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SENATE BILL NO. 362

Senate Amendments in [] - January 26, 2022

Prefiled January 11, 2022

A BILL to amend and reenact § 46.2-905 of the Code of Virginia, relating to bicycles and certain other vehicles; riding two abreast.

Patron Prior to Engrossment—Senator Stuart

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-905 of the Code of Virginia is amended and reenacted as follows:

§ 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 [÷] [and] 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 roadway divided into clearly marked lanes for traffic, shall ride in a single lane] . [However, the failure to ride two abreast shall not constitute negligence per se in any civil action. This section shall not change any existing law, rule, or procedure pertaining to any such civil action, nor shall this section bar any claim that otherwise exists.]*

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.

ENGROSSED

SB362E