HOUSE DOCKET, NO. 144 FILED ON: 1/11/2011

# HOUSE . . . . . No. 408

## 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 adoption of the accompanying bill:

An Act providing for the safety of bicyclists traveling on bicycle paths.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|---|---|---|
| *William N. Brownsberger* | | *1/11/2011* |
| *Carl M. Sciortino, Jr.* | *34th Middlesex* | *1/28/2011* |
| *Frank I. Smizik* | *15th Norfolk* | *1/28/2011* |
| *Cory Atkins* | *14th Middlesex* | *2/1/2011* |
| *Kay Khan* | *11th Middlesex* | *1/28/2011* |
| *Ruth B. Balser* | *12th Middlesex* | *2/3/2011* |

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By Mr. Brownsberger of Belmont, a petition (accompanied by bill, House, No. 408) of William N. Brownsberger and others for legislation to establish civil or criminal penalties for motorists failing to yield to bicyclists. The Judiciary.

## The Commonwealth of Massachusetts

**In the Year Two Thousand Eleven**

An Act providing for the safety of bicyclists traveling on bicycle paths.

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

Chapter 89 § 11 is hereby amended by inserting the words “and bicyclists” after the word “pedestrian” in the heading and adding the words “or bicyclists” or “and bicyclists” throughout the text, and by adding the sentence “Nor shall the fact that the bicyclist may have had a “Yield” sign, “Stop” sign or other traffic control device to warn of the upcoming roadway crossing be a defense to any civil claim arising from any crash or collision in or at the marked crossing”, so that the four paragraphs of the current statute shall read as follows:

When traffic control signals are not in place or not in operation the driver of a vehicle shall yield the right of way, slowing down or stopping if need be so to yield, to a pedestrian or bicyclist crossing the roadway within a crosswalk marked in accordance with standards established by the department of highways if the pedestrian is on that half of the traveled part of the way on which the vehicle is traveling or if the pedestrian or bicyclist approaches from the opposite half of the traveled part of the way to within 10 feet of that half of the traveled part of the way on which said vehicle is traveling.

No driver of a vehicle shall pass any other vehicle which has stopped at a marked crosswalk to permit a pedestrian or bicyclist to cross, nor shall any such operator enter a marked crosswalk while a pedestrian or bicyclist is crossing or until there is a sufficient space beyond the crosswalk to accommodate the vehicle he is operating, notwithstanding that a traffic control signal may indicate that vehicles may proceed. Nor shall the fact that the bicyclist may have had a "Yield" sign, "Stop" sign or other traffic control device to warn of the upcoming roadway crossing be a defense to any civil claim arising from any crash or collision in or at the marked crossing.

Whoever violates any provision of this section shall be punished by a fine of not more than $200.

Whenever a pedestrian or bicyclist is injured by a motor vehicle in a marked crosswalk, the department of state police or the municipal police department with jurisdiction of the street, in consultation with department of state police if deemed appropriate, shall conduct an investigation into the cause of the injury and any violation of this section or other law or ordinance and shall issue the appropriate civil or criminal citation or file an application for the appropriate criminal complaint, if any. This section shall not limit the ability of a district attorney or the attorney general to seek an indictment in connection with the operation of a motor vehicle which causes injury or death and which violates this section.