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SENATE BILL 09-148

BY SENATOR(S) Brophy, Gibbs, Bacon, Boyd, Harvey, Heath, Kopp, Newell, Schwartz, Shaffer B., Tapia, Romer, Williams;
also REPRESENTATIVE(S) Merrifield, Carroll T., Kerr A., Marostica, McNulty, Balmer, Court, Fischer, Frangas, Priola, Scanlan, Schafer S., Vigil, Gerou, Pace, Pommer, Rice.

CONCERNING REVISIONS TO THE RULES GOVERNING THE SAFE INTERACTION
OF BICYCLES WITH OTHER VEHICLES ON ROADWAYS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 42-4-1002, Colorado Revised Statutes, is amended to read:

42-4-1002. Passing oncoming vehicles. (1) Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and, upon roadways having width for not more than one lane of traffic in each direction, each driver shall give to the other at least one-half of the main-traveled portion of the roadway as nearly as possible.

(2) A DRIVER SHALL NOT PASS A BICYCLIST MOVING IN THE SAME DIRECTION AND IN THE SAME LANE WHEN THERE IS ONCOMING TRAFFIC UNLESS THE DRIVER CAN SIMULTANEOUSLY:

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(a) ALLOW ONCOMING VEHICLES AT LEAST ONE-HALF OF THE MAIN-TRAVELED PORTION OF THE ROADWAY IN ACCORDANCE WITH SUBSECTION (1) OF THIS SECTION; AND

(b) ALLOW THE BICYCLIST AT LEAST A THREE-FOOT SEPARATION BETWEEN THE RIGHT SIDE OF THE DRIVER'S VEHICLE, INCLUDING ALL MIRRORS OR OTHER PROJECTIONS, AND THE LEFT SIDE OF THE BICYCLIST AT ALL TIMES.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

SECTION 2. 42-4-1003 (1), Colorado Revised Statutes, is amended to read:

42-4-1003. Overtaking a vehicle on the left. (1) The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to the limitations, exceptions, and special rules stated in this section and sections 42-4-1004 to 42-4-1008:

(a) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left ~~thereof~~ OF THE VEHICLE at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(b) THE DRIVER OF A MOTOR VEHICLE OVERTAKING A BICYCLIST PROCEEDING IN THE SAME DIRECTION SHALL ALLOW THE BICYCLIST AT LEAST A THREE-FOOT SEPARATION BETWEEN THE RIGHT SIDE OF THE DRIVER'S VEHICLE, INCLUDING ALL MIRRORS OR OTHER PROJECTIONS, AND THE LEFT SIDE OF THE BICYCLIST AT ALL TIMES.

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

SECTION 3. 42-4-1004, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

42-4-1004. When overtaking on the right is permitted. (1.5) THE DRIVER OF A MOTOR VEHICLE UPON A ONE-WAY ROADWAY WITH TWO OR MORE MARKED TRAFFIC LANES, WHEN OVERTAKING A BICYCLIST PROCEEDING IN THE SAME DIRECTION AND RIDING ON THE LEFT-HAND SIDE OF THE ROAD, SHALL ALLOW THE BICYCLIST AT LEAST A THREE-FOOT SEPARATION BETWEEN THE LEFT SIDE OF THE DRIVER'S VEHICLE, INCLUDING ALL MIRRORS OR OTHER PROJECTIONS, AND THE RIGHT SIDE OF THE BICYCLIST AT ALL TIMES.

SECTION 4. 42-4-1005 (4), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

42-4-1005. Limitations on overtaking on the left. (4) The provisions of this section shall not apply:

(d) TO THE DRIVER OF A VEHICLE PASSING A BICYCLIST MOVING THE SAME DIRECTION AND IN THE SAME LANE WHEN SUCH MOVEMENT CAN BE MADE IN SAFETY AND WITHOUT INTERFERING WITH, IMPEDING, OR ENDANGERING OTHER TRAFFIC LAWFULLY USING THE HIGHWAY.

SECTION 5. Part 10 of article 4 of title 42, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

42-4-1008.5. Crowding or threatening bicyclist. (1) THE DRIVER OF A MOTOR VEHICLE SHALL NOT, IN A CARELESS AND IMPRUDENT MANNER, DRIVE THE VEHICLE UNNECESSARILY CLOSE TO, TOWARD, OR NEAR A BICYCLIST.

(2) ANY PERSON WHO VIOLATES SUBSECTION (1) OF THIS SECTION COMMITS CARELESS DRIVING AS DESCRIBED IN SECTION 42-4-1402.

SECTION 6. 42-4-1412 (5) and (6), Colorado Revised Statutes, are REPEALED AND REENACTED, WITH AMENDMENTS, to read:

42-4-1412. Operation of bicycles and other human-powered vehicles. (5) (a) ANY PERSON OPERATING A BICYCLE UPON A ROADWAY AT LESS THAN THE NORMAL SPEED OF TRAFFIC SHALL RIDE IN THE RIGHT-HAND LANE, SUBJECT TO THE FOLLOWING CONDITIONS:

(I) IF THE RIGHT-HAND LANE THEN AVAILABLE FOR TRAFFIC IS WIDE

ENOUGH TO BE SAFELY SHARED WITH OVERTAKING VEHICLES, A BICYCLIST SHALL RIDE FAR ENOUGH TO THE RIGHT AS JUDGED SAFE BY THE BICYCLIST TO FACILITATE THE MOVEMENT OF SUCH OVERTAKING VEHICLES UNLESS OTHER CONDITIONS MAKE IT UNSAFE TO DO SO.

