

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

William N. Brownsberger

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to bicyclist safety.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
William N. Brownsberger	24th Middlesex
Kay Khan	11th Middlesex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO BICYCLIST 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 or
5 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 bicyclist
7 safety. As used in this section, “law enforcement officer” shall mean any officer of a municipal
8 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 not involving motor
14 vehicles, and the percentage of crashes involving cyclists riding against traffic, riding at night,
15 and riding on sidewalks,
16 (3) the most dangerous actions by bicyclists, and methods for citing bicyclists, including minors,
17 (4) common motorist actions causing bicycle crashes,
18 (5) reporting bicyclist crashes, and
19 (6) motorists intentionally endangering bicyclists.
- 20 (c) All law enforcement recruits shall receive the course of basic training for law enforcement
21 officers, established in subsections
22 (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

33 **SECTION 2.** Section 11A of chapter 85 of the General Laws is hereby repealed.

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

39

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

42 (1) Bicyclists riding together shall not ride more than two abreast and, on a roadway with more
43 than one lane in the direction of travel, shall ride within a single lane. Nothing herein shall
44 relieve a bicyclist of the duty to facilitate overtaking as required by section 2 of chapter 89.

45

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

48 Section 11C. A police officer taking cognizance of any traffic law violation committed by a
49 bicyclist may request the offender to state his true name and address. Whoever, upon such
50 request, refuses to state his name and address, or states a false name and address or a name and
51 address which is not his name and address in ordinary use, shall be punished by a fine of not less
52 than \$20 nor more than \$50. Any such offender so refusing to state his true name and address
53 may be arrested without a warrant, but no person shall be arrested without a warrant for any
54 other such violation. The officer shall use the ticketing procedure described in chapter 90C,
55 except that any violation committed while operating a bicycle shall not affect the status of the
56 bicyclist’s license to operate a motor vehicle nor shall it affect the bicyclist's status in the Safe
57 Driver Insurance Plan. When a citation is issued to a bicyclist, the fact that the violator is a
58 bicyclist shall be clearly indicated on the ticket, and failure to do so is a defense to the violation.
59 The parent or guardian of any person under 18 years of age shall not authorize or knowingly
60 permit any such person to violate any of the provisions of this section. A violation of any
61 provision of this section by a person under 18 years of age shall not affect any civil right or
62 liability nor shall such a violation be considered a criminal offense. If the offender is under 16
63 years of age, the officer may give such notice to the parent or guardian of the offender.

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

66

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

72

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

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

82

83 **SECTION 9.** The first paragraph of section 14 of chapter 90 of the General Laws, as so
84 appearing, is hereby amended by inserting after the 11th sentence the following sentence:— No
85 person operating a vehicle that overtakes and passes a bicyclist proceeding in the same direction
86 shall make a right turn at an intersection or driveway unless the turn can be made at a safe
87 distance and at a reasonable and proper speed.

88

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

92

93 **SECTION 11.** The first paragraph of said section 14 of said chapter 90, as so appearing, is
94 hereby amended by inserting after the 13th sentence the following sentence:— It shall not be a
95 defense for any motorist causing an accident with a bicycle that the bicycle was to the right of
96 auto traffic.

97

98 **SECTION 12.** Said first paragraph of said section 14 of said chapter 90 is hereby further
99 amended by adding the following sentence:—

100 No person shall open any door on a motor vehicle unless and until it is reasonably safe to do so
101 and can be done without interfering with the movement of other traffic, including bicyclists and
102 pedestrians. Whoever violates the proceeding sentence shall be punished by a fine of not more
103 than \$100.

104

105 **SECTION 13.** Section 11B(2)(iii) of Chapter 85 of the General Laws is hereby amended by
106 striking out the words, “American National Standards Institute (ANSI Z 90.4) or subsequent
107 standards or the Snell Memorial Foundation’s nineteen hundred and eighty-four standard for use
108 in bicycling or subsequent standards”, and inserting in place thereof the following:-

109 “U.S. Consumer Product Safety Commission”

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