

1                   **OPERATION OF BICYCLES AND MOPEDS ON ROADWAYS**

2                                   2010 GENERAL SESSION

3                                   STATE OF UTAH

4                           **Chief Sponsor: Johnny Anderson**

5                           Senate Sponsor: \_\_\_\_\_

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7   **LONG TITLE**

8   **General Description:**

9           This bill modifies the Traffic Code by amending provisions relating to operating a  
10 bicycle or moped on the roadway.

11 **Highlighted Provisions:**

12           This bill:

13           ▶ provides that a person operating a vehicle may overtake and pass another vehicle  
14 proceeding in the same direction at a speed that is at least 15 miles per hour less  
15 than the normal speed of traffic within a no-passing zone;

16           ▶ provides that a person may not operate a motor vehicle within or through, or park or  
17 stop within a lane, path, or other area that a highway authority has designated for the  
18 preferential use by bicycles except:

19                   • in the case of an emergency; or  
20                   • to gain access to and within 100 feet of an intersection, a street, an alley, a  
21 driveway, or other parking area;

22           ▶ provides that an operator of a vehicle shall yield the right-of-way to all vehicles and  
23 pedestrians when entering or crossing a lane, path, or other area that a highway  
24 authority has designated for the preferential use by bicycles;

25           ▶ provides that a transit vehicle, while in the process of loading or unloading  
26 passengers, may use a lane, path, or other area that a highway authority has  
27 designated for the preferential use by bicycles;



28           ▶ provides that if a person operating a bicycle or a moped on a roadway at less than  
29 the normal speed of traffic at the time and place and under the conditions then  
30 existing shall ride in the right-hand lane on the roadway then available for traffic;

31           ▶ provides that if the right-hand lane is wide enough to be safely shared with  
32 overtaking vehicles, a person operating a bicycle or moped shall ride far enough to  
33 the right as judged safe by the operator to facilitate the movement of overtaking  
34 vehicles;

35           ▶ provides that under certain conditions a person operating a bicycle or moped may  
36 use a lane other than the right-hand lane;

37           ▶ provides that a person operating a bicycle or moped is not required to do certain  
38 things; and

39           ▶ makes technical changes.

40 **Monies Appropriated in this Bill:**

41           None

42 **Other Special Clauses:**

43           None

44 **Utah Code Sections Affected:**

45 **AMENDS:**

46           **41-6a-701**, as renumbered and amended by Laws of Utah 2005, Chapter 2

47           **41-6a-708**, as renumbered and amended by Laws of Utah 2005, Chapter 2

48           **41-6a-710**, as last amended by Laws of Utah 2009, Chapter 292

49           **41-6a-1105**, as renumbered and amended by Laws of Utah 2005, Chapter 2



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

52           Section 1. Section **41-6a-701** is amended to read:

53           **41-6a-701. Duty to operate vehicle on right side of roadway -- Exceptions.**

54           (1) On all roadways of sufficient width, a person operating a vehicle shall operate the  
55 vehicle on the right half of the roadway, except:

56           (a) when overtaking and passing another vehicle proceeding in the same direction  
57 under the rules governing that movement;

58           (b) when an obstruction requires operating the vehicle to the left of the center of the

59 roadway subject to the provisions of Subsection (2);

60 (c) on a roadway divided into three marked lanes for traffic under the applicable rules;

61 [or]

62 (d) on a roadway designed and signposted for one-way traffic[-]; or

63 (e) when overtaking and passing another vehicle proceeding in the same direction at a

64 speed that is at least 15 miles per hour less than the normal speed of traffic then present,

65 subject to the provisions of Subsection (2).

66 (2) A person operating a vehicle shall yield the right-of-way to a vehicle:

67 (a) traveling in the proper direction on a roadway; and

68 (b) that is within a distance constituting an immediate hazard.

69 (3) A person operating a vehicle on a roadway at less than the normal speed of traffic

70 shall operate the vehicle in the right-hand lane then available for traffic, or as close as

71 practicable to the right-hand curb or edge of the roadway, except when:

72 (a) overtaking and passing another vehicle proceeding in the same direction;

73 (b) preparing to turn left; or

74 (c) taking a different highway or an exit on the left.

