of the  
24 highway safety component of the recruit academy training, so that there will not be an increase  
25 in the currently required hours of recruit training.

26 (e)The course of instruction, the learning and performance objectives, the standards for training,  
27 and the guidelines shall be developed by the municipal training committee in consultation with  
28 the Massachusetts bicycle advisory board and appropriate groups and individuals having an  
29 interest and expertise in bicycle safety.

30 (f)The municipal training committee may include this course of instruction within its in-service  
31 training curriculum available to in-service trainees and any other public safety officers.

32 SECTION 2. Section 11A of chapter 85 of the General Laws is hereby repealed.

33 SECTION 3. Section 11B of said chapter 85 as appearing in the 2004 Official Edition, is  
34 hereby amended by inserting after the word “turn” ,in line 9, the following words: ;provided,  
35 however, that signals need not be made continuously, and shall not be made when both hands  
36 are needed for the safe operation of the bicycle.

37 SECTION 4. The second paragraph of said section 11B of said chapter 85, as so appearing, is  
38 hereby amended by striking out clause (1) and inserting in place thereof the following clause:-

39 (1)Bicyclists shall not ride more than 2 abreast and, on a laned roadway, shall  
40 ride within a single lane. Nothing herein shall relieve a bicyclist of the duty to facilitate  
41 overtaking as required by section 2 of chapter 89.

42 **SECTION 5.** Said chapter 85 is hereby further amended by striking out section 11C, as so  
43 appearing, and inserting in place thereof the following section:-

44 Section 11C. A police officer taking cognizance of any traffic law violation committed by a  
45 bicyclist may request the offender to state his true name and address. Whoever, upon such  
46 request, refuses to state his name and address, or states a false name and address or a name and  
47 address which is not his name and address in ordinary use, shall be punished by a fine of not  
48 less than \$20 nor more than \$50. Any such offender so refusing to state his true name and  
49 address may be arrested without a warrant, but no person shall be arrested without a warrant for  
50 any other such violation. The officer shall use the ticketing procedure described in chapter 90C,  
51 except that any violation committed while operating a bicycle shall not affect the status of the  
52 bicyclist's license to operate a motor vehicle nor shall it affect the bicyclist's status in the Safe  
53 Driver Insurance Plan. When a citation is issued to a bicyclist, the fact that the violator is a  
54 bicyclist shall be clearly indicated on the ticket, and failure to do so is a defense to the violation.

55 A violation of this section shall be punished by a fine of not more than \$50.

56 The parent or guardian of any person under 18 years of age shall not authorize or knowingly  
57 permit any such person to violate any of the provisions of this section.

58 A violation of any provision of this section by a person under 18 years of age shall not affect  
59 any civil right or liability nor shall such a violation be considered a criminal offense.

60 If the offender is under 16 years of age, the officer may give such notice to the parent or  
61 guardian of the offender.

62 All fines collected pursuant to this section shall be used by the respective cities and towns for  
63 the development and implementation of bicycle programs

64 SECTION 6. The second paragraph of section 11D of said chapter 85, as so appearing, is  
65 hereby amended by adding the following sentence:- A person, firm or corporation engaged in  
66 the business of renting bicycles shall make available a bicycle helmet conforming to the  
67 specifications for bicycle helmets of the U.S. Consumer Safety Commission to any person who  
68 will operate the bicycle.

69 SECTION 7. Section 2 of chapter 89 of the General Laws, as so appearing, is hereby amended  
70 by inserting after the word “vehicle”,in line 3, the following words:- and shall not return to the  
71 right until safely clear of the overtaken vehicle.

72 SECTION 8. The first paragraph of said section 2 of said chapter 89, as so appearing is hereby  
73 amended by inserting after the first sentence the following sentence:- If it is not possible to  
74 overtake a bicycle or other vehicle at a safe distance in the same lane, the overtaking vehicle  
75 shall use all or part of an adjacent lane if it is safe to do so, or wait for a safe opportunity to  
76 overtake.

77 SECTION 9. The first paragraph of section 14 of chapter 90 of the General Laws, as so  
78 appearing, is hereby amended by inserting after the 11<sup>th</sup> sentence the following sentence:- No  
79 person operating a vehicle that overtakes and passes a bicyclist proceeding in the same direction  
80 shall make a right turn at an intersection or driveway unless the turn can be made at a safe  
81 distance and at a reasonable and proper speed.

82 SECTION 10. Said section 14 of said chapter 90, as so appearing, is hereby further amended  
83 by inserting after the word “direction” ,in line 63, the following words:- including a bicycle on  
84 the right of the other approaching vehicles

85 SECTION 11. The first paragraph of said section 14 of said chapter 90, as so appearing, is  
86 hereby amended by inserting after the 13<sup>th</sup> sentence the following sentence:- It shall not be a  
87 defense for any motorist causing an accident with a bicycle that the bicycle was to the right of  
88 auto traffic.

89 SECTION 13. Said first paragraph of said section 14 of said chapter 90 is hereby further  
90 amended by adding the following sentence:- No person shall open any door on a motor vehicle  
91 unless and until it is reasonably safe to do so and can be done without interfering with the  
92 movement of other traffic, including bicyclists and pedestrians. Whoever violates any provision  
93 of this section shall be punished by a fine of not more that \$100.