

1 **H. B. 4304**

2
3 (By Delegates Wells, Guthrie, Skaff,
4 Fleischauer, Skinner, Manypenny, Barill, R. Smith,
5 Walters, Poore and McCuskey)
6

7 [Introduced January 24, 2014; referred to the
8 Committee on the Judiciary.]
9

10 A BILL to amend and reenact §17C-7-3 of the Code of West Virginia,
11 1931, as amended; and to amend and reenact §17C-11-5 and
12 §17C-11-7 of said code, all relating to overtaking a bicycle
13 on a roadway; and eliminating the prohibition against bicycles
14 on roadways when usable adjacent paths are available.

15 *Be it enacted by the Legislature of West Virginia:*

16 That §17C-7-3 of the Code of West Virginia, 1931, as amended,
17 be amended and reenacted; and that §17C-11-5 and §17C-11-7 of said
18 code be amended and reenacted, all to read as follows:

19 **ARTICLE 7. DRIVING ON RIGHT SIDE OF ROADWAY, OVERTAKING AND**
20 **PASSING, ETC.**

21 **§17C-7-3. Overtaking and passing vehicle proceeding in same**
22 **direction -- Passing on the left generally; penalty.**

23 (a) The following rules ~~shall~~ govern the overtaking and
24 passing of vehicles proceeding in the same direction subject to
25 these limitations, exceptions, and special rules hereinafter

1 stated:

2 (1) The driver of a vehicle overtaking another vehicle
3 proceeding in the same direction shall give an audible signal and
4 pass to the left ~~thereof~~ of the overtaken vehicle at a safe
5 distance and ~~shall~~ may not again drive to the right side of the
6 roadway until safely clear of the overtaken vehicle.

7 (B) The driver of a vehicle overtaking a bicycle traveling in
8 the same direction shall pass to the left of the bicycle at a
9 distance of not less than three feet at a careful and reduced
10 speed, and may not again drive to the right side of the roadway
11 until safely clear of the overtaken bicycle. In the event a motor
12 vehicle needs to cross a double yellow line in the roadway to
13 facilitate three feet of clearance, the motor vehicle is permitted
14 as conditions of the roadway allow given the relative speed of the
15 vehicles and the clear line of sight available.

16 (2) Except when overtaking and passing on the right is
17 permitted, the driver of an overtaken vehicle shall give way to the
18 right in favor of the overtaking vehicle on audible signal and
19 ~~shall~~ may not increase the speed of his or her vehicle until
20 completely passed by the overtaking vehicle.

21 (b) Any person violating the provisions of this section is
22 guilty of a misdemeanor and, upon conviction thereof, shall be
23 fined not more than \$100; upon a second conviction within one year
24 thereafter, shall be fined not more than \$200; and upon a third or

1 subsequent conviction, shall be fined not more than \$500.

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

3 **§17C-11-5. Riding on roadways and bicycle paths.**

4 ~~(a) Every person operating a bicycle upon a roadway shall ride~~
5 ~~as near to the right side of the roadway as practicable, exercising~~
6 ~~due care when passing a standing vehicle or one proceeding in the~~
7 ~~same direction.~~

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

11 ~~(c) Whenever a usable path for bicycles has been provided~~
12 ~~adjacent to a roadway, bicycle riders shall use such path and shall~~
13 ~~not use the roadway.~~

14 **§17C-11-7. Lamps and other equipment on bicycles.**

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

24 ~~(b) No person shall operate a bicycle unless it is equipped~~

1 ~~with a bell or other device capable of giving a signal audible for~~
2 ~~a distance of at least one hundred feet, except that a bicycle~~
3 ~~shall not be equipped with nor shall any person use upon a bicycle~~
4 ~~any siren or whistle.~~

5 ~~(c)~~ (b) Every bicycle shall be equipped with a brake ~~which~~
6 ~~will enable~~ that enables the operator to make the braked wheels
7 skid on dry, level and clean pavement.

NOTE: The purpose of this bill is to provide rules for motor vehicles passing bicycles on roadways, and eliminate a prohibition against bicyclists using roadways where a usable path exists adjacent to the roadway.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.