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SENATE BILL NO. 1263

Offered January 13, 2021

Prefiled January 11, 2021

A BILL to amend and reenact §§ 46.2-839 and 46.2-905 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 46.2-903.1, relating to traffic regulation; bicycles.

Patrons—Morrissey, Boysko and Surovell; Delegates: Carter, Hope, Rasoul and Simonds

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-839 and 46.2-905 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 46.2-903.1 as follows:

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

Any driver of any *motor* 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 three 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. *If the lane of travel is not wide enough to allow the overtaking motor vehicle to pass in the manner required in section while in the same lane as the overtaken vehicle, the overtaking vehicle shall change lanes.*

§ 46.2-903.1. Stop signs treated as yield signs for bicyclists.

Notwithstanding any other provision of law, the operator of a bicycle may treat a stop sign as a yield sign if the operator (i) exercises due care, (ii) determines that it is safe to proceed, and (iii) yields the right of way to the driver of any other vehicle approaching the intersection when the approaching vehicle is not required to stop.

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

Any person operating a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, motorized skateboard or scooter, 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, motorized skateboard or scooter, or moped and another vehicle to pass safely side by side within the lane.

Persons riding bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, or motorized skateboards or scooters on a highway shall not ride more than two abreast. ~~Persons riding two abreast shall not impede the normal and reasonable movement of traffic; shall move into a single file formation as quickly as is practicable when being overtaken from the rear by a faster moving vehicle; and, on a laned roadway, shall ride in a single lane.~~

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