

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 46.2-841 of the Code of Virginia and to amend the Code of Virginia by*
3 *adding a section numbered 46.2-816.1, relating to bicyclists and other vulnerable road users;*
4 *penalty.*

5 [S 437]

6 Approved

7 **Be it enacted by the General Assembly of Virginia:**

8 **1. That § 46.2-841 of the Code of Virginia is amended and reenacted and that the Code of Virginia**
9 **is amended by adding a section numbered 46.2-816.1 as follows:**

10 **§ 46.2-816.1. Careless driving and infliction of injury on vulnerable road users; penalty.**

11 *A. As used in this section, "vulnerable road user" means a pedestrian or a person operating a*
12 *bicycle, electric personal assistive mobility device, electric power-assisted bicycle, wheel chair or wheel*
13 *chair conveyance, skateboard, roller skates, motorized skateboard or scooter, or animal-drawn vehicle*
14 *or riding an animal.*

15 *B. It is a Class 1 misdemeanor to operate a motor vehicle in a careless or distracted manner such*
16 *that the careless or distracted operation is the proximate cause of serious bodily injury as defined in*
17 *§ 18.2-51.4 to a vulnerable road user who is lawfully present on the highway at the time of injury.*

18 *C. A prosecution or proceeding under § 46.2-852 is a bar to a prosecution or proceeding under this*
19 *section for the same act, and a prosecution or proceeding under this section is a bar to a prosecution*
20 *or proceeding under § 46.2-852 for the same act.*

21 **§ 46.2-841. When overtaking vehicle may pass on right.**

22 *A. The driver of a vehicle may overtake and pass to the right of another vehicle only:*

23 *1. When the overtaken vehicle is making or about to make a left turn, and its driver has given the*
24 *required signal;*

25 *2. On a highway with unobstructed pavement, not occupied by parked vehicles, of sufficient width*
26 *for two or more lines of moving vehicles in each direction;*

27 *3. On a one-way street or on any one-way roadway when the roadway is free from obstructions and*
28 *of sufficient width for two or more lines of moving vehicles.*

29 *B. The driver of a vehicle may overtake and pass another vehicle on the right only under conditions*
30 *permitting such movement in safety. Except where driving on paved shoulders is permitted by lawfully*
31 *placed signs, no such movement shall be made by driving on the shoulder of the highway or off the*
32 *pavement or main traveled portion of the roadway.*

33 *C. Notwithstanding subsections A and B, nothing in this section shall permit a driver of a motor*
34 *vehicle to cross a solid line designating a bicycle lane to pass or attempt to pass another vehicle, except*
35 *as provided in § 46.2-920.1, 46.2-1210, or 46.2-1212.1, as directed by a law-enforcement officer, or*
36 *where the roadway is otherwise impassable due to weather conditions, an accident, or an emergency*
37 *situation.*

ENROLLED

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