
Chapter 525. AN ACT PROVIDING FOR BICYCLE SAFETY.

Be it enacted, etc., as follows:

SECTION 1. Chapter 6 of the General Laws is hereby amended by inserting after section 116D the following section:—

Section 116E. (a) The municipal police training committee shall develop and establish within the recruit basic training curriculum a course for regional and municipal police training schools for the training of law enforcement officers in bicycle safety enforcement and develop guidelines for traffic enforcement for bicyclist safety. As used in this section, “law enforcement officer” shall mean an officer of a municipal police department.

(b) The course in bicycle safety enforcement shall include, but not be limited to, at least 2 hours of instruction in the procedures and techniques described below:

(1) the rights and duties of bicyclists set forth in chapter 85;

(2) patterns and sources of injuries to bicyclists, both those involving and those not involving motor vehicles and the percentage of crashes involving cyclists riding against traffic, riding at night and riding on sidewalks;

(3) the most dangerous actions by bicyclists and procedures for citing bicyclists, including minors;

(4) common motorist actions causing bicycle crashes;

(5) reporting bicyclist crashes; and

(6) motorists intentionally endangering bicyclists.

(c) All law enforcement recruits shall receive the course in bicycle safety enforcement as part of their required training program.

(d) The course in bicycle safety enforcement shall be taught as part of the highway safety component of the recruit academy training, so that there shall not be an increase in the currently required hours of recruit training.

(e) The course of instruction, the learning and performance objectives, the standards for training and the guidelines shall be developed by the municipal police training committee in consultation with the Massachusetts Bicycle Advisory Board and appropriate groups and individuals having an interest and expertise in bicycle safety.

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

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 Section 11A of chapter 85 of the General Laws is hereby repealed.

SECTION 3. Section 11B of said chapter 85, as appearing in the 2006 Official Edition, is hereby amended by inserting after the word “turn”, in line 9, the following words:— ; provided, however, that signals need not be made continuously and shall not be made when the use of both hands is necessary for the safe operation of the bicycle.

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

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(1) Bicyclists riding together shall not ride more than 2 abreast but, on a roadway with more than 1 lane in the direction of travel, bicyclists shall ride within a single lane. Nothing in this clause shall relieve a bicyclist of the duty to facilitate overtaking as required by section 2 of chapter 89.

SECTION 5. Said section 11B of said chapter 85, as so appearing, is hereby further amended by striking out, in lines 36 to 39, inclusive, the words "American National Standards Institute (ANSI Z 90.4) or subsequent standards or the Snell Memorial Foundation's nineteen hundred and eighty-four standard for use in bicycling or subsequent standards" and inserting in place thereof the following words:- United States Consumer Product Safety Commission.

SECTION 6. Said chapter 85 is hereby further amended by striking out section 11C, as so appearing, and inserting in place thereof the following section:—

Section 11C. A police officer who observes a traffic law violation committed by a bicyclist may request the offender to state his true name and address. Whoever, upon such request, refuses to state his name and address or whoever states a false name and address or a name and address which is not his name and address in ordinary use, shall be punished by a fine of not less than \$20 nor more than \$50. An offender who refuses to state his true name and address may be arrested without a warrant for such refusal but no person shall be arrested without a warrant for any other traffic law violation committed while operating a bicycle. A police officer shall use the ticketing procedure described in chapter 90C to cite a bicyclist for a traffic law violation but the violation shall not affect the status of the bicyclist's license to operate a motor vehicle nor shall it affect the bicyclist's status in the safe driver insurance plan. When a citation is issued to a bicyclist, it shall be clearly indicated on the ticket that the violator is a bicyclist, and failure to do so shall be a defense to the violation.

The parent or guardian of a person under 18 years of age shall not authorize or knowingly permit that person to violate this section. A violation of this section by a person under 18 years of age shall not affect any civil right or liability nor shall the violation be a criminal offense. If the offender is under 16 years of age, the officer may give the notice to the parent or guardian of the offender.

All fines collected by a city or town pursuant to this section shall be used by the city or town for the development and implementation of bicycle safety programs.

SECTION 7. The second paragraph of section 11D of said chapter 85, as so appearing, is hereby amended by adding the following sentence:— A person, firm or corporation engaged in the business of renting bicycles shall make available a bicycle helmet conforming to the specifications for bicycle helmets of the United States Consumer Product Safety Commission to each person renting a bicycle.

SECTION 8. Section 2 of chapter 89 of the General Laws, as so appearing, is hereby amended by inserting after the word "vehicle", in line 3, the following words:— and shall not return to the right until safely clear of the overtaken vehicle.

SECTION 9. The first paragraph of said section 2 of said chapter 89, as so appearing, is hereby amended by inserting after the first sentence the following sentence:—

If it is not possible to overtake a bicycle or other vehicle at a safe distance in the same lane, the overtaking vehicle shall use all or part of an adjacent lane if it is safe to do so or wait for a safe opportunity to overtake.

SECTION 10. The first paragraph of section 14 of chapter 90 of the General Laws, as so appearing, is hereby amended by inserting after the eleventh sentence the following sentence:— No person operating a vehicle that overtakes and passes a bicyclist proceeding in the same direction shall make a right turn at an intersection or driveway unless the turn can be made at a safe distance from the bicyclist at a speed that is reasonable and proper.

SECTION 11. Said section 14 of said chapter 90, as so appearing, is hereby further amended by inserting after the word “direction”, in line 63, the following words:— , including a bicycle on the right of the other approaching vehicles,.

SECTION 12. The first paragraph of said section 14 of said chapter 90, as so appearing, is hereby amended by inserting after the thirteenth sentence the following sentence:— It shall not be a defense for a motorist causing an accident with a bicycle that the bicycle was to the right of vehicular traffic.

SECTION 13. Said first paragraph of said section 14 of said chapter 90 is hereby further amended by adding the following sentence:— No person shall open a door on a motor vehicle unless it is reasonably safe to do so without interfering with the movement of other traffic, including bicyclists and pedestrians. Whoever violates the preceding sentence shall be punished by a fine of not more than \$100.

SECTION 14. The course on bicycle safety to be developed by the municipal police training committee pursuant to section 116E of chapter 6 of the General Laws shall be established and implemented not later than July 1, 2009.

Approved January 15, 2009.

Chapter 526. AN ACT RELATIVE TO AMERICAN SIGN LANGUAGE AND HARD OF HEARING WORKFORCE SOLUTIONS.

Be it enacted, etc., as follows:

There is hereby established the William Hoy Council of Deaf Studies and Workforce Development, hereinafter referred to as the council. The council shall be comprised of the following members: the commissioner of the deaf and hard of hearing or a designee, who shall be the chair of the council; the president of the University of Massachusetts or a designee; the commissioner of higher education or a designee; 2 presidents of community colleges appointed by the commissioner of higher education, or their designees; 2 presidents of state colleges appointed by the commissioner of higher education, or their designees; 2 presidents of private colleges or universities appointed by the commissioner of higher education, or their designees; the director of workforce development or a designee; the president