

1 Committee Substitute

2 for

3 **H. B. 4304**

4  
5 (By Delegates Wells, Guthrie, Skaff, Fleischauer, Skinner,  
6 Manypenny, Barill, R. Smith, Walters, Poore and McCuskey)

7  
8 [Originating in the Committee on the Judiciary]

9  
10 A BILL to amend and reenact §17C-7-3 of the Code of West Virginia,  
11 1931, as amended; and to amend and reenact §17C-11-5 and  
12 §17C-11-7 of said code, all relating to use of a bicycle on a  
13 roadway; overtaking a bicycle on a roadway; providing  
14 exceptions to the requirement bicycles ride as close as  
15 practicable to the edge of the roadway; and allowing a person  
16 to operate a bicycle without a bell or other device capable of  
17 giving an audible signal.

18 *Be it enacted by the Legislature of West Virginia:*

19 That §17C-7-3 of the Code of West Virginia, 1931, as amended,  
20 be amended and reenacted; and that §17C-11-5 and §17C-11-7 of said  
21 code be amended and reenacted, all to read as follows:

22 **ARTICLE 7. DRIVING ON RIGHT SIDE OF ROADWAY, OVERTAKING AND**  
23 **PASSING, ETC.**

24 **§17C-7-3. Overtaking and passing vehicle or bicycle proceeding in**  
25 **same direction -- Passing on the left generally;**

1                    **penalty.**

2            (a) The following rules ~~shall~~ govern the overtaking and  
3 passing of vehicles proceeding in the same direction subject to  
4 these limitations, exceptions, and special rules hereinafter  
5 stated:

6            (1) The driver of a vehicle overtaking another vehicle  
7 proceeding in the same direction shall give an audible signal and  
8 pass to the left ~~thereof~~ of the overtaken vehicle at a safe  
9 distance and ~~shall~~ may not again drive to the right side of the  
10 roadway until safely clear of the overtaken vehicle.

11           (2) The driver of a vehicle overtaking a bicycle traveling in  
12 the same direction shall pass to the left of the bicycle at a  
13 distance of not less than three feet at a careful and reduced  
14 speed, and may not again drive to the right side of the roadway  
15 until safely clear of the overtaken bicycle.

16           ~~(2)~~ (3) Except when overtaking and passing on the right is  
17 permitted, the driver of an overtaken vehicle shall give way to the  
18 right in favor of the overtaking vehicle on audible signal and  
19 ~~shall~~ may not increase the speed of his or her vehicle until  
20 completely passed by the overtaking vehicle.

21           (b) Any person violating the provisions of this section is  
22 guilty of a misdemeanor and, upon conviction thereof, shall be  
23 fined not more than \$100; upon a second conviction within one year  
24 thereafter, shall be fined not more than \$200; and upon a third or

1 subsequent conviction, shall be fined not more than \$500.

2 **ARTICLE 11. OPERATION OF BICYCLES AND PLAY VEHICLES.**

3 **§17C-11-5. Riding on roadways and bicycle paths.**

4 ~~(a) Every person operating a bicycle upon a roadway shall ride~~  
5 ~~as near to the right side of the roadway as practicable, exercising~~  
6 ~~due care when passing a standing vehicle or one proceeding in the~~  
7 ~~same direction.~~

8 (a) Any person operating a bicycle upon a roadway at less than  
9 the normal speed of traffic at the time and place and under the  
10 conditions then existing shall ride in the lane marked for bicycle  
11 use or, if no lane is marked for bicycle use, as close as  
12 practicable to the right-hand curb or edge of the roadway except  
13 under any of the following situations:

14 (1) When overtaking and passing another bicycle or vehicle  
15 proceeding in the same direction;

16 (2) When preparing for a left turn at an intersection or into  
17 a private road or driveway; or

18 (3) When reasonably necessary to avoid any condition or  
19 potential conflict, including, but not limited to, a fixed or  
20 moving object, parked or moving vehicle, bicycle, pedestrian,  
21 animal, surface hazard, turn lane, or substandard-width lane, which  
22 makes it unsafe to continue along the right-hand curb or edge or  
23 within a bicycle lane. For the purposes of this subsection, a  
24 "substandard-width lane" is a lane that is too narrow for a bicycle

1 and another vehicle to travel safely side by side within the lane.

2 (b) Any person operating a bicycle upon a one-way highway with  
3 two or more marked traffic lanes may ride as near the left-hand  
4 curb or edge of such roadway as practicable.

5 ~~(b)~~ (c) Persons riding bicycles upon a roadway ~~shall~~ may not  
6 ride more than two abreast except on paths or parts of roadways set  
7 aside for the exclusive use of bicycles.

8 ~~(c) Whenever a usable path for bicycles has been provided~~  
9 ~~adjacent to a roadway, bicycle riders shall use such path and shall~~  
10 ~~not use the roadway.~~

11 **§17C-11-7. Lamps and other equipment on bicycles.**

12 (a) Every bicycle when in use at nighttime shall be equipped  
13 with a lamp on the front which ~~shall emit~~ emits a white light  
14 visible from a distance of at least five hundred feet to the front  
15 and with a red reflector on the rear of a type approved by the  
16 department which shall be visible from all distances from fifty  
17 feet to three hundred feet to the rear when directly in front of  
18 lawful upper beams of head lamps on a motor vehicle. A lamp  
19 emitting a red light visible from a distance of five hundred feet  
20 to the rear may be used in addition to the red reflector.

21 ~~(b) No person shall operate a bicycle unless it is equipped~~  
22 ~~with a bell or other device capable of giving a signal audible for~~  
23 ~~a distance of at least one hundred feet, except that a bicycle~~  
24 ~~shall not be equipped with nor shall any person use upon a bicycle~~

1 ~~any siren or whistle.~~

2        ~~(c)~~ (b) Every bicycle shall be equipped with a brake ~~which~~  
3 ~~will enable~~ that enables the operator to make the braked wheels  
4 skid on dry, level and clean pavement.