

By Mr. Saltonstall, a petition (accompanied by bill, Senate, No. 851) of Ralph W. Galen, William L. Saltonstall and others for legislation to further regulate the operation of bicycles on certain ways of the Commonwealth. Public Safety.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Three.

AN ACT FURTHER REGULATING THE OPERATION OF BICYCLES ON CERTAIN WAYS OF THE COMMONWEALTH.

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 85 of the General Laws is hereby
2 amended by striking out section 11B, as most recently amended
3 by chapter 484 of the acts of 1971, and inserting thereof the
4 following section: —

5 *Section 11B.* Every person operating a bicycle upon a way,
6 the definition of which is, for the purpose of this section, as
7 defined in section one of chapter ninety, shall have all the
8 rights and shall be subject to all the duties regarding the move-
9 ment of traffic imposed by law and by state regulations upon
10 an operator of a motor vehicle, except the special regulations
11 contained in this section.

12 Said rights shall include but not be limited to the following:
13 Operators of bicycles shall have the right to use all public
14 ways in the commonwealth except limited access or express
15 state highways where signs specifically prohibiting bicycles
16 have been posted.

17 Said duties shall include but not be limited to the following:

18 (1) A person operating a bicycle upon a way, hereinafter
19 called "the operator", shall ride in the lane nearest the right
20 side of the road which is available for travel except when over-
21 taking another vehicle, preparing for a left turn or traveling
22 on a one way street. The operator shall exercise due care when
23 passing a standing vehicle or one proceeding in the same di-
24 rection.

25 (2) The operator shall signal by hand his intention to slow
26 down, stop or turn.

27 (3) The operator shall yield the right of way to pedestrians
28 on any way, and when emerging from an alley, driveway or
29 building shall, upon approaching a sidewalk, yield the right of
30 way to all pedestrians approaching in close proximity on such
31 sidewalk; upon entering a way the operator shall yield the
32 right of way to all approaching vehicles.

33 (4) The operator shall slow down and exercise reasonable
34 caution before entering an intersection of any ways.

35 Operators of bicycles shall be subject to the following special
36 regulations:

37 (1) The operator shall ride single file on any way except
38 when passing.

39 (2) The operator shall not ride other than upon or astride
40 a permanent and regular seat attached to the bicycle. The
41 operator shall not carry another person on said bicycle, except
42 on a baby seat attached to the bicycle, provided that such
43 seat is equipped with a harness to hold the child securely in
44 the seat and that protection is provided against the child's
45 feet hitting the spokes of the wheel.

46 (3) Bicycles may be ridden on sidewalks outside business
47 districts when necessary in the interest of safety, unless other-
48 wise directed by local ordinance. A person operating a bicycle
49 on the sidewalk shall yield the right of way to pedestrians
50 and give an audible signal before overtaking and passing any
51 pedestrian.

52 (4) The operator shall give an audible warning whenever
53 necessary to insure safe operation; provided, however, the use
54 of a siren or whistle is prohibited.

55 (5) The operator shall park his bicycle upon a way or a
56 sidewalk in such a manner as not to obstruct vehicular or
57 pedestrian traffic.

58 (6) The operator shall not permit the bicycle to be drawn
59 by any other moving vehicle. The operator shall not tow any
60 other vehicle or person, except that bicycle trailers properly
61 attached to the bicycle to allow for firm control and braking
62 may be used.

63 (7) The operator shall not carry any package, bundle or
64 article except in or on a basket, rack, trailer or other device
65 designed for such purposes. The operator shall keep at least
66 one hand upon the handlebars at all times.

67 (8) Every bicycle operated upon a way shall be equipped
68 with a braking system to enable the operator to bring the
69 bicycle traveling at a speed of fifteen miles per hour to a
70 smooth, safe stop within thirty feet on a dry, clean, hard, level
71 surface.

72 (9) During the period one half hour after sunset and one
73 half hour before sunrise the operator shall display toward the
74 front a white light which shall be visible for not less than
75 three hundred feet in the direction in which the bicycle is pro-
76 ceeding or facing, on the front a clear reflex reflector, and
77 toward the rear a red light or red reflex reflector visible for
78 not less than three hundred feet to the rear when in the
79 lower beams of the headlamps of a motor vehicle.

