

SENATE No. 37

To accompany the petition of Leslie B. Cutler for legislation relative to the registration and operation of bicycles. Highways and Motor Vehicles.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Nine.

AN ACT RELATIVE TO THE REGISTRATION AND OPERATION OF BICYCLES.

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

1 Chapter 85 of the General Laws is hereby amended
2 by striking out section 11A, inserted by section 1 of
3 chapter 710 of the acts of 1941, and inserting in
4 place thereof the following sections: —

5 *Section 11A.* No person who resides within the
6 commonwealth shall operate a bicycle therein unless
7 the same is registered under this section in the city
8 or town in which the owner resides, nor unless the
9 registration plate issued therefor is attached to such
10 bicycle. The police department of each city or town,
11 or the selectmen of any town having no organized
12 police department, shall annually, on July first,
13 register for the period of one year every bicycle
14 owned by any person residing therein, and shall
15 issue to the owner thereof a certificate of registration.
16 The application for registration shall contain the

17 name, address and age of the owner, the make of
18 the bicycle, and serial number, if any, affixed by
19 the maker, or any other identifying marks. The
20 certificate of registration shall contain the name and
21 address of the owner, a description of the bicycle and
22 a registration plate, furnished by said police depart-
23 ment or selectmen, bearing the register number
24 assigned to the bicycle and the name of the city or
25 town where registered. Upon the sale or other
26 transfer of a registered bicycle, the registrant shall
27 remove the registration plate and surrender the
28 same to the police department or the selectmen, as
29 the case may be, or may, upon application but with-
30 out payment of an additional fee, have said plate
31 assigned to another bicycle owned by him. A bi-
32 cycle rental agency shall not rent or offer for rent any
33 bicycle unless it is registered and a registration plate
34 is attached thereto as provided herein.

35 Every person engaged in the business of buying
36 or selling new or second hand bicycles shall make a
37 report to said police department or selectmen, as
38 the case may be, of the city or town where such pur-
39 chase or sale is consummated, of every bicycle pur-
40 chased or sold by such dealer giving the name and
41 address of the person from whom purchased or to
42 whom sold, a description of such bicycle by name or
43 make, and the number of the registration plate, if
44 any, attached thereto. Blank forms of applications
45 and certificates for use in carrying out the provisions
46 of this section shall be prepared and furnished by
47 the commissioner of public safety to cities and towns
48 at their expense. An annual fee of not more than
49 thirty-five cents shall be collected for each registra-
50 tion plate and certificate issued under this section.

51 *Section 11B.* Operators of bicycles shall conform
52 to traffic rules and regulations so far as they are
53 obviously and reasonably applicable for their own
54 safety. No operator of a bicycle shall permit any
55 person in excess of the number for which such
56 bicycle is designed and equipped to ride thereon with
57 him. No person shall propel a bicycle except when
58 upon or astride a permanent and regular seat at-
59 tached thereto, and every such person shall keep at
60 least one hand upon the handle bars of said bicycle
61 at all times while the same is in motion. No person
62 riding upon any bicycle shall attach the same or him-
63 self to any street car or other vehicle upon a way.

64 Every person operating a bicycle upon a way shall
65 ride as near to the right side of the way as practicable,
66 exercising due care when passing a standing vehicle or
67 one proceeding in the same direction. Persons
68 riding bicycles upon a way shall not ride more than
69 two abreast except on paths or parts of roadways
70 set aside for the exclusive use of bicycles. Whenever
71 a usable path for bicycles has been provided adjacent
72 to a way, bicycle riders shall use such path and shall
73 not use the way. No person shall ride a bicycle upon
74 any sidewalk in such manner as to endanger the life
75 or property of any other person.

76 No person shall ride a bicycle on any way at night
77 unless such bicycle is equipped with a lamp in the
78 front which shall emit a white light visible from a
79 distance of at least five hundred feet, and with a
80 red reflector on the rear which shall be visible from
81 a distance of three hundred and fifty feet to the
82 rear when directly in front of a lawful upper beam
83 of the headlamps of a motor vehicle. A lamp emit-
84 ting a red light visible from a distance of five hundred

85 feet to the rear may be used in addition to the red
86 reflector. No person shall at any time operate a
87 bicycle unless it is equipped with a bell or other
88 device capable of giving a signal audible for a dis-
89 tance of at least one hundred feet, except that a
90 bicycle shall not be equipped with nor shall any per-
91 son use upon a bicycle any siren or whistle. Every
92 bicycle shall be equipped with a brake which will
93 enable its operator to skid its braked wheels on dry,
94 level, clean pavement. This section and section
95 eleven A shall apply only to bicycles having at least
96 one wheel which exceeds twenty inches in diameter.
97 *Section 11C.* Violation of any provisions of sec-
98 tion eleven A or section eleven B shall be punished
99 by a fine of one dollar and in addition the police
100 department or selectmen who issued the same may
101 suspend the registration certificate of any registered
102 bicycle operated in violation of any such provision.
103 If the person operating a bicycle in violation of any
104 such provision is a minor, the police department, or
105 the selectmen, as the case may be, in addition to or
106 instead of any prosecution or suspension hereunder,
107 may, upon written notification to the parent or
108 guardian of such minor, impound such bicycle for a
109 period not exceeding fifteen days. Any parent or
110 guardian who authorizes or knowingly permits his
111 minor child or ward to violate any provisions of this
112 act shall be punished by a fine of not more than
113 twenty-five dollars.

114 *Section 11D.* No violation of any of the pro-
115 visions of section eleven A shall affect any civil right
116 or liability, nor shall any such violation by a minor
117 under the age of eighteen be considered a criminal
118 offence. In all actions to recover damages for injuries

119 to the person or property or for causing the death of
120 a person, a person sixteen years of age or under who,
121 while violating any provision of section eleven A or
122 eleven B is injured or killed, shall be presumed,
123 nevertheless, to have been in the exercise of due care,
124 and contributory negligence on his part shall be an
125 affirmative defence to be set up in the answer and
126 proved by the defendant.

