

For the states working on getting a “3 Foot Law” passed here is an excellent paper that was prepared by Brian Faller, an avid cyclist who lives, works and rides in Washington state.

**Bicycle Alliance of Washington
Policy Paper on
THREE FEET PASSING LEGISLATION
December 2008**

1. The main purpose of the three-foot passing legislation is to educate the public about how far is a safe distance to pass bicyclists and pedestrians. Many motorists believe just avoiding contact with a bicyclist or pedestrians is all that is required. Most motorists are often unaware of the danger of passing a cyclist too closely. It can result in hitting the cyclist or startling the cyclist, leading to a crash from the cyclist's reflexive action.

2. We have spoken to state patrol officials in several of the 11 states that have passed the three-foot law. Those officials emphasize that the law is used more as an education tool to provide safe practices than as an enforcement tool to punish law breakers. It gives officers, government officials, and civic groups the opportunity to inform drivers what a safe minimum distance is by use of a common measure (3 feet or one yard) *that can be easily remembered*.

3. The current passing law (RCW 46.61.110) was enacted in 2005. It uses “safe distance” without any numeric definition. We have done public records requests of the Washington State Patrol and the Cities of Seattle, Bellevue, and Olympia for records regarding any enforcement of the law over the last three years. All four jurisdictions confirmed that they do not have any record (they are required to keep records back three years) of any citation, warning, or contact regarding the “safe distance” law.¹ The lack of enforcement/contacts suggests that the undefined standard in the current law does not provide an effective tool for law enforcement or state and local government to educate the public.

4. No expectation exists that police will have to use some sort of special distance-measuring equipment to see if the motorist is within 36 inches. The point, instead, is to communicate that the motorist needs to pass a cyclist safely, and 3 feet would better define a “safe pass.” This benefits police officers by providing a simple standard they can explain.

5. Use of numeric distances to educate the public is not uncommon in traffic laws. See, for example, RCW 46.61.110 (“No vehicle shall be driven on the left

¹ Wisconsin has had the three foot law in place the longest of all states, since 1973. In the last three years, Wisconsin State Patrol records indicate that its officers made four contacts (either citation, written warning, or verbal warning).

side of the roadway under the following conditions: . . . (b) when approaching within *one hundred feet* of or traversing any intersection or railroad grade crossing; (c) when the view is obstructed upon approaching within *one hundred feet* of any bridge, viaduct or tunnel”); RCW 46.61.440 (maximum speed limit of 20 mph within “*three hundred feet*” of either side of a school or playground crosswalk.). Italics added.

6. The three-foot law has been enacted in at least 11 states (Arizona (2000), Arkansas (2007), Florida (2006), Illinois (2007), Maine (2007), Minnesota (2004), New Hampshire (2008), Oklahoma (2006), Tennessee (2007), Utah (2006), Wisconsin (1973)). Copies of the statutes of each state (except Oklahoma and Utah) are attached below.

7. One concern raised with the three feet law is that it may require a motorist to go over the center line to pass a bicyclist or pedestrian by three feet. However, crossing the center line to pass a bicyclist or pedestrian is commonly done now. The existing passing law (RCW 46.61.100) likely allows this since it provides an exception allowing passing when there exists an “obstruction” in the lane. In any event, to avoid any question on this point, the proposed three-foot law includes a provision to clarify that motorists may cross a center line to pass bicyclists or pedestrians just as they may for “obstructions.”

8. This draft is supported by WSP and by the Washington Association of Sheriffs and Police Chiefs.

COPIES OF STATUTES FROM STATES:

Arizona

AN ACT

AMENDING TITLE 28, CHAPTER 3, ARTICLE 7, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-735; AMENDING SECTION 28-3164, ARIZONA REVISED STATUTES; RELATING TO BICYCLES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 28, chapter 3, article 7, Arizona Revised Statutes, is amended by adding section 28-735, to read:

28-735. Overtaking bicycles; civil penalties

A. WHEN OVERTAKING AND PASSING A BICYCLE PROCEEDING IN THE SAME DIRECTION, A PERSON DRIVING A MOTOR VEHICLE SHALL EXERCISE DUE CARE BY LEAVING A SAFE DISTANCE BETWEEN THE MOTOR VEHICLE AND THE BICYCLE OF NOT LESS THAN THREE FEET UNTIL THE MOTOR VEHICLE IS SAFELY PAST THE OVERTAKEN BICYCLE.