75 Section 2. Section **41-6a-708** is amended to read:

76 **41-6a-708. Signs and markings on roadway -- No-passing zones -- Exceptions.**

77 (1) (a) A highway authority may designate no-passing zones on any portion of a

78 highway under its jurisdiction if the highway authority determines passing is especially

79 hazardous.

80 (b) A highway authority shall designate a no-passing zone under Subsection (1)(a) by

81 placing appropriate traffic-control devices on the highway.

82 (2) A person operating a vehicle may not drive on the left side of:

83 (a) the roadway within the no-passing zone; or

84 (b) any pavement striping designed to mark the no-passing zone.

85 (3) Subsection (2) does not apply:

86 (a) under the conditions described under Subsection 41-6a-701(1)(b) or (e); or

87 (b) to a person operating a vehicle turning left onto or from an alley, private road, or

88 driveway.

89 Section 3. Section **41-6a-710** is amended to read:

90 **41-6a-710. Roadway divided into marked lanes -- Provisions -- Traffic-control**  
91 **devices.**

92 On a roadway divided into two or more clearly marked lanes for traffic the following  
93 provisions apply:

94 (1) (a) A person operating a vehicle:

95 (i) shall keep the vehicle as nearly as practical entirely within a single lane; and

96 (ii) may not move the vehicle from the lane until the operator has reasonably  
97 determined the movement can be made safely.

98 (b) A determination under Subsection (1)(a)(ii) is reasonable if a reasonable person  
99 acting under the same conditions and having regard for actual and potential hazards then  
100 existing would determine that the movement could be made safely.

101 (2) On a roadway divided into three or more lanes and providing for two-way  
102 movement of traffic, a person operating a vehicle may not drive in the center lane except:

103 (a) when overtaking and passing another vehicle traveling in the same direction, and  
104 when the center lane is:

105 (i) clear of traffic within a safe distance; and

106 (ii) not a two-way left turn lane;

107 (b) in preparation of making or completing a left turn in compliance with Section  
108 41-6a-801; or

109 (c) where the center lane is allocated exclusively to traffic moving in the same  
110 direction that the vehicle is proceeding as indicated by traffic-control devices.

111 (3) (a) A highway authority may erect traffic-control devices directing specified traffic  
112 to use a designated lane or designating those lanes to be used by traffic moving in a particular  
113 direction regardless of the center of the roadway.

114 (b) An operator of a vehicle shall obey the directions of a traffic-control device erected  
115 under Subsection (3)(a).

116 (4) (a) A highway authority may designate a lane, path, or other area for the  
117 preferential use by bicycles.

118 (b) A person may not operate a motor vehicle within or through, or park or stop within,  
119 a lane designated under Subsection (4)(a) except:

120 (i) in the case of an emergency; or

121 (ii) to gain access to and within 100 feet of an intersection, a street, an alley, a  
122 driveway, or other parking area.

123 (c) Subsection (4)(b) does not prohibit the use of a lane designated under Subsection  
124 (4)(a) by:

125 (i) a law enforcement officer or emergency service personnel acting within the course  
126 and scope of the law enforcement officer's or emergency service personnel's employment;

127 (ii) a transit vehicle, as defined by Section 17B-2a-802, or school bus for the active  
128 loading and unloading of passengers by briefly driving within or through, or stopping within  
129 the lane; or

130 (iii) an operator of a moped at a speed no greater than is reasonable or prudent, having  
131 due regard for visibility, traffic conditions, and the condition of the roadway surface, and in a  
132 manner that does not endanger an operator or pedestrian.

133 (d) An operator entering or crossing a lane designated under Subsection (4)(a) shall  
134 yield the right-of-way to any vehicle or pedestrian within the lane that is close enough to  
135 constitute an immediate hazard.

136 Section 4. Section **41-6a-1105** is amended to read:

137 **41-6a-1105. Operation of bicycle or moped on and use of roadway -- Duties,**  
138 **prohibitions.**

139 (1) (a) A person operating a bicycle or [a] moped on a roadway at less than the normal  
140 speed of traffic at the time and place and under the conditions then existing shall [ride as near  
141 as practicable to the right-hand edge of the roadway except when:] ride in the right-hand lane  
142 on the roadway then available for traffic.

