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**HOUSE BILL NO. 1266**

Offered January 10, 2024

Prefiled January 10, 2024

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 46.2-821.1, relating to bicycles, certain other vehicles, and pedestrians.*

Patrons—Willet, Helmer, Clark, Hope and Rasoul

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 46.2-821.1 as follows:**

**§ 46.2-821.1. Exception to stopping requirement; bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or motorized skateboard or scooter.**

*Notwithstanding the provisions of §§ 46.2-821 and 46.2-830, any person operating a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or motorized skateboard or scooter may yield instead of stop at an intersection of two highways controlled by a stop sign if all the following conditions are met:*

- 1. Each intersecting highway has no more than three motor vehicle travel lanes;*
- 2. The person is at least 15 years of age or accompanied by an adult;*
- 3. The person slows to a reasonable speed based on existing conditions; and*
- 4. Before proceeding into the intersection, the person yields the right-of-way to any pedestrian lawfully within the crosswalk, as required pursuant to § 46.2-924, and to the driver of any other vehicle approaching or entering such intersection from another direction.*

**§ 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 overtaking vehicle shall change lanes to pass in the manner required in this section if the lane of travel is less than 15 feet wide or not wide enough to allow the overtaking motor vehicle to pass in the manner required in this section while in the same lane as the overtaken vehicle; the overtaking vehicle shall change lanes. In so doing, the overtaking vehicle may drive to the left of any highway centerline, provided such movement can be made safely, as authorized under § 46.2-804.~~

**§ 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 less than 15 feet wide or not wide enough to allow an overtaking motor vehicle to pass in the manner required in 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

~~5- 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~~

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

61 Persons riding bicycles, electric personal assistive mobility devices, electric power-assisted bicycles,  
62 or motorized skateboards or scooters on a highway shall not ride more than two abreast, *except on parts*  
63 *of highways from which motor vehicles are prohibited. Persons On roadways with only one travel lane*  
64 *per direction and a posted speed limit of 35 miles per hour or more, persons* riding two abreast shall  
65 not impede the normal and reasonable movement of traffic and shall move into a single-file formation as  
66 quickly as is practicable when being overtaken from the rear by a faster-moving vehicle. However, the  
67 failure to move into a single-file formation shall not constitute negligence per se in any civil action.  
68 This section shall not change any existing law, rule, or procedure pertaining to any such civil action, nor  
69 shall this section bar any claim that otherwise exists.

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