B. IF A PERSON VIOLATES THIS SECTION AND THE VIOLATION RESULTS IN A COLLISION CAUSING:

1. SERIOUS PHYSICAL INJURY AS DEFINED IN SECTION 13-105 TO ANOTHER PERSON, THE VIOLATOR IS SUBJECT TO A CIVIL PENALTY OF UP TO FIVE HUNDRED DOLLARS.

2. DEATH TO ANOTHER PERSON, THE VIOLATOR IS SUBJECT TO A CIVIL PENALTY OF UP TO ONE THOUSAND DOLLARS.

C. SUBSECTION B OF THIS SECTION DOES NOT APPLY TO A BICYCLIST WHO IS INJURED IN A VEHICULAR TRAFFIC LANE WHEN A DESIGNATED BICYCLE LANE OR PATH IS PRESENT AND PASSABLE.

Sec. 2. Section 28-3164, Arizona Revised Statutes, is amended to read:

28-3164. Original applicants; examination

A. The department may examine an applicant for an original driver license or the department may accept the examination conducted by an authorized third party pursuant

to chapter 13 of this title or documentation of successful completion of a driver education course approved by the department. The examination shall include all of the following:

1. A test of the applicant's:

(a) Eyesight.

(b) Ability to read and understand official traffic control devices.

(c) Knowledge of safe driving practices and the traffic laws of this state, **INCLUDING THOSE PRACTICES AND LAWS RELATING TO BICYCLES.**

2. An actual demonstration of ability to exercise ordinary and reasonable control in the operation of a vehicle or vehicle combination of the type covered by the license classification or endorsement for which the applicant applies.

3. Other physical and mental examinations if the department finds them necessary to determine the applicant's fitness to safely operate a motor vehicle on the highways.

B. The department may examine an original applicant for a class M license or a motorcycle endorsement or the department may accept the examination conducted by an authorized third party pursuant to chapter 13, article 1 of this title. The department may examine an applicant who has a motorcycle license from another jurisdiction. This examination shall be the same as for all applicants, except that the department may make modifications it finds necessary to determine the applicant's fitness to operate a motorcycle, motor driven cycle or moped on the highways.

C. The department shall examine a person who holds a driver license issued by another country and who applies for an initial license in this state as an original applicant, except that the department may waive an actual demonstration of the ability to exercise ordinary and reasonable control in the operation of a motor vehicle if the person applies for a class D or G license and appears to meet the department's medical qualifications and if the out of state license is not revoked or is not expired for more than one year.

D. The department may waive the driving examination for initial applicants for a class M license or a motorcycle endorsement if all of the following conditions exist:

1. The applicant's current license indicates the applicant has been specifically licensed to operate a motorcycle.

2. The applicant appears to meet the department's medical qualifications.

3. The applicant's out of state license is not revoked or is not expired for more than one year.

APPROVED BY THE GOVERNOR APRIL 17, 2000.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 17, 2000.

Arkansas

Stricken language would be deleted from and underlined language would be added to the law as it existed

prior to this session of the General Assembly.

Act 681 of the Regular Session

PBB034 02-28-2007 13:41 PBB034

1 State of Arkansas

2 86th General Assembly **A Bill**

3 Regular Session, 2007 HOUSE BILL 2511

4

5 By: Representative Wyatt

6

7

8 For An Act To Be Entitled

9 AN ACT TO PROVIDE FOR THE SAFE PASSING OF
10 BICYCLES BY MOTOR VEHICLES; AND FOR OTHER
11 PURPOSES.

12

13 Subtitle

14 AN ACT TO PROVIDE FOR THE SAFE PASSING
15 OF BICYCLES BY MOTOR VEHICLES; AND FOR
16 OTHER PURPOSES.

17

18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

20

21 SECTION 1. Arkansas Code Title 27, Chapter 51, Subchapter 3 is amended

22 to add an additional section as follows:

23 27-51-311. Overtaking a bicycle.

24 (a) The driver of a motor vehicle overtaking a bicycle proceeding in
25 the same direction on a roadway shall exercise due care and pass to the left
26 at a safe distance of not less than three (3) feet and shall not again drive
27 to the right side of the roadway until safely clear of the overtaken bicycle.

28 (b)(1) A person who violates this section shall be subject to a fine
29 not to exceed one hundred dollars (\$100).

30 (2) A person who violates this section with the violation
31 resulting in a collision causing death or serious physical injury to the
32 person operating the overtaken bicycle shall be subject to a fine not to
33 exceed one thousand dollars (\$1000) in addition to any other penalties
34 prescribed by law.

35 **APPROVED: 3/29/2007**

316.083 Overtaking and passing a vehicle.--The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions, and special rules hereinafter stated:

- (1) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall give an appropriate signal as provided for in s. [316.156](#), shall pass to the left thereof at a safe distance, and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle. The driver of a vehicle overtaking a bicycle or other nonmotorized vehicle must pass the bicycle or other nonmotorized vehicle at a safe distance of not less than 3 feet between the vehicle and the bicycle or other nonmotorized vehicle.
- (2) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle, on audible signal or upon the visible blinking of the headlamps of the overtaking vehicle if such overtaking is being attempted at nighttime, and shall not increase the speed of his or her vehicle until completely passed by the overtaking vehicle.
- (3) A violation of this section is a noncriminal traffic infraction, punishable as a moving violation as provided in chapter 318.

History.--s. 1, ch. 71-135; s. 304, ch. 95-148; s. 107, ch. 99-248; s. 3, ch. 2005-164; s. 50, ch. 2006-290.

Illinois

Public Act 095-0231

SB0080 Enrolled

LRB095 04586 DRH 24641 b

AN ACT concerning transportation.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Illinois Vehicle Code is amended by changing Sections 11-703, 11-806, and 11-1505 as follows:

(625 ILCS 5/11-703) (from Ch. 95 1/2, par. 11-703)
Sec. 11-703. Overtaking a vehicle on the left.

The following rules govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions, and special rules otherwise stated in This Chapter:

(a) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle. In no event shall such movement be made by driving off the pavement or the main traveled portion of the roadway.

(b) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

(c) The driver of a 2 wheeled vehicle may not, in passing

Upon the left of any vehicle proceeding in the same direction,
Pass upon the right of any vehicle proceeding in the same direction unless there is an unobstructed lane of traffic available to permit such passing maneuver safely.

(d) The operator of a motor vehicle overtaking a bicycle or individual proceeding in the same direction on a highway shall leave a safe distance, but not less than 3 feet, when passing the bicycle or individual and shall maintain that distance until safely past the overtaken bicycle or individual.

(Source: P.A. 76-1586.)

(625 ILCS 5/11-806) (from Ch. 95 1/2, par. 11-806)

Sec. 11-806. Method of giving hand and arm signals.

All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

1. Left turn - Hand and arm extended horizontally.

2. Right turn - Hand and arm extended upward, except that a person operating a bicycle may extend the right hand and arm horizontally and to the right side of the bicycle.

3. Stop or decrease of speed - Hand and arm extended downward.

(Source: P.A. 76-1586.)

(625 ILCS 5/11-1505) (from Ch. 95 1/2, par. 11-1505)

Sec. 11-1505. Position of bicycles and motorized pedal

cycles on roadways -Riding on roadways and bicycle paths. (a) Any person operating a bicycle or motorized pedal cycle 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 and safe to the right-hand curb or edge of the roadway except under the following situations:

1. When overtaking and passing another bicycle, motorized pedal cycle or vehicle proceeding in the same direction; or

2. When preparing for a left turn at an intersection or Into a private road or driveway; or

3. When reasonably necessary to avoid conditions including, but not limited to, fixed or moving objects, parked or moving vehicles, bicycles, motorized pedal cycles, 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 subsection, a "substandard width Lane" means a lane that is too narrow for a bicycle or motorized pedal cycle and a vehicle to travel safely side by Side within the lane.

4. When approaching a place where a right turn is authorized.

(b) Any person operating a bicycle or motorized pedal cycle Upon a one-way highway with two or more marked traffic lanes may ride as near the left-hand curb or edge of such roadway as practicable.

