

**First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 09-0667.01 Duane Gall

SENATE BILL 09-148

SENATE SPONSORSHIP

Brophy, Gibbs

HOUSE SPONSORSHIP

Merrifield, Carroll T., Kerr A., Marostica, McNulty

Senate Committees
Transportation

House Committees

A BILL FOR AN ACT

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

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Clarifies rules governing bicyclists riding 2 abreast, staying to the right-hand side of the roadway when possible, and using right-turn lanes. Specifies that a driver must allow at least 3 feet of clearance when passing a bicyclist, and creates a limited exception to the prohibition on driving left of center to allow drivers to give bicyclists extra room.

Prohibits harassment of bicyclists, with enhanced penalties for

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
Amended 2nd Reading
February 13, 2009

harassment when perpetrated by:

- ! Driving a vehicle in a threatening manner; or
- ! Throwing an object from a moving vehicle.

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

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

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

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

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

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

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

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

23 **42-4-1003. Overtaking a vehicle on the left.** (1) The following
24 rules shall govern the overtaking and passing of vehicles proceeding in

1 the same direction, subject to the limitations, exceptions, and special rules
2 stated in this section and sections 42-4-1004 to 42-4-1008:

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

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

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

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

19 **42-4-1004. When overtaking on the right is permitted.**
20 **(1.5) THE DRIVER OF A VEHICLE UPON A ONE-WAY ROADWAY WITH TWO**
21 **OR MORE MARKED TRAFFIC LANES, WHEN OVERTAKING A BICYCLIST**
22 **PROCEEDING IN THE SAME DIRECTION AND RIDING ON THE LEFT-HAND SIDE**
23 **OF THE ROAD, SHALL ALLOW THE BICYCLIST AT LEAST A THREE-FOOT**
24 **SEPARATION BETWEEN THE LEFT SIDE OF THE DRIVER'S VEHICLE,**
25 **INCLUDING ALL MIRRORS OR OTHER PROJECTIONS, AND THE RIGHT SIDE OF**
26 **THE BICYCLIST AT ALL TIMES.**

27 **SECTION 4.** 42-4-1005 (4), Colorado Revised Statutes, is

1 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

2 **42-4-1005. Limitations on overtaking on the left.** (4) The
3 provisions of this section shall not apply:

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

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

11 **42-4-1008.5. Crowding or threatening bicyclist.** (1) THE
12 DRIVER OF A MOTOR VEHICLE SHALL NOT INTENTIONALLY DRIVE THE
13 VEHICLE UNNECESSARILY CLOSE TO A BICYCLIST OR IN A THREATENING OR
14 DANGEROUS MANNER TOWARD OR NEAR A BICYCLIST.

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

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

19 **42-4-1412. Operation of bicycles and other human-powered**
20 **vehicles.** (5) (a) ANY PERSON OPERATING A BICYCLE UPON A ROADWAY
21 AT LESS THAN THE NORMAL SPEED OF TRAFFIC SHALL RIDE IN THE
22 RIGHT-HAND LANE, SUBJECT TO THE FOLLOWING CONDITIONS:

23 (I) IF THE RIGHT-HAND LANE THEN AVAILABLE FOR TRAFFIC IS
24 WIDE ENOUGH TO BE SAFELY SHARED WITH OVERTAKING VEHICLES, A
25 BICYCLIST SHALL RIDE FAR ENOUGH TO THE RIGHT AS JUDGED SAFE BY THE
26 BICYCLIST TO FACILITATE THE MOVEMENT OF SUCH OVERTAKING VEHICLES
27 UNLESS OTHER CONDITIONS MAKE IT UNSAFE TO DO SO.

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

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

5 (B) OVERTAKING A SLOWER VEHICLE; OR

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

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

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

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

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

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

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

1 OTHER CONDITIONS MAKE IT UNSAFE TO DO SO.

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

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

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

9 (6) (a) PERSONS RIDING BICYCLES UPON A ROADWAY SHALL NOT
10 RIDE MORE THAN TWO ABREAST EXCEPT ON PATHS OR SHOULDERS.

11 (b) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (c) OF THIS
12 SUBSECTION (6), PERSONS RIDING BICYCLES TWO ABREAST SHALL NOT
13 IMPEDE THE NORMAL AND REASONABLE MOVEMENT OF TRAFFIC AND, ON
14 A LANED ROADWAY, SHALL RIDE WITHIN A SINGLE LANE. THIS PARAGRAPH
15 (b) SHALL NOT BE CONSTRUED TO PROHIBIT ONE BICYCLIST FROM PASSING
16 ONE OR MORE OTHER BICYCLISTS.

17 (c) RIDING TWO ABREAST SHALL NOT BE DEEMED TO IMPEDE THE
18 NORMAL AND REASONABLE MOVEMENT OF TRAFFIC UNDER
19 CIRCUMSTANCES THAT INCLUDE, BUT ARE NOT LIMITED TO, THE
20 FOLLOWING:

21 (I) THERE IS NO CONFLICTING TRAFFIC AT THE TIME; OR

22 (II) THE LANE IS TOO NARROW FOR ONE BICYCLE AND ONE MOTOR
23 VEHICLE TO TRAVEL SAFELY SIDE-BY-SIDE WITHIN THE LANE.

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

26 18-9-116. Throwing missiles at vehicles - harassment of
27 bicyclists. (1) Any person who knowingly projects any missile at or

1 against any vehicle or equipment designed for the transportation of
2 persons or property, OTHER THAN A BICYCLE, commits a class 1 petty
3 offense.

4 (2) ANY PERSON WHO KNOWINGLY PROJECTS ANY MISSILE AT OR
5 AGAINST A BICYCLIST OR WHO HARASSES OR TAUNTS A BICYCLIST
6 COMMITS A CLASS 2 MISDEMEANOR.

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

9 **SECTION 8. Act subject to petition - effective date -**
10 **applicability.** (1) This act shall take effect at 12:01 a.m. on the day
11 following the expiration of the ninety-day period after final adjournment
12 of the general assembly that is allowed for submitting a referendum
13 petition pursuant to article V, section 1 (3) of the state constitution,
14 (August 4, 2009, if adjournment sine die is on May 6, 2009); except that,
15 if a referendum petition is filed against this act or an item, section, or part
16 of this act within such period, then the act, item, section, or part, if
17 approved by the people, shall take effect on the date of the official
18 declaration of the vote thereon by proclamation of the governor.

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