143 [~~(a) overtaking and passing another bicycle or vehicle proceeding in the same~~  
144 ~~direction;]~~

145 [~~(b) preparing to make a left turn at an intersection or into a private road or driveway;]~~

146 [~~(c) traveling straight through an intersection that has a right-turn only lane that is in~~  
147 ~~conflict with the straight through movement; or]~~

148 [~~(d) reasonably necessary to avoid conditions that make it unsafe to continue along the~~  
149 ~~right-hand edge of the roadway including:]~~

150 [~~(i) fixed or moving objects;]~~

151 [~~(ii) parked or moving vehicles;]~~

152 ~~[(iii) bicycles;]~~  
153 ~~[(iv) pedestrians;]~~  
154 ~~[(v) animals;]~~  
155 ~~[(vi) surface hazards; or]~~  
156 ~~[(vii) a lane that is too narrow for a bicycle and a vehicle to travel safely side by side~~  
157 ~~within the lane.]~~

158 (b) If the right-hand lane is wide enough to be safely shared with overtaking vehicles, a  
159 person operating a bicycle or moped shall ride far enough to the right as reasonably determined  
160 safe by the operator to facilitate the movement of an overtaking vehicle.

161 (c) A person operating a bicycle or moped may use a lane other than the right-hand  
162 lane when:

- 163 (i) preparing for a left turn at an intersection or into a private roadway or driveway;
- 164 (ii) overtaking and passing another bicycle or vehicle proceeding in the same direction;
- 165 or
- 166 (iii) taking reasonable precautions to avoid hazards or dangerous road conditions.

167 (2) (a) A person operating a bicycle or moped upon a one-way roadway with two or  
168 more marked traffic lanes may ride in the left-hand lane then available for traffic.

169 (b) If the left-hand lane is wide enough to be safely shared with overtaking vehicles, a  
170 person operating a bicycle or a moped shall ride far enough to the left as reasonably determined  
171 safe by the operator to facilitate the movement of an overtaking vehicle.

172 (3) A person operating a bicycle or moped is not required to:

173 (a) ride over or through hazards, including fixed or moving objects, parked or moving  
174 vehicles, bicycles, pedestrians, animals, or surface hazards;

175 (b) ride without a reasonable safety margin on the near side of the roadway; or

176 (c) use a lane designated under Subsection 41-6a-710(4)(a) if it cannot be used in a  
177 reasonable and safe manner as reasonably determined by the operator.

178 (4) For the purposes of this section:

179 (a) a lane that is less than 14 feet in width, including an existing adjacent lane  
180 designated under Subsection 41-6a-710(4)(a), shall be considered to be too narrow to safely  
181 share;

182 (b) all fixtures, mirrors, cargo, drivers, passengers, and other items attached to or

183 carried on a vehicle shall be treated as part of the vehicle for the purpose of determining  
184 whether a lane is wide enough to safely share; and

185 (c) a right-hand lane includes the right side of an unmarked roadway.

186 ~~[(2)]~~ (5) A person operating a bicycle or moped on a highway shall operate in the  
187 designated direction of traffic.

188 ~~[(3)]~~ (6) (a) A person ~~[riding]~~ operating a bicycle or moped on a roadway may not ride  
189 more than two abreast with another person operating a bicycle or moped except ~~[on paths or~~  
190 ~~parts of roadways set aside for the exclusive use of bicycles]~~ in a lane designated under  
191 Subsection 41-6a-710(4)(a).

192 (b) If allowed under Subsection ~~[(3)]~~(6)(a), a person ~~[riding]~~ operating a bicycle or  
193 moped two abreast with another person operating a bicycle or moped may not unnecessarily  
194 impede the normal and reasonable movement of traffic provided that the lane is wide enough to  
195 safely share and shall ride within a single lane as provided by Subsection (1).

196 ~~[(4) If a usable path for bicycles has been provided adjacent to a roadway, a bicycle~~  
197 ~~rider may be directed by a traffic-control device to use the path and not the roadway.]~~

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**Legislative Review Note**  
as of 2-23-10 11:06 AM

**Office of Legislative Research and General Counsel**