(II) A BICYCLIST MAY USE A LANE OTHER THAN THE RIGHT-HAND LANE WHEN:

(A) PREPARING FOR A LEFT TURN AT AN INTERSECTION OR INTO A PRIVATE ROADWAY OR DRIVEWAY;

(B) OVERTAKING A SLOWER VEHICLE; OR

(C) TAKING REASONABLY NECESSARY PRECAUTIONS TO AVOID HAZARDS OR ROAD CONDITIONS.

(III) UPON APPROACHING AN INTERSECTION WHERE RIGHT TURNS ARE PERMITTED AND THERE IS A DEDICATED RIGHT-TURN LANE, A BICYCLIST MAY RIDE ON THE LEFT-HAND PORTION OF THE DEDICATED RIGHT-TURN LANE EVEN IF THE BICYCLIST DOES NOT INTEND TO TURN RIGHT.

(b) A BICYCLIST SHALL NOT BE EXPECTED OR REQUIRED TO:

(I) RIDE OVER OR THROUGH HAZARDS AT THE EDGE OF A ROADWAY, INCLUDING BUT NOT LIMITED TO FIXED OR MOVING OBJECTS, PARKED OR MOVING VEHICLES, BICYCLES, PEDESTRIANS, ANIMALS, SURFACE HAZARDS, OR NARROW LANES; OR

(II) RIDE WITHOUT A REASONABLE SAFETY MARGIN ON THE RIGHT-HAND SIDE OF THE ROADWAY.

(c) A PERSON OPERATING A BICYCLE UPON A ONE-WAY ROADWAY WITH TWO OR MORE MARKED TRAFFIC LANES MAY RIDE AS NEAR TO THE LEFT-HAND CURB OR EDGE OF SUCH ROADWAY AS JUDGED SAFE BY THE BICYCLIST, SUBJECT TO THE FOLLOWING CONDITIONS:

(I) IF THE LEFT-HAND LANE THEN AVAILABLE FOR TRAFFIC IS WIDE ENOUGH TO BE SAFELY SHARED WITH OVERTAKING VEHICLES, A BICYCLIST SHALL RIDE FAR ENOUGH TO THE LEFT AS JUDGED SAFE BY THE BICYCLIST TO FACILITATE THE MOVEMENT OF SUCH OVERTAKING VEHICLES UNLESS OTHER

CONDITIONS MAKE IT UNSAFE TO DO SO.

(II) A BICYCLIST SHALL NOT BE EXPECTED OR REQUIRED TO:

(A) RIDE OVER OR THROUGH HAZARDS AT THE EDGE OF A ROADWAY, INCLUDING BUT NOT LIMITED TO FIXED OR MOVING OBJECTS, PARKED OR MOVING VEHICLES, BICYCLES, PEDESTRIANS, ANIMALS, SURFACE HAZARDS, OR NARROW LANES; OR

(B) RIDE WITHOUT A REASONABLE SAFETY MARGIN ON THE LEFT-HAND SIDE OF THE ROADWAY.

(6)(a) PERSONS RIDING BICYCLES UPON A ROADWAY SHALL NOT RIDE MORE THAN TWO ABREAST EXCEPT ON PATHS OR PARTS OF ROADWAYS SET ASIDE FOR THE EXCLUSIVE USE OF BICYCLES.

(b) PERSONS RIDING BICYCLES TWO ABREAST SHALL NOT IMPEDE THE NORMAL AND REASONABLE MOVEMENT OF TRAFFIC AND, ON A LANED ROADWAY, SHALL RIDE WITHIN A SINGLE LANE.

SECTION 7. 18-9-116, Colorado Revised Statutes, is amended to read:

18-9-116. Throwing missiles at vehicles - harassment of bicyclists. (1) Any person who knowingly projects any missile at or against any vehicle or equipment designed for the transportation of persons or property, OTHER THAN A BICYCLE, commits a class 1 petty offense.

(2) ANY PERSON WHO KNOWINGLY PROJECTS ANY MISSILE AT OR AGAINST A BICYCLIST COMMITS A CLASS 2 MISDEMEANOR.

(3) AS USED IN THIS SECTION, "MISSILE" MEANS ANY OBJECT OR SUBSTANCE.

SECTION 8. Act subject to petition - effective date - applicability. (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 5, 2009, if adjournment sine die is on May 6, 2009); except that, if a referendum

petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) The provisions of this act shall apply to offenses committed on or after the applicable effective date of this act.

Brandon C. Shaffer
PRESIDENT OF
THE SENATE

Terrance D. Carroll
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO