

1 **BICYCLE SAFETY PROVISIONS**

2 2005 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Rosalind J. McGee**

5 Ross I. Romero

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**LONG TITLE**

7 **General Description:**

8 This bill modifies the Motor Vehicles Code by amending provisions related to  
9 overtaking and passing bicycles.

10 **Highlighted Provisions:**

11 This bill:

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- 13 ▶ provides that an operator of a vehicle passing or overtaking a bicycle shall:
    - 14 • leave a safe distance of no less than three feet between the vehicle and the
    - 15 bicycle; and
    - 16 • maintain the clearance until safely past the bicycle; ~~H~~→ [and]

16a ▶ provides that the three foot passing distance requirement does not apply if the road is too  
16b narrow to safely pass the bicycle;

16c ▶ provides that an operator of a vehicle may not be cited for a violation if:

- 16d • the operator and of the vehicle is involved in an accident with the bicyclist; and  
16e • the bicyclist was operating the bicycle in a negligent manner; and ←~~H~~

17 ▶ makes technical changes.

18 **Monies Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **41-6-54**, as last amended by Chapter 138, Laws of Utah 1987

25 **41-6-55**, as last amended by Chapter 74, Laws of Utah 2002

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*Be it enacted by the Legislature of the state of Utah:*



28 Section 1. Section **41-6-54** is amended to read:

29 **41-6-54. Passing vehicles proceeding in opposite directions.**

30 (1) Operators of vehicles proceeding in opposite directions shall pass each other to the  
31 right.

32 (2) On roadways having width for not more than one line of traffic in each direction,  
33 each operator shall give to the other at least one-half of the main traveled portion of the  
34 roadway as nearly as possible.

35 (3) ~~↔~~ (a) ~~↔~~ An operator of a vehicle proceeding in the opposite direction shall ~~↔~~  
35a when passing a bicycle ~~↔~~ :

36 ~~↔~~ [~~(a) pass a bicycle~~] (i) travel ~~↔~~ at a safe distance of no less than three feet between any  
36a part of the  
37 passing vehicle and the bicycle; and

38 ~~↔~~ [~~(b)~~] (ii) ~~↔~~ maintain the clearance required under Subsection (3)(a) until safely past  
38a the  
39 bicycle.

39a ~~↔~~ (b) The provisions of Subsection (3)(a) do not apply if a lane is too narrow for an operator  
39b of a vehicle to safely pass the bicycle at the distance required under Subsection (3)(a)(i).

39c (4) An operator of a vehicle may not be issued a citation for a violation of Subsection (3) if:  
39d (a) the operator of the vehicle is involved in an accident with a bicyclist; and  
39e (b) the bicyclist was operating the bicycle in a negligent manner. ~~↔~~

40 Section 2. Section **41-6-55** is amended to read:

41 **41-6-55. Overtaking and passing vehicles proceeding in same direction.**

42 (1) On any highway:

43 (a) the operator of a vehicle overtaking another vehicle proceeding in the same  
44 direction:

45 (i) shall, except as provided under Section 41-6-56, pass to the left at a safe distance;  
46 and

47 (ii) may not drive to the right side of the roadway until safely clear of the overtaken  
48 vehicle;

49 (b) the operator of an overtaken vehicle:

50 (i) shall give way to the right in favor of the overtaking vehicle; and

51 (ii) may not increase the speed of the vehicle until completely passed by the overtaking  
52 vehicle[-]; and

53 (c) the operator of a vehicle overtaking a bicycle proceeding in the same direction  
54 shall:

55 (i) leave a safe distance of no less than three feet between any part of the overtaking  
56 vehicle and the bicycle; and

57 (ii) maintain the clearance required under Subsection (1)(c)(i) until safely past the  
58 overtaken bicycle.

58a **H→ (2) The provisions of Subsection (1)(c) do not apply if a lane is too narrow for an operator**  
58b **of a vehicle to safely pass the bicycle at the distance required under Subsection (1)(c)(i).** ←H



59           ~~H~~→ [(2)] (3) ←~~H~~ On a highway having more than one lane in the same direction, the  
59a operator of a  
60 vehicle traveling in a left general purpose lane:

61           (a) shall, upon being overtaken by another vehicle in the same lane, yield to the  
62 overtaking vehicle by moving safely to a lane to the right; and

63           (b) may not impede the movement or free flow of traffic in a left general purpose lane  
64 or except:

65           (i) when overtaking and passing another vehicle proceeding in the same direction in  
66 accordance with Subsection (1)(a);

67           (ii) when preparing to turn left or taking a highway split or exit on the left;

68           (iii) when responding to emergency conditions;

69           (iv) to avoid actual or potential traffic moving onto the highway from an acceleration  
70 or merging lane; or

71           (v) when following direction signs that direct use of a designated lane.

71a           ~~H~~→ (4) An operator of a vehicle may not be issued a citation for a violation of Subsection  
71b (1)(c) if:

71c           (a) the operator of the vehicle is involved in an accident with a bicyclist; and

71d           (b) the bicyclist was operating the bicycle in a negligent manner. ←~~H~~

**Legislative Review Note**  
as of 12-29-04 3:30 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

**Office of Legislative Research and General Counsel**

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**Fiscal Note**  
**Bill Number HB0049**

**Bicycle Safety Provisions**

*17-Jan-05*

*8:36 AM*

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**State Impact**

No fiscal impact.

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**Individual and Business Impact**

No fiscal impact.

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**Office of the Legislative Fiscal Analyst**