(Source: P.A. 83-549.)

Effective Date: 1/1/2008

29-A §2070. Passing another vehicle

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29-A §2070. Passing another vehicle

1. Passing on left. An operator of a vehicle passing another vehicle proceeding in the same direction must pass to the left at a safe distance and may not return to the right until safely clear of the passed vehicle. An operator may not overtake another vehicle by driving off the pavement or main traveled portion of the way.

[1997, c. 653, §11 (AMD) .]

1-A. Passing bicycle. An operator of a motor vehicle that is passing a bicycle proceeding in the same direction shall exercise due care by leaving a distance between the motor vehicle and the bicycle of not less than 3 feet while the motor vehicle is passing the bicycle. A motor vehicle operator may pass a bicycle traveling in the same direction in a no-passing zone only when it is safe to do so.

[2007, c. 400, §8 (NEW) .]

2. Giving way. Except when passing on the right is permitted, the operator of passed vehicle:

A. Shall give way to the right in favor of the passing vehicle upon audible signal; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. May not increase speed until completely overtaken by the passing vehicle. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

3. Visibility. A passing vehicle may be operated to the left of the way's center only when the left side is clearly visible and free of oncoming traffic for a sufficient distance ahead to permit overtaking to be completed without interfering with the safe operation of an approaching or passed vehicle.

[1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

4. Returning to the right. The passing vehicle must return to the right before coming within 100 feet of an approaching vehicle.

[1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

5. Limitation. Except on a one-way road, an operator may not drive to the left side of the way under the following conditions:

2007 Minnesota Statutes

169.18 DRIVING RULES.

Subdivision 1. **Keep to the right.** Upon all roadways of sufficient width a vehicle shall be

driven upon the right half of the roadway, except as follows:

(1) when overtaking and passing another vehicle proceeding in the same direction under

the rules governing such movement;

(2) when the right half of a roadway is closed to traffic while under construction or repair;

(3) upon a roadway divided into three marked lanes for traffic under the rules applicable

thereon;

(4) upon a roadway designated and signposted for one-way traffic as a one-way roadway; or

(5) as necessary to comply with subdivision 11 when approaching an authorized emergency

vehicle parked or stopped on the roadway.

Subd. 2. **Meeting.** Drivers of vehicles proceeding in opposite directions, shall pass each

other to the right, and upon roadways having width for not more than one line of traffic in each

direction each driver shall give to the other at least one-half of the main traveled portion of

the roadway, as nearly as possible.

Subd. 3. **Passing.** The following rules shall govern the overtaking and passing of vehicles

proceeding in the same direction, subject to the limitations, exceptions, and special rules

hereinafter stated:

(1) the driver of a vehicle overtaking another vehicle proceeding in the same direction

shall pass to the left thereof at a safe distance and shall not again drive to the right side of the

roadway until safely clear of the overtaken vehicle;

(2) except when overtaking and passing on the right is permitted, the driver of an overtaken

vehicle shall give way to the right in favor of the overtaking vehicle on audible warning, and

shall not increase the speed of the overtaken vehicle until completely passed by the overtaking

vehicle; and

(3) the operator of a motor vehicle overtaking a bicycle or individual proceeding in

the same direction on the roadway shall leave a safe distance, but in no case less than three feet clearance, when passing the bicycle or individual and shall maintain clearance until safely past the overtaken bicycle or individual.

Subd. 4. **Passing on the right.** The driver of a vehicle may overtake and pass upon the right

of another vehicle only upon the following conditions:

(1) when the vehicle overtaken is making or about to make a left turn;

(2) upon a street or highway with unobstructed pavement not occupied by parked vehicles of

sufficient width for two or more lines of moving vehicles in each direction;

(3) upon a one-way street, or upon any roadway on which traffic is restricted to one direction

of movement, where the roadway is free from obstructions and of sufficient width for two or more

lines of moving vehicles;

(4) when the driver of a vehicle may overtake and pass another vehicle upon the right only

under conditions permitting such movement in safety. In no event shall such movement be made

by driving onto the shoulder, whether paved or unpaved, or off the pavement or main-traveled

portion of the roadway.

