

IN THE SENATE

SENATE BILL NO. 1348

BY TRANSPORTATION COMMITTEE

AN ACT

1 RELATING TO RULES OF THE ROAD; AMENDING SECTION 49-631, IDAHO CODE, TO
2 PROVIDE PROVISIONS RELATING TO A DRIVER PASSING A BICYCLE OR OTHER
3 HUMAN-POWERED VEHICLE OR PEDESTRIAN IN THE SAME DIRECTION AND IN THE
4 SAME LANE WHEN THERE IS ONCOMING TRAFFIC AND TO PROVIDE THAT SUCH DRIVER
5 SHALL ALLOW ONCOMING VEHICLES AT LEAST ONE-HALF THE MAIN TRAVELED
6 PORTION OF THE ROADWAY AND TO ALLOW THE BICYCLE OR OTHER HUMAN-POWERED
7 VEHICLE OR PEDESTRIAN AT LEAST THREE FOOT SEPARATION, TO PROVIDE THAT A
8 PEDESTRIAN OR THE OPERATOR OF A BICYCLE OR OTHER HUMAN-POWERED VEHICLE
9 SHALL TURN OFF OR STEP OFF THE ROADWAY TO ALLOW FOLLOWING VEHICLES
10 TO PASS; AMENDING SECTION 49-632, IDAHO CODE, TO PROVIDE PROVISIONS
11 RELATING TO THE OVERTAKING AND PASSING OF BICYCLES, OTHER HUMAN-POWERED
12 VEHICLES AND PEDESTRIANS PROCEEDING IN THE SAME DIRECTION, TO CLARIFY
13 LANGUAGE, TO PROVIDE THAT THE DRIVER OF A VEHICLE OVERTAKING A BICYCLE
14 OR OTHER HUMAN-POWERED VEHICLE OR PEDESTRIAN SHALL PASS AT A SAFE
15 DISTANCE OF NOT LESS THAN THREE FEET TO THE LEFT, TO PROVIDE THAT THE
16 DRIVER OF A VEHICLE OVERTAKING A BICYCLE OR OTHER HUMAN-POWERED VEHICLE
17 OR PEDESTRIAN SHALL NOT MAKE A RIGHT TURN UNTIL SAFELY PAST, TO PROVIDE
18 THAT A PEDESTRIAN OR THE OPERATOR OF A BICYCLE OR OTHER HUMAN-POWERED
19 VEHICLE SHALL TURN OFF OR STEP OFF THE ROADWAY TO ALLOW FOLLOWING
20 VEHICLES TO PASS; AMENDING SECTION 49-633, IDAHO CODE, TO PROVIDE
21 THAT THE DRIVER OF A MOTOR VEHICLE UPON A ONE-WAY ROADWAY WITH TWO OR
22 MORE MARKED TRAFFIC LANES, WHEN OVERTAKING CERTAIN BICYCLE, OTHER
23 HUMAN-POWERED VEHICLE OR PEDESTRIAN PROCEEDING THE SAME DIRECTION,
24 SHALL ALLOW A THREE FOOT SEPARATION BETWEEN THE LEFT SIDE OF THE
25 DRIVER'S VEHICLE AND THE RIGHT SIDE OF THE BICYCLE, OTHER HUMAN-POWERED
26 VEHICLE OR PEDESTRIAN, AND TO PROVIDE THAT A PEDESTRIAN OR THE OPERATOR
27 OF A BICYCLE OR OTHER HUMAN-POWERED VEHICLE SHALL TURN OFF OR STEP OFF
28 THE ROADWAY TO ALLOW FOLLOWING VEHICLES TO PASS; AND AMENDING SECTION
29 49-634, IDAHO CODE, TO PROVIDE THAT CERTAIN PROVISIONS SHALL NOT APPLY
30 TO THE DRIVER OF A VEHICLE PASSING A BICYCLE OR OTHER HUMAN-POWERED
31 VEHICLE OR PEDESTRIAN IN CERTAIN SITUATIONS WHEN PASSING CAN BE MADE IN
32 SAFETY.
33

34 Be It Enacted by the Legislature of the State of Idaho:

35 SECTION 1. That Section 49-631, Idaho Code, be, and the same is hereby
36 amended to read as follows:

37 49-631. PASSING VEHICLES PROCEEDING IN OPPOSITE DIRECTIONS -- PASSING
38 BICYCLES OR PEDESTRIANS WHEN THERE IS ONCOMING TRAFFIC. (1) Drivers of
39 vehicles proceeding in opposite directions shall pass each other to the
40 right. Upon highways having width for not more than one (1) line of traffic
41 in each direction, each driver shall give to the other at least one-half the
42 main traveled portion of the highway as possible.

1 (2) A driver shall not pass a bicycle or other human-powered vehicle or
2 pedestrian moving in the same direction and in the same lane when there is
3 oncoming traffic unless the driver can simultaneously:

4 (a) Allow oncoming vehicles at least one-half (1/2) of the main
5 traveled portion of the entire roadway in accordance with subsection
6 (1) of this section; and

7 (b) Allow the bicycle or other human-powered vehicle or pedestrian at
8 least a three (3) foot separation between the right side of the driver's
9 vehicle, including all mirrors or other projections, and the left side
10 of the bicycle or other human-powered vehicle or pedestrian at all
11 times.

12 (3) A pedestrian or the operator of a bicycle or other human-powered
13 vehicle, traveling slower than the normal speed of traffic and behind which
14 three (3) or more vehicles are formed in line, shall turn off the roadway,
15 or in the case of a pedestrian, step off the side of the roadway, wherever
16 sufficient area for a safe turnout or step off exists, in order to permit the
17 following vehicles to pass.

18 SECTION 2. That Section 49-632, Idaho Code, be, and the same is hereby
19 amended to read as follows:

20 49-632. OVERTAKING A VEHICLE ON THE LEFT. The