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ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 4304

(By Delegates Wells, Guthrie, Skaff, Fleischauer, Skinner, Manypenny, Barill, R. Smith, Walters, Poore and McCuskey)

[Passed March 5, 2014; in effect ninety days from passage.]

AN ACT to amend and reenact §17C-7-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17C-11-5 and §17C-11-7 of said code, all relating to use of a bicycle on a roadway; setting standards for overtaking a bicycle on a roadway; creating a misdemeanor offense for failure to follow requirements for overtaking a bicycle on a roadway; requiring bicycles to generally ride in bicycle lanes or as close as practicable to the right edge of the roadway; providing exceptions to the requirement that bicycles ride in bicycle lanes or as close as practicable to the right edge of the roadway; removing requirement to ride a bicycle on an adjacent path; and allowing a person to operate a bicycle without a bell or other device capable of giving an audible signal.

Be it enacted by the Legislature of West Virginia:

That §17C-7-3 of the Code of West Virginia, 1931, as amended,

1 be amended and reenacted; and that §17C-11-5 and §17C-11-7 of said
2 code be amended and reenacted, all to read as follows:

3 **ARTICLE 7. DRIVING ON RIGHT SIDE OF ROADWAY, OVERTAKING AND**
4 **PASSING, ETC.**

5 **§17C-7-3. Overtaking and passing vehicle or bicycle proceeding in**
6 **same direction -- Passing on the left generally;**
7 **penalty.**

8 (a) The following rules govern the overtaking and passing of
9 vehicles proceeding in the same direction subject to these
10 limitations, exceptions, and special rules hereinafter stated:

11 (1) The driver of a vehicle overtaking another vehicle
12 proceeding in the same direction shall give an audible signal and
13 pass to the left of the overtaken vehicle at a safe distance and
14 may not again drive to the right side of the roadway until safely
15 clear of the overtaken vehicle.

16 (2) The driver of a vehicle overtaking a bicycle traveling in
17 the same direction shall pass to the left of the bicycle at a
18 distance of not less than three feet at a careful and reduced
19 speed, and may not again drive to the right side of the roadway
20 until safely clear of the overtaken bicycle.

21 (3) Except when overtaking and passing on the right is
22 permitted, the driver of an overtaken vehicle shall give way to the
23 right in favor of the overtaking vehicle on audible signal and may

1 not increase the speed of his or her vehicle until completely
2 passed by the overtaking vehicle.

3 (b) Any person violating the provisions of this section is
4 guilty of a misdemeanor and, upon conviction thereof, shall be
5 fined not more than \$100; upon a second conviction within one year
6 thereafter, shall be fined not more than \$200; and upon a third or
7 subsequent conviction, shall be fined not more than \$500.

8 **ARTICLE 11. OPERATION OF BICYCLES AND PLAY VEHICLES.**

9 **§17C-11-5. Riding on roadways and bicycle paths.**

10

11 (a) Any person operating a bicycle upon a roadway at less than
12 the normal speed of traffic at the time and place and under the
13 conditions then existing shall ride in the lane marked for bicycle
14 use or, if no lane is marked for bicycle use, as close as
15 practicable to the right-hand curb or edge of the roadway except
16 under any of the following situations:

17 (1) When overtaking and passing another bicycle or vehicle
18 proceeding in the same direction;

19 (2) When preparing for a left turn at an intersection or into
20 a private road or driveway; or

21 (3) When reasonably necessary to avoid any condition or
22 potential conflict, including, but not limited to, a fixed or
23 moving object, parked or moving vehicle, bicycle, pedestrian,
24 animal, surface hazard, turn lane, or substandard-width lane, which

1 makes it unsafe to continue along the right-hand curb or edge or
2 within a bicycle lane. For the purposes of this subsection, a
3 "substandard-width lane" is a lane that is too narrow for a bicycle
4 and another vehicle to travel safely side by side within the lane.

5 (b) Any person operating a bicycle upon a one-way roadway with
6 two or more marked traffic lanes may ride as near the left-hand
7 curb or edge of such roadway as practicable.

8 (c) Persons riding bicycles upon a roadway may not ride more
9 than two abreast except on paths or parts of roadways set aside for
10 the exclusive use of bicycles.

11 **§17C-11-7. Lamps and other equipment on bicycles.**

12 (a) Every bicycle when in use at nighttime shall be equipped
13 with a lamp on the front which emits a white light visible from a
14 distance of at least five hundred feet to the front and with a red
15 reflector on the rear of a type approved by the department which
16 shall be visible from all distances from fifty feet to three
17 hundred feet to the rear when directly in front of lawful upper
18 beams of head lamps on a motor vehicle. A lamp emitting a red light
19 visible from a distance of five hundred feet to the rear may be
20 used in addition to the red reflector.

21

22 (b) Every bicycle shall be equipped with a brake that enables
23 the operator to make the braked wheels skid on dry, level and clean
24 pavement.