Subd. 5. **Driving left of roadway center; exception.** (a) No vehicle shall be driven to the

left side of the center of the roadway in overtaking and passing another vehicle proceeding in the

same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient

distance ahead to permit such overtaking and passing to be completely made without interfering

with the safe operation of any vehicle approaching from the opposite direction or any vehicle

overtaken. In every event the overtaking vehicle must return to the right-hand side of the roadway

before coming within 100 feet of any vehicle approaching from the opposite direction.

(b) Except on a one-way roadway or as provided in paragraph (c), no vehicle shall, in overtaking and passing another vehicle or at any other time, be driven to the left half of the

roadway under the following conditions:

(1) when approaching the crest of a grade or upon a curve in the highway where the driver's

view along the highway is obstructed within a distance of 700 feet;
(2) when approaching within 100 feet of any underpass or tunnel, railroad grade crossing, intersection within a city, or intersection outside of a city if the presence of the intersection is marked by warning signs; or
(3) where official signs are in place prohibiting passing, or a distinctive centerline is marked, which distinctive line also so prohibits passing, as declared in the Manual on Uniform Traffic Control Devices adopted by the commissioner.
(c) Paragraph (b) does not apply to a self-propelled or towed implement of husbandry that (1) is escorted at the front by a registered motor vehicle that is displaying vehicular hazard warning lights visible to the front and rear in normal sunlight, and (2) does not extend into the left half of the roadway to any greater extent than made necessary by the total width of the right half of the roadway together with any adjacent shoulder that is suitable for travel.
(d) Paragraph (b) does not apply to a self-propelled or towed implement of husbandry that is operated to the left half of the roadway if such operation is not to a greater extent than is necessary to avoid collision with a parked vehicle, sign, or other stationary object located on the highway right-of-way.

Subd. 6. **One-way traffic.** (a) Upon a roadway designated and signposted for one-way traffic as a one-way roadway, a vehicle shall be driven only in the direction designated;
(b) A vehicle passing around a rotary traffic island shall be driven only to the right of such island.

Subd. 7. **Laned highway.** When any roadway has been divided into two or more clearly marked lanes for traffic, the following rules, in addition to all others consistent herewith, shall apply:
(a) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.
(b) Upon a roadway which is not a one-way roadway and which is divided into three lanes, a

vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding, and is signposted to give notice of such allocation. The left lane of a three-lane roadway which is not a one-way roadway shall not be used for overtaking and passing another vehicle.

(c) Official signs may be erected directing slow-moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction, and drivers of vehicles shall obey the directions of every such sign.

(d) Whenever a bicycle lane has been established on a roadway, any person operating a motor vehicle on such roadway shall not drive in the bicycle lane except to park where parking is permitted, to enter or leave the highway, or to prepare for a turn as provided in section 169.19, subdivision 1.

Subd. 8. Following vehicle too closely. (a) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the conditions of the highway.

(b) The driver of any motor vehicle drawing another vehicle, or the driver of any motor truck or bus, when traveling upon a roadway outside of a business or residence district, shall not follow within 500 feet of another vehicle. The provisions of this clause shall not be construed to prevent overtaking and passing nor shall the same apply upon any lane specially designated for use by motor trucks.

(c) The driver of a motor vehicle shall not follow within 500 feet of an authorized emergency vehicle that is traveling in response to an emergency.

Subd. 9. Divided highway; crossovers. Whenever any highway has been divided into two or more roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be

driven only
upon the right-hand roadway unless directed or permitted to use another roadway by
official
traffic-control devices or police officers. No vehicle shall be driven over, across, or
within any
such dividing space, barrier section, except through an opening in such physical
barrier, or
dividing section or space or at a crossover or intersection established by public
authority.

Subd. 10. **Slow-moving vehicle.** Upon all roadways any vehicle proceeding at less
than the
normal speed of traffic at the time and place and under the conditions then existing
shall be driven
in the right-hand lane then available for traffic, or as close as practicable to the right-
hand curb or
edge of the roadway, except when overtaking and passing another vehicle proceeding
in the same
direction, or when preparing for a left turn at an intersection or into a private road or
driveway, or
when a specific lane is designated and posted for a specific type of traffic.

