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HOUSE BILL NO. 1266

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Transportation
on February 6, 2024)

(Patron Prior to Substitute—Delegate Willett)

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

Be it enacted by the General Assembly of Virginia:**1. That § 46.2-905 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, or surface hazards, ~~or substandard width lanes~~ that make it unsafe to continue along the right curb or edge;

4. ~~When the travel lane is not wide enough to allow an overtaking motor vehicle to pass in the manner required by this chapter while in the same lane as the overtaken bicycle, electric personal assistive mobility device, electric power-assisted bicycle, motorized skateboard or scooter, or moped;~~

5. When avoiding riding in a lane that must turn or diverge to the right; and

6. 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 On roadways with only one travel lane in the direction of such person and a posted speed limit of 35 miles per hour or more, 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. However, the failure. Failure to move into a single-file formation 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.