

CASE NOTES

Effect of violation.—Violation of former law relating to use of bicycles on highways did not constitute negligence as matter of law. *Hoxie v Bardwell*, 287 Mass 121, 191 NE 640.

Whether the failure to have light attached to bicycle was a cause of the accident, is for the jury. *Butler v Curran*, 302 Mass 1, 18 NE2d 340.

§ 11B. Operation of Bicycles Regulated.

Operators of bicycles shall conform to traffic rules and regulations so far as they are obviously and reasonably applicable for their own safety, shall not ride other than upon or astride a permanent and regular seat attached thereto, and in groups of two or more shall always ride in single file except on paths or sections of the highway set aside for the exclusive use of bicycles. No operator of a bicycle upon any way as defined in section one of chapter ninety shall permit any person in excess of the number for which such bicycle is designed and equipped to ride thereon with him, and no operator of a bicycle shall permit it to be drawn by any other moving vehicle. Every bicycle operated during the period from one half an hour after sunset to one half an hour before sunrise shall display on the front a white light which shall be visible for not less than five hundred feet in the direction toward which the bicycle is proceeding or facing, and on the rear a red reflector visible for not less than three hundred feet to the rear when in the upper beams of the headlamps of a motor vehicle, and shall display on the lower portion of the rear fender and on the upper portion of both sides of the front fork, on an area of about five square inches in each case, a marking of white or reflectorized paint or reflectorized tape. No bicycle shall be operated unless equipped with a suitable bell, horn or other device capable of giving a signal audible for at least one hundred feet, except that no bicycle shall be equipped with nor shall any person use upon a bicycle a siren or whistle. Every bicycle shall be equipped with an adequate brake which will enable the operator to stop the bicycle quickly and evenly. Violation of any provision of this section shall be punished by a fine of one dollar. Any such violation by a minor under the age of eighteen shall not be considered a criminal offense. If a minor under the age of eighteen operates a bicycle in violation of any such provision the police department, or, in a town which has no organized police department, the selectmen, may, with the consent of the parent or guardian of such minor, impound such bicycle for a period not exceeding fifteen days. This section shall apply only to a bicycle at least one wheel of which exceeds twenty inches in diameter. A violation of any provision of this section by a minor under the age of eighteen shall not affect any civil right or liability. (1961, 518, § 4; 1962, 346.)

Editorial Note—

The 1962 amendment struck out the third sentence, which merely required that

every bicycle be equipped with a red reflector visible from the rear and at least two inches in diameter, and inserted three sentences in place thereof.

§§ 12-14. [Repealed, 1941, 710, § 2.]

Editorial Note—

The repealed sections were derived from Acts 1894, 479 §§ 1-5; 1898, 121; 1900, 312; RL 52, §§ 9-12; 1917, 344, V, §§ 14-17, VIII, § 1; 1921, 377.

§ 14A. Funeral Processions.

A funeral procession of not more than ten vehicles shall have the right, except on Sundays and legal holidays, to use any parkway, boulevard or other public way to the same extent and subject to the same regulations and restrictions as vehicles commonly known as pleasure vehicles. (1929, 347.)

ALR Annotations—

Liability for damage resulting from operation of vehicle in procession claiming status of funeral procession. 85 ALR2d 692.

§ 14B. Signal Lights on Ways Where Certain Vehicles Are Disabled.

Whenever any commercial vehicle having a gross weight in excess of five thousand pounds other than a motor bus or taxicab, or any automobile service truck, so called, becomes disabled upon the traveled portion of any street or highway the operator of such vehicle shall, during the time when lights are required to be displaced on motor vehicles, place three flares on the traveled part of the way in the following positions:— one flare in the center of the traffic lane in which such disabled vehicle remains and distant approximately one hundred feet from such vehicle in the direction of traffic approaching in that lane; one flare not less than one hundred feet from such vehicle in the opposite direction in said lane; and one flare at the traffic side of such vehicle, not nearer than ten feet from the front or rear of such vehicle; provided, that if such vehicle is disabled within three hundred feet of a curve, crest of a hill, or other place where the view of such vehicle is obstructed, the flare in that direction shall be so placed as to afford ample warning to other persons using such way, and in no case less than one hundred feet, nor more than three hundred feet, from the disabled vehicle. The word "flare" as used in this section shall mean either a lighted pot torch, a lighted red electric lamp, or a red emergency reflector warning device, which conforms to the requirements of the specifications adopted by the Interstate Commerce Commission for the construction and performance of such devices and bears the label of the Underwriters' Laboratory, Inc.

Every vehicle to which this section applies, when operated on any street or highway shall, during the period when lights are required to be displayed on motor vehicles, carry three flares in a position where they are easily accessible to any person desiring to use the same and to any officer or official authorized to inspect said vehicle.