80 (10) During the period from one half hour after sunset and
81 one half hour before sunrise the operator shall display a
82 reflex reflector or reflective material on the pedals visible from
83 the front and rear from a distance of two hundred feet when
84 in the lower beams of the headlamps of a motor vehicle and
85 additional reflective material visible from each side of the
86 bicycle, either on said bicycle or on the person of the operator,
87 for a distance of two hundred feet.

88 (11) No bicycle shall be offered for sale or rent unless it
89 meets the requirements of clause (8), and no new bicycle shall
90 be offered for sale or rent after January 1, 1974, unless it
91 meets the requirements of clauses (9) and (10), with the
92 exception of the front white light.

93 (12) Any federal product safety standards relating to bicycles
94 which are more stringent than the requirements of clauses
95 (8) through (11) shall supersede said requirements.

96 (13) No bicycle shall be operated upon a way with handle-
97 bars so raised that the operator's hands are above his shoulders
98 while gripping them. Any alteration to extend the fork of a
99 bicycle from the original design and construction of the bicycle
100 manufacturer is prohibited.

101 (14) Competitive bicycle races may be held on public ways,
102 provided that such races are sponsored by or in cooperation
103 with recognized bicycle organizations and further provided
104 that the sponsoring organization shall have obtained the ap-
105 proval of the appropriate police department or departments.
106 Special regulations regarding the movement of bicycles during
107 such races, including, but not limited to, permission to ride
108 abreast, may be established by agreement between the police
109 department and the sponsoring organization.

110 (15) The operator of a bicycle shall report any accident
111 involving either personal injury or property damage in excess
112 of one hundred dollars, or both, to the registrar of motor
113 vehicles and the police department in the city or town in
114 which the accident occurred.

115 Violations of any provision of this section may be punished
116 by a fine not to exceed twenty dollars. The parent or guardian
117 of any person under age eighteen shall not authorize or know-
118 ingly permit any such person to violate any of the provisions
119 of this section. A bicycle operated by a person under the age
120 of eighteen in violation of this section may be impounded by
121 the police department, or in a town which has no police de-
122 partment, by the selectmen, for a period not to exceed fifteen
123 days. A violation of any provision of this section by a minor
124 under the age of eighteen shall not affect any civil right or
125 liability nor shall such violation be considered a criminal of-
126 fense.

127 The registrar of motor vehicles shall mail at regular intervals
128 sufficient copies of bicycle safety instructions based on this
129 section to all persons or businesses in the commonwealth en-
130 gaged in the retail sale or rental of bicycles, said instructions
131 to be distributed to all persons purchasing or renting bicycles
132 in the commonwealth.

1 SECTION 2. Section 14 of chapter 40 of the General Laws,
2 as most recently amended by chapter 83 of the acts of 1971,
3 is hereby amended by inserting after clause (16A) the follow-
4 ing clause: —

5 (16B) For designating areas upon public streets to be used

6 as bicycle lanes.

1 SECTION 3. Section 14 of chapter 90 of the General Laws
2 is hereby amended by striking out the second sentence and
3 inserting in place thereof the following sentence: —

4 In approaching or passing a person on a bicycle the operator
5 of a motor vehicle shall slow down and pass at a safe distance
6 and at a reasonable and proper speed.

1 SECTION 4. Section 34A of said chapter 90 is hereby amend-
2 ed by adding the following new paragraph: —

3 The term "pedestrian" as used in describing personal injury
4 protection in this section shall include persons operating bi-
5 cycles, tricycles and similar vehicles and persons upon horse-
6 back or in vehicles drawn by horses or other draft animals.

1 SECTION 5. Section 1 of chapter 90A of the General Laws
2 is hereby amended by striking out at the end of the second
3 sentence the following words: — "and one of whom shall be a
4 representative of an automobile club." and inserting in place
5 thereof the following words: —

6 "one of whom shall be a representative of an automobile
7 club, and one of whom shall be a representative of a recognized
8 bicycle club."