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I MINA'TRENTAI UNU NA LIHESLATURAN GUAHAN
2011 (FIRST) Regular Session

Bill No. 362-31(LS)

Introduced by:

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AN ACT TO ADD CHAPTER 27 TO TITLE 18 OF THE GUAM CODE ANNOTATED RELATIVE TO BICYCLE SAFETY, AND TO CITE THE ACT AS THE "BICYCLE SAFETY ACT OF 2011."

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Chapter 27 is hereby added to Title 18 of the Guam Code
3 Annotated to read as follows:

4 "CHAPTER 27.
5 BICYCLE SAFETY.

6	§27101.	Title.
7	§27102.	Definitions.
8	§27103.	Purpose.
9	§27104.	Bicycle Safety Rules and
10		Regulations.
11	§27105.	Penalty.
12	§27106.	Operation of Bicycles.
13	§27107.	Traffic Laws.
14	§27108.	Riding on Bicycles.
15	§27109.	Clinging to Vehicles.

1	§27110.	Riding on Roadways and Bike
2		Paths.
3	§27111.	Carrying Articles on Bicycles.
4	§27112.	Bicycle Lamps and Brakes.
5	§27113.	Severability.

6

7 **§27101. Title.** This Chapter may be cited or referred to as “*The Bicycle*

8 *Safety Act of 2011.*”

9 **§27102. Definitions.** For purposes of this Chapter, the following words

10 and phrases are defined to mean:

11 (a) “*Bicycle*” means a human-powered vehicle with two (2) wheels in

12 tandem designed to transport, by the action of pedaling, one (1) or more persons

13 seated on one (1) or more saddle seats on its frame. “*Bicycle*” also includes a

14 human-powered vehicle designed to transport by pedaling which has more than

15 two (2) wheels where the vehicle is used on a public highway or street, public

16 bicycle path or other public right-of-way, but does not include a tricycle;

17 (b) “*Operator*” means a person who travels on a bicycle seated on a

18 saddle seat from which that person is intended to and can pedal the bicycle;

19 (c) “*Passenger*” means any person who travels on a bicycle in any

20 manner except as an operator;

21 (d) “*Protective bicycle helmet*” means a piece of headgear which

22 meets or exceeds the impact standards for protective bicycle helmets set by the

23 American National Standards Institute (ANSI) or the Snell Memorial

24 Foundation, or which is otherwise approved by the commissioner of safety;

25 (e) “*Public bicycle path*” means a right-of-way used primarily by

26 bicycles and pedestrians;

1 (f) *"Restraining seat"* means a seat separate from the saddle seat of
2 the operator of the bicycle that is fastened securely to the frame of the bicycle
3 and is adequately equipped to restrain the passenger in such seat and protect
4 such passenger from the moving parts of the bicycle;

5 (g) *"Tricycle"* means a three-wheeled human-powered vehicle.

6 (h) *"Highway"* or *"street"* means the entire width between boundary
7 lines of every way publicly maintained, when any part thereof is open to the use
8 of the public for purposes of vehicular travel; and

9 (i) *"Sidewalk"* means that portion of a street between the curb lines, or
10 the lateral lines of a roadway, and the adjacent property lines, intended for use
11 of pedestrians.

12 **§27103. Purpose.** The purpose of this Chapter is to reduce the
13 incidence of disability and death resulting from injuries incurred in bicycling
14 accidents by requiring that, while riding on a bicycle on highways, streets and
15 sidewalks, all bicycle operators and passengers under sixteen (16) years of age
16 wear approved protective bicycle helmets.

17 **§27104. Bicycle Safety Rules and Regulations.** With regard to any
18 bicycle operated over any highway, street or sidewalk, it is unlawful:

19 (1) For any person under sixteen (16) years of age to operate or
20 be a passenger on a bicycle unless at all times when so engaged such
21 person wears a protective bicycle helmet of good fit fastened securely
22 upon the head with the straps of the helmet;

23 (2) For any person to be a passenger on a bicycle unless, with
24 respect to any person who weighs fewer than forty pounds (40 lbs.), or is
25 less than forty inches (40") in height, the person can be and is properly
26 seated in and adequately secured to a restraining seat;

1 (3) For any parent or legal guardian of a person below twelve
2 (12) years of age to knowingly permit such person to operate or be a
3 passenger on a bicycle in violation of Paragraphs (1) or (2); and

4 (4) To rent or lease any bicycle to or for the use of any person
5 under sixteen (16) years of age unless:

6 (A) The person is in possession of a protective bicycle
7 helmet of good fit at the time of such rental or lease; or

8 (B) The rental or lease includes a protective bicycle
9 helmet of good fit, and the person intends to wear the helmet, as
10 required by subdivision (1), at all times while operating or being a
11 passenger on the bicycle.

12 **§27105. Penalty.** (a) Except as provided in Subsection (b), any adult
13 person violating any requirements set forth in §27104, commits a violation and
14 shall be assessed a civil penalty of Two Hundred Dollars (\$200.00).

15 (b) Upon commission of the first offense within a twelve-month
16 period under §27104(3), it shall be a defense that the accused has since the date
17 of the violation purchased or provided a protective bicycle helmet or a
18 restraining seat, and uses and intends to use or causes to be used or intends to
19 cause to be used the same as the law requires.

