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SENATE BILL NO. 252

FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by Senator Deeds

on February 4, 2004)

(Patron Prior to Substitute—Senator Deeds)

A *BILL to amend and reenact §§ 46.2-838, 46.2-849, 46.2-905, 46.2-906.1, 46.2-932, and 46.2-1015 of the Code of Virginia, relating to motor vehicles overtaking and passing other vehicles; operation of bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, and mopeds; and over-the-road operation of bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, mopeds, roller skates, skateboards, or toys for transportation purposes.*

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-838, 46.2-849, 46.2-905, 46.2-906.1, 46.2-932, and 46.2-1015 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-838. Passing when overtaking a vehicle.

The driver of any vehicle overtaking another ~~motor~~ vehicle proceeding in the same direction shall pass at least two feet to the left of the overtaken vehicle and shall not again drive to the right side of the highway until safely clear of such overtaken vehicle, except as otherwise provided in this article.

§ 46.2-849. How signals given.

A. Signals required by § 46.2-848 shall be given by means of the hand and arm or by some mechanical or electrical device approved by the Superintendent, in the manner specified in this section. Whenever the signal is given by means of the hand and arm, the driver shall indicate his intention to start, stop, turn, or partly turn by extending the hand and arm beyond the left side of the vehicle in the manner following:

1. For left turn or to pull to the left, the arm shall be extended in a horizontal position straight from and level with the shoulder;

2. For right turn or to pull to the right, the arm shall be extended upward;

3. For slowing down or stopping, the arm shall be extended downward.

B. Wherever the lawful speed is more than 35 miles per hour, such signals shall be given continuously for a distance of at least 100 feet, and in all other cases at least ~~fifty~~ 50 feet, before slowing down, stopping, turning, or partly turning.

C. A person riding a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped shall signal his intention to stop or turn. Such signals, however, need not be given continuously if both hands are needed in the control or operation of the bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped.

D. Notwithstanding the foregoing provisions of this section, a person operating a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped may signal a right turn or pull to the right by extending the right hand and arm in a horizontal position straight from and level with the shoulder beyond the right side of the bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped, and may signal slowing down or stopping by extending the right arm downward.

§ 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 safely side by side within the lane.

Persons riding bicycles, electric personal assistive mobility devices, or electric power-assisted bicycles on a highway shall not ride *more than two or more* abreast ~~except on paths or parts of~~

60 highways set aside for the exclusive use of bicycles, electric personal assistive mobility devices, and
61 electric power-assisted bicycles. *Persons riding two abreast shall not impede the normal and reasonable*
62 *movement of traffic; shall move into a single file formation as quickly as is practicable when being*
63 *overtaken from the rear by a faster moving vehicle; and, on a laned roadway, shall ride in a single*
64 *lane.*

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

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

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

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

80 Violation of any such ordinance shall be punishable by a fine of ~~twenty-five dollars~~ \$25. However,
81 such fine shall be suspended (i) for first-time violators and (ii) for violators who, subsequent to the
82 violation, but prior to imposition of the fine, purchase helmets of the type required by the ordinance.

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

88 § 46.2-932. Playing on highways; roller skates, skateboards, toys, or other devices on wheels or
89 runners; persons riding bicycles, electric personal assistive mobility devices, electric power-assisted
90 bicycles, mopeds, etc., not to attach to vehicles; exception.

91 A. No person shall play on a highway, other than on the sidewalks thereof, within a city or town or
92 on any part of a highway outside the limits of a city or town designated by the Commonwealth
93 Transportation Commissioner exclusively for vehicular travel. No person shall use roller skates,
94 skateboards, toys, or other devices on wheels or runners, except bicycles, electric personal assistive
95 mobility devices, electric power-assisted bicycles, mopeds, and motorcycles, on highways where play is
96 prohibited. The governing bodies of counties, cities, and towns may designate areas on highways under
97 their control where play is permitted and may impose reasonable restrictions on play on such highways.
98 If the highways have only two traffic lanes, persons using such devices, except bicycles, electric
99 personal assistive mobility devices, electric power-assisted bicycles, mopeds, and motorcycles, shall keep
100 as near as ~~reasonably possible~~ *safely practicable* to the ~~extreme left~~ *far right* side or edge of the ~~left~~
101 *right* traffic lane so that they will be ~~facing oncoming~~ *proceeding in the same direction as other* traffic
102 at all times.

103 No person riding on any bicycle, electric personal assistive mobility device, electric power-assisted
104 bicycle, moped, roller skates, skateboards, toys, or other devices on wheels or runners, shall attach the
105 same or himself to any vehicle on a roadway.

106 B. Notwithstanding the provisions of subsection A of this section, the governing body of any county
107 having a population of at least 170,000 but less than 200,000 may by ordinance permit the use of
108 devices on wheels or runners on highways under such county's control, subject to such limitations and
109 conditions as the governing body may deem necessary and reasonable.

110 § 46.2-1015. Lights on bicycles, electric personal assistive mobility devices, electric power-assisted
111 bicycles, and mopeds.

112 Every bicycle, electric personal assistive mobility device, electric power-assisted bicycle, and moped
113 when in use between sunset and sunrise shall be equipped with a ~~white light~~ *headlight* on the front that
114 ~~shall be emitting a white light~~ visible in clear weather from a distance of at least 500 feet to the front
115 and ~~with a red reflector on~~ *visible from a distance of at least 600 feet to the rear when directly in front*
116 *of lawful lower beams of headlights on a motor vehicle. Such reflector shall be of a type approved by*
117 *the Superintendent and shall be visible in clear weather from fifty feet to 300 feet to the rear when*
118 *directly in front of lawful high beams of head lights on a motor vehicle. A red light visible in clear*
119 *weather for 500 feet to the rear may be used in lieu of or in addition to the red reflector. Such lights*
120 *and reflector shall be of types approved by the Superintendent.*

121 *In addition to the foregoing provisions of this section, a bicycle or its rider may be equipped with*

122 *lights or reflectors. These lights may be steady burning or blinking.*