I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LAHEN GUÅHAN*

This is to certify that **Bill No. 362-31 (LS), "AN ACT TO *ADD* A NEW CHAPTER 27 TO TITLE 16 OF THE GUAM CODE ANNOTATED, RELATIVE TO BICYCLE SAFETY, AND TO CITE THE ACT AS THE *"BICYCLE SAFETY ACT OF 2012"*,** was on the 17th day of February, 2012, duly and regularly passed.

Judith T. Won Pat, Ed.D.
Speaker

Attested:

Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 17 day of FEB, 2012, at 1:22 o'clock P.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

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

Bill No. 362-31 (LS)
As amended by the Committee on Public Safety,
Law Enforcement and Judiciary; and further amended on the Floor.

Introduced by: F. F. Blas, Jr.
T. C. Ada
V. Anthony Ada
B. J.F. Cruz
Chris M. Dueñas
Judith P. Guthertz, DPA
Sam Mabini, Ph.D.
T. R. Muña Barnes
Adolpho B. Palacios, Sr.
v. c. pangelinan
R. J. Respicio
Dennis G. Rodriguez, Jr.
M. Silva Taijeron
Aline A.Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT TO *ADD* A NEW CHAPTER 27 TO TITLE 16 OF THE GUAM CODE ANNOTATED, RELATIVE TO BICYCLE SAFETY, AND TO CITE THE ACT AS THE "*BICYCLE SAFETY ACT OF 2012.*"

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A new Chapter 27 is hereby *added* to Title 16, Guam Code Annotated, to read:

"CHAPTER 27

BICYCLE SAFETY

§27101. Title.

§27102. Definitions.
§27103. Purpose.
§27104. Bicycle Safety Rules and Regulations.
§27105. Penalty.
§27106. Operation of a Bicycle.
§27107. Traffic Laws.
§27108. Riding on a Bicycle.
§27109. Clinging to Vehicle.
§27110. Riding on a Roadway or Bike Path.
§27111. Carrying Articles on a Bicycle.
§27112. Bicycle Lamps and Brakes.
§27113. Severability.

§ 27101. Title. This Chapter may be cited or referred to as ***"The Bicycle Safety Act of 2012. "***

§ 27102. Definitions. For purposes of this Chapter:

(a) *bicycle* means a human-powered vehicle with two (2) wheels in tandem designed to transport, by the action of pedaling, one (1) or more persons seated on one (1) or more seat(s) on its frame. *Bicycle* also includes a human-powered vehicle designed to transport by pedaling which has more than two (2) wheels, where the vehicle is used on a public highway or street, public bicycle path or other public right-of-way, but *does not* include a tricycle;

(b) *operator* means a person who travels on a bicycle seated on a seat from which that person is intended to and can pedal the bicycle;

(c) *passenger* means any person who travels on a bicycle in any manner *except* as an operator;

(d) *protective bicycle helmet* or *helmet* means a piece of headgear which meets or exceeds the minimum bicycle safety standards for protective bicycle helmets set by the U.S. Consumer Product Safety Commission (CPSC), American National Standards Institute (ANSI), the American Society for Testing and Materials (ASTM), or the Snell Memorial Foundation, or which is otherwise approved by the Governor's Highway Safety Representative, or his or her designee;

(e) *public bicycle path* means a right-of-way used primarily by bicycles and pedestrians;

(f) *restraining seat* means a seat, separate from the seat of the operator of the bicycle, that is fastened securely to the frame of the bicycle and is adequately equipped to restrain the passenger in such seat and protect such passenger from the moving parts of the bicycle;

(g) *tricycle* means a three (3)-wheeled human-powered vehicle.

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

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

§ 27103. Purpose. The purpose of this Chapter is to reduce the incidence of disability and death resulting from injuries incurred in bicycling accidents by requiring that, while riding on a bicycle on highways, streets and sidewalks, all bicycle operators and passengers wear approved protective bicycle helmets.

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

(a) for any person to operate or be a passenger on a bicycle *unless* at all times when so engaged such person wears a protective bicycle helmet of a good fit, and fastened securely upon the head with the straps of the helmet;

(b) for any person to be a passenger on a bicycle *unless*, with respect to any person who weighs *fewer than* thirty-three (33) pounds, or is *less than* forty (40) inches in height, the person can be and is properly seated in, and adequately secured to a restraining seat;

(c) for any parent or legal guardian of a person below twelve (12) years of age to knowingly permit such person to operate or be a passenger on a bicycle in violation of Subsections (a) or (b);

(d) to rent or lease any bicycle to or for the use of any person *unless*:

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

(2) the rental or lease includes a protective bicycle helmet of good fit, and the person intends to wear the helmet, as required by Subsection (a), at all times while operating or being a passenger on the bicycle;

(e) for any person to operate a bicycle during the evening hours without either affixing retro reflective material to the bicycle or wearing retro reflective accessories or articles of clothing; and

(f) for any person to transport a child under the age of one (1) year on a bicycle.

§ 27105. Penalty.

(a) *Except* as provided in Subsection (b), any adult person violating any requirements set forth in §27104, commits a violation and *shall* be assessed a civil penalty of Fifty Dollars ($50.00).

(b) Upon commission of the first offense within a twelve (12)-month period under §27104(c), it *shall* be a defense that the accused has since the date of the violation purchased or provided a protective bicycle helmet or a restraining seat, and uses and intends to use or causes to be used or intends to cause to be used the same as the law requires.

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

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

§ 27106. Operation of a Bicycle.

(a) It *shall* be a petty misdemeanor for any person to do any act forbidden or fail to perform any act required in §§ 27106 - 27112.

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

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

§ 27107. Traffic Laws.

(a) Every person riding a bicycle upon a roadway is granted all of the rights and is subject to all of the duties applicable to the driver of a vehicle by this Chapter and the Vehicle Code of Guam.

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

§ 27108. Riding on a Bicycle.

(a) A person propelling a bicycle *shall not* ride other than upon or astride a permanent and regular seat attached thereto.

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

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

§ 27109. Clinging to Vehicle.

(a) No person riding upon any bicycle, shall attach to said bicycle, roller skates, or toy vehicle. No person riding upon any bicycle shall attach said bicycle person's own body, to any streetcar or vehicle upon a roadway.

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

§ 27110. Riding on a Roadway or Bike Path.

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

(A) when overtaking and passing another vehicle proceeding in the same direction;

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

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

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

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

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

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

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

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

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