20 (c) In no event shall failure to wear a protective bicycle helmet or to
21 secure a passenger to a restraining seat be admissible as evidence in a trial of
22 any civil action.

23 (d) A law enforcement officer observing any violation of this part shall
24 issue a warning to the violator for the first offense and a citation to the violator
25 for the second or subsequent offense, but shall not arrest or take into custody
26 any person solely for a violation of this part.

1 **§27106. Operation of Bicycles.** (a) It shall be a Class C misdemeanor
2 for any person to do any act forbidden or fail to perform any act required in §§
3 27106 - 27112.

4 (b) The parent of any child and the guardian of any ward shall not
5 authorize or knowingly permit any such child or ward to violate any of the
6 provisions of this Chapter.

7 (c) These regulations applicable to bicycles shall apply whenever a
8 bicycle is operated upon any highway or upon any path set aside for the
9 exclusive use of bicycles subject to those exceptions stated herein.

10 **§27107. Traffic Laws.** (a) Every person riding a bicycle upon a
11 roadway is granted all of the rights and is subject to all of the duties applicable
12 to the driver of a vehicle by this Chapter and the Vehicle Code of Guam.

13 (b) Overtaking a bicycle the operator of a vehicle overtaking from
14 behind, a bicycle proceeding on the same side of a roadway shall pass to the left
15 of such bicycle at a safe distance until safely clear.

16 **§27108. Riding on Bicycle.** (a) A person propelling a bicycle shall not
17 ride other than upon or astride a permanent and regular seat attached thereto.

18 (b) No bicycle shall be used to carry more persons at one (1) time than
19 the number for which it is designed or equipped.

20 (c) No person shall play on a highway other than upon the sidewalk
21 thereof, or in any part of a highway or use thereon roller skates, coasters or any
22 similar vehicle or toy or article on wheels or a runner, except in such areas as
23 may be specially designated for that purpose.

24 **§27109. Clinging to Vehicles.** (a) No person riding upon any bicycle,
25 shall attach to such bicycle, roller skates, or toy vehicle, or such person's own
26 body, to any streetcar or vehicle upon a roadway.

1 (b) The provisions of this Section shall not be construed to prohibit the
2 attachment of a bicycle trailer or bicycle semitrailer to a bicycle if such trailer
3 or semitrailer is designed specifically for such purpose.

4 **§27110. Riding on Roadways and Bike Paths.**

5 (a) (1) Any person operating a bicycle upon a roadway at less than
6 the normal speed of traffic at the time and place and under the conditions
7 then existing shall ride as close as practicable to the right-hand curb or
8 edge of the roadway, except under any of the following situations:

9 (A) When overtaking and passing another vehicle
10 proceeding in the same direction;

11 (B) When preparing for a left turn at an intersection or
12 into a private road or driveway; or

13 (C) When reasonably necessary to avoid conditions
14 including, but not limited to, fixed or moving objects, parked or
15 moving vehicles, pedestrians, animals, surface hazards, or
16 substandard width lanes that make it unsafe to continue along the
17 right-hand curb or edge. For purposes of this Section, "substandard
18 width lane" means a lane that is too narrow for a bicycle and
19 another vehicle to travel safely side by side within the lane.

20 (2) This subsection does not apply to a certified police cyclist
21 engaged in the lawful performance of duty relating to traffic control.

22 (b) (1) Persons riding bicycles upon a roadway shall not ride more
23 than two (2) abreast except on paths or parts of roadways set aside for the
24 exclusive use of bicycles. Persons riding two (2) abreast shall not impede
25 the normal and reasonable movement of traffic and, on a laned roadway,
26 shall ride within a single lane.

1 (2) This subsection does not apply to a certified police cyclist
2 engaged in the lawful performance of duty relating to traffic control or in
3 pursuit of an actual or suspected violator of the law.

4 **§27111 Carrying Articles on Bicycle.** No person operating a bicycle
5 shall carry any package, bundle or article which prevents the driver from
6 keeping at least one (1) hand upon the handlebars.

7 **§27112. Bicycle Lamps and Brakes.** (a) Every bicycle, when in use
8 at nighttime, shall be equipped with a lamp on the front which shall emit a
9 white light visible from a distance of at least five hundred feet (500 feet) to the
10 front and with a red reflector on the rear which shall be visible from all
11 distances from fifty feet (50 feet) to three hundred feet (300 feet) to the rear
12 when directly in front of lawful upper beams of head lamps on a motor vehicle.
13 A lamp emitting a red light visible from a distance of five hundred feet (500
14 feet) to the rear may be used in addition to the red reflector.

15 (b) Every bicycle shall be equipped with a brake or brakes which will
16 enable its driver to stop the bicycle within twenty-five feet (25 feet) from a
17 speed of ten miles per hour (10 mph) on dry, level, clean pavement.

18 **§27113. Severability.** *If any provision of this law or its application to*
19 *any person or circumstance is found to be invalid or contrary to law, such*
20 *invalidity shall not affect other provisions or applications of this law which can*
21 *be given effect without the invalid provisions or applications, and to this end*
22 *the provisions of this law are severable.”*