

046706124

HOUSE BILL NO. 552

Offered January 14, 2004

Prefiled January 13, 2004

A BILL to amend and reenact §§ 46.2-808, 46.2-839, 46.2-905, 46.2-906.1 and 46.2-1051 of the Code of Virginia, relating to bicycles, electric personal assistive mobility devices, electric power-assisted bicycle, mopeds, animals or animal-drawn vehicles, and pedestrians.

Patron—Hargrove

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-808, 46.2-839, 46.2-905, 46.2-906.1 and 46.2-1051 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-808. Commonwealth Transportation Board may prohibit certain uses of controlled access highways; penalty.

A. The Commonwealth Transportation Board may, when necessary to promote safety, prohibit the use of controlled access highways or any part thereof by any or all of the following:

1. Pedestrians,
2. Persons riding bicycles, *electric power-assisted bicycles, electric personal assistive mobility devices, or mopeds,*
3. Horse-drawn vehicles,
4. Self-propelled machinery or equipment, and
5. Animals led, ridden or driven on the hoof.

B. The termini of any section of controlled access highways, use of which is restricted under the provisions of this section, shall be clearly indicated by a conspicuous marker.

C. This section shall not apply to any vehicle or equipment owned or controlled by the Virginia Department of Transportation, while actually engaged in the construction, reconstruction, or maintenance of highways or to any vehicle or equipment for which a permit has been obtained for operation on such highway.

Any person violating a restriction or prohibition imposed pursuant to this section shall be guilty of a traffic infraction.

§ 46.2-839. Passing bicycle, electric personal assistive mobility device, electric power-assisted bicycle, moped, animal or animal-drawn vehicle.

~~In approaching or passing a person riding a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, moped, animal or animal-drawn vehicle, the driver of a motor vehicle shall pass at a safe distance and at a reasonable speed. Any driver of any vehicle overtaking a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, moped, animal, or animal-drawn vehicle proceeding in the same direction shall pass at a reasonable speed at least two feet to the left of the overtaken bicycle, electric personal assistive mobility device, electric power-assisted bicycle, moped, animal, or animal-drawn vehicle and shall not again proceed to the right side of the highway until safely clear of such overtaken bicycle, electric personal assistive mobility device, electric power-assisted bicycle, moped, animal, or animal-drawn vehicle.~~

§ 46.2-905. Riding bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, and mopeds on roadways and bicycle paths.

Any person operating a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped on a roadway at less than the normal speed of traffic at the time and place under conditions then existing shall ride as close as safely practicable to the right curb or edge of the roadway, except under any of the following circumstances:

1. When overtaking and passing another vehicle proceeding in the same direction;
2. When preparing for a left turn at an intersection or into a private road or driveway;
3. When reasonably necessary to avoid conditions including, but not limited to, fixed or moving objects, parked or moving vehicles, pedestrians, animals, surface hazards, or substandard width lanes that make it unsafe to continue along the right curb or edge;
4. When avoiding riding in a lane that must turn or diverge to the right; and
5. When riding upon a one-way road or highway, a person may also ride as near the left-hand curb or edge of such roadway as safely practicable.

For purposes of this section, a "substandard width lane" is a lane too narrow for a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped and another vehicle to pass

59 safely side by side within the lane.

60 Persons riding bicycles, electric personal assistive mobility devices, or electric power-assisted
61 bicycles on a highway shall not ride two or more abreast except on paths ~~or parts of highways set aside~~
62 ~~for the exclusive use of bicycles, electric personal assistive mobility devices, and electric power-assisted~~
63 ~~bicycles separated from the roadway.~~

64 The governing body of any locality may by ordinance provide that wherever a usable path for
65 bicycles, electric personal assistive mobility devices, and electric power-assisted bicycles has been
66 provided adjacent to a roadway, bicycle riders, electric personal assistive mobility device riders, and
67 electric power-assisted bicycle riders shall use such path and shall not use the roadway.

68 Notwithstanding any other provision of law to the contrary, the Department of Conservation and
69 Recreation shall permit the operation of electric personal assistive mobility devices on any bicycle path
70 or trail designated by the Department for such use.

71 § 46.2-906.1. Local ordinances may require riders of bicycles, electric personal assistive mobility
72 devices, and electric power-assisted bicycles to wear helmets.

73 The governing body of any county, city or town may, by ordinance, provide that every person
74 fourteen years of age or younger shall wear a protective helmet that meets the standards promulgated by
75 the ~~American National Standards Institute or the Snell Memorial Foundation~~ *Consumer Product Safety*
76 *Commission* whenever riding or being carried on a bicycle, an electric personal assistive mobility device,
77 or an electric power-assisted bicycle on any highway as defined in § 46.2-100, sidewalk, or public
78 bicycle path.

79 Violation of any such ordinance shall be punishable by a fine of twenty-five dollars. However, such
80 fine shall be suspended (i) for first-time violators and (ii) for violators who, subsequent to the violation
81 but prior to imposition of the fine, purchase helmets of the type required by the ordinance.

82 Violation of any such ordinance shall not constitute negligence, or assumption of risk, be considered
83 in mitigation of damages of whatever nature, be admissible in evidence, or be the subject of comment
84 by counsel in any action for the recovery of damages arising out of the operation of any bicycle, electric
85 personal assistive mobility device, or electric power-assisted bicycle, nor shall anything in this section
86 change any existing law, rule, or procedure pertaining to any civil action.

87 § 46.2-1051. Certain local governments may impose restrictions on operations of certain vehicles.

88 The governing body of any county, city, or town which is located within the Northern Virginia
89 Planning District may provide by ordinance that no person shall operate and no owner shall permit the
90 operation of, either on a highway or on public or private property within 500 feet of any residential
91 district, any motorcycle, moped, ~~motorized~~ *electric power-assisted* bicycle, motorcycle-like device
92 commonly known as a trail-bike or mini-bike, or motorized cart commonly known as a go-cart unless it
93 is equipped with an exhaust system of a type installed as standard equipment, or comparable to that
94 designed for use on that particular vehicle or device as standard factory equipment, in good working
95 order and in constant operation to prevent excessive noise.