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H.578

Introduced by Representatives Kitzmiller of Montpelier, Jewett of Ripton,
Klein of East Montpelier, Kupersmith of S. Burlington,
McCullough of Williston and Minter of Waterbury

Referred to Committee on

Date:

Subject: Motor vehicles; bicycles; three-foot clearance; riding to the right

Statement of purpose: This bill proposes to:

(1) Require the operator of a motor vehicle to leave at least a three-foot clearance when passing a bicyclist.

(2) Set forth the following exceptions to the general rule that a bicyclist ride on the far right portion of a highway: when overtaking and passing another bicycle or other vehicle proceeding in the same direction; when preparing for or making a left turn at an intersection or into a private highway or driveway; when proceeding straight in a place where right turns are permitted; and when necessary to avoid hazardous conditions.

(3) Provide that a person operating a vehicle that passes a bicycle and proceeding in the same direction may not make a right turn at any intersection or into any highway unless the turn can be made safely.

(4) Authorize a person operating a bicycle to pass a vehicle on the right at the bicyclist's own risk.

1 AN ACT RELATING TO THE OPERATION OF BICYCLES ON
2 HIGHWAYS

3 It is hereby enacted by the General Assembly of the State of Vermont:

4 Sec. 1. 23 V.S.A. § 1033 is amended to read:

5 § 1033. PASSING MOTOR VEHICLES AND BICYCLES ON THE LEFT

6 (a) Vehicles proceeding in the same direction may be overtaken and passed
7 only as follows:

8 (1) The driver of a vehicle overtaking another vehicle proceeding in the
9 same direction may pass to its left at a safe distance, and when so doing shall
10 exercise due care, may not pass to the left of the center of the highway unless
11 the way ahead is clear of approaching traffic, and shall not again drive to the
12 right side of the roadway until safely clear of the overtaken vehicle.

13 (2) Except when overtaking and passing on the right is permitted, the
14 driver of an overtaken vehicle shall give way to the right in favor of the
15 overtaking vehicle on audible signal and shall not increase the speed of ~~his~~ the
16 driver's vehicle until completely passed by the overtaking vehicle.

17 (b) An operator of a motor vehicle that is passing a bicyclist proceeding in
18 the same direction shall exercise due care by leaving a distance between the
19 motor vehicle and the bicyclist of not less than three feet while the motor
20 vehicle is passing the bicycle. Additionally, the operator of a vehicle that
21 passes a bicyclist proceeding in the same direction may not make a right turn at

1 any intersection or into any highway or driveway unless the turn can be made
2 with reasonable safety.

3 Sec. 2. 23 V.S.A. § 1139(a) is amended to read:

4 (a)(1) A person operating a bicycle upon a roadway shall ride as near to the
5 right side of the roadway as practicable, ~~exereising due care~~ except when it is
6 unsafe to do so, or:

7 (A) ~~when~~ When passing a standing another bicycle or motor vehicle
8 or one proceeding in the same direction.

9 (B) When preparing for or making a left turn at an intersection or into
10 a private road or driveway.

11 (C) When proceeding straight in a place where right turns are
12 permitted.

13 (D) When necessary to avoid hazardous conditions, including, but
14 not limited to, fixed or moving objects, vehicles, bicycles, pedestrians,
15 animals, broken pavement, glass, sand, puddles, ice, surface hazards or
16 opening doors from parallel-parked vehicles, or a lane of substandard width
17 that makes it unsafe to continue along the right portion of the way. For
18 purposes of this subdivision, “lane of substandard width” means a lane that is
19 too narrow for a bicycle and a vehicle to travel safely side by side in the lane.

20 (2) A person operating a bicycle may pass a vehicle on the right at the
21 bicyclist’s own risk.