Subd. 11. **Passing parked emergency vehicle; citation; probable cause.** (a)
When
approaching and before passing an authorized emergency vehicle with its emergency
lights
activated that is parked or otherwise stopped on or next to a street or highway having
two lanes in
the same direction, the driver of a vehicle shall safely move the vehicle to the lane
farthest away
from the emergency vehicle, if it is possible to do so.

(b) When approaching and before passing an authorized emergency vehicle with its
emergency lights activated that is parked or otherwise stopped on or next to a street
or highway
having more than two lanes in the same direction, the driver of a vehicle shall safely
move the
vehicle so as to leave a full lane vacant between the driver and any lane in which the
emergency
vehicle is completely or partially parked or otherwise stopped, if it is possible to do
so.

(c) A peace officer may issue a citation to the driver of a motor vehicle if the peace
officer has
probable cause to believe that the driver has operated the vehicle in violation of this
subdivision
within the four-hour period following the termination of the incident or a receipt of a
report
under paragraph (d). The citation may be issued even though the violation was not

committed

in the presence of the peace officer.

(d) Although probable cause may be otherwise satisfied by other evidentiary elements or

factors, probable cause is sufficient for purposes of this subdivision when the person cited is

operating the vehicle described by a member of the crew of an authorized emergency vehicle

responding to an incident in a timely report of the violation of this subdivision, which includes a

description of the vehicle used to commit the offense and the vehicle's license plate number. For

the purposes of issuance of a citation under paragraph (c), "timely" means that the report must be

made within a four-hour period following the termination of the incident.

(e) For purposes of paragraphs (a) and (b) only, the terms "authorized emergency vehicle" and

"emergency vehicle" include a towing vehicle defined in section 169.01, subdivision 52, that has

activated flashing lights authorized under section 169.64, subdivision 3, in addition to the vehicles

described in the definition for "authorized emergency vehicle" in section 169.01, subdivision 5.

History: (2720-182, 2720-183, 2720-184, 2720-185, 2720-186, 2720-187, 2720-188, 2720-189) 1937 c 464 s 32-39; 1939 c 430 s 7; 1947 c 428 s 15; 1951 c 363 s 1; 1959 c 521 s 2;

1963 c 357 s 5; 1963 c 627 s 1; 1971 c 138 s 1; 1973 c 123 art 5 s 7; 1978 c 739 s 7; 1986 c

444; 1993 c 26 s 2,3; 1993 c 187 s 4; 1995 c 72 s 1; 1996 c 456 s 20; 1Sp2001

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eight

AN ACT relative to bicycles.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Liability of the Department of Transportation; Standard of Care; Rumble Strips, Drain Gates, and Road Surface Treatments. Amend RSA 230:80, IV to read as follows:

IV. The setting of construction, repair, or maintenance standards of levels of service of highways and highway bridges by the commissioner, whether accomplished formally or informally, shall be deemed a discretionary, policy function for which the department of transportation shall not be held liable in the absence of malice or bad faith. ***However, the department shall develop and implement standards for the design and placement of rumble strips, drain grates, and road surface treatments that eliminate foreseen hazards for bicyclists by following federal guidelines.***

2 New Section; Rules of the Road; Special Rules for Bicycles and Mopeds; Drivers to Exercise Due Care When Approaching Bicycle. Amend RSA 265 by inserting after section 143 the following new section:

265:143-a Drivers to Exercise Due Care When Approaching Bicycle. Every driver of a vehicle, when approaching a bicyclist, shall insure the safety and protection of the bicyclist and shall exercise due care by leaving a reasonable and prudent distance between the vehicle and the bicycle. The distance shall be presumed to be reasonable and prudent if it is at least 3 feet when the vehicle is traveling at 30 miles per hour or less, with one additional foot of clearance required for every 10 miles per hour above 30 miles per hour.

3 Riding on Bicycles; Passing. Amend RSA 265:144, VII to read as follows:

VII. A person propelling a bicycle may pass a slower-moving vehicle in the same lane provided such movement can be made with reasonable safety. ***A person propelling a bicycle may pass a stationary or stopped motor vehicle on the right.***

4 New Paragraphs; Riding on Bicycles. Amend RSA 265:144 by inserting after paragraph X the following new paragraphs:

XI. A person propelling a bicycle upon a way at a speed less than the normal speed of traffic moving in the same direction at that time and place shall remain on the right portion of the way as far as practicable except when it is unsafe to do so or:

(a) When overtaking and passing another bicycle or any other vehicle proceeding in the same direction.

(b) When preparing for or making a left turn at an intersection or into a driveway.

(c) When proceeding straight in a place where right turns are permitted.

(d) When necessary to avoid hazardous conditions, including, but not limited to, fixed or moving objects, vehicles, bicycles, pedestrians, animals, broken pavement, glass, sand, puddles, ice, or opening doors of parked vehicles.

XII. A bicyclist shall wear at least one item of reflective outerwear apparel, such as a reflective vest, jacket, or helmet strip, during the period from 1/2 hour after sunset to 1/2 hour before sunrise.

5 New Paragraph; Penalty; Due Care When Passing Bicycle. Amend RSA 265:153 by inserting after paragraph II the following new paragraph:

III. The fine for a violation of RSA 265:143-a shall be \$100.

6 Effective Date. This act shall take effect January 1, 2009.

Tennessee

Public Chapter No. 81 PUBLIC ACTS, 2007 1 **PUBLIC CHAPTER NO. 81**
HOUSE BILL NO. 235

By Representatives Overbey, McCord, Montgomery, DuBois, Bone, Shaw, Hensley, Ferguson, Strader, Casada, Shepard, Maddox, Pinion, McCormick, Sargent, Fitzhugh, Hawk, Favors, Dean, Sontany, Harry Brooks, Williams
Substituted for: Senate Bill No. 1699

By Senators Herron, Lowe Finney, Woodson, McNally, Burchett, Marrero, Black

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 8, Part 1, to enact the "Jeff Roth Bicycle and Pedalcyclists Protection Act of 2007".

WHEREAS, Tennessee Code Annotated, Section 55-8-172, provides that a person riding a bicycle upon a roadway has the same right to that roadway as the driver of a motor vehicle and has all of the rights and duties applicable to the driver of a motor vehicle while using such roadway; and

WHEREAS, Tennessee Code Annotated, Section 55-8-175, specifies certain safety requirements for a pedalcyclist when approaching a motor vehicle on a roadway but fails to specify any safety requirements for when a motor vehicle approaches a pedalcyclist on a roadway; and

WHEREAS, in 2004 there were seven (7) traffic-related pedalcyclist fatalities in Tennessee and five hundred twenty (520) traffic crashes involving pedalcyclists; in 2005 the number of fatalities rose to ten (10) while there were four hundred fifteen (415) crashes, and in 2006 there were at least seven pedalcyclist fatalities and four hundred thirty-four (434) crashes; and

WHEREAS, one of these senseless deaths was avid pedalcyclist Jeffrey Roth, who was struck and killed while riding his bicycle in December, 2006 in Blount County by a motorist who was later charged with criminal homicide; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-8-175 is amended by adding the following new subsection (c) and by re-lettering present subsection (c) as subsection (d) as follows:

(c)

(1) This subsection shall be known and may be cited as the "Jeff Roth and Brian Brown Bicycle Protection Act of 2007."

(2) The operator of a motor vehicle when overtaking and passing a bicycle proceeding in the same direction on the roadway, shall leave a safe distance between the motor vehicle and the bicycle of not less than

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three feet (3') and shall maintain such clearance until safely past the
overtaken bicycle.

(d) A violation of this section is a Class C misdemeanor.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring
it.”

PASSED: April 18, 2007
APPROVED this 3rd day of May 2007

Wisconsin

346.075



346.075 Overtaking and passing bicycles, electric personal assistive mobility devices, and motor buses.

346.075(1)



(1) The operator of a motor vehicle overtaking a bicycle or electric personal assistive mobility device proceeding in the same direction shall exercise due care, leaving a safe distance, but in no case less than 3 feet clearance when passing the bicycle or electric personal assistive mobility device, and shall maintain clearance until safely past the overtaken bicycle or electric personal assistive mobility device.