

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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7 **LONG TITLE**

8 **General Description:**

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

11 **Highlighted Provisions:**

12 This bill:

- 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; and
- 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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27 *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) An operator of a vehicle proceeding in the opposite direction shall:

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

38 (b) maintain the clearance required under Subsection (3)(a) until safely past the  
39 bicycle.

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.

59           (2) On a highway having more than one lane in the same direction, the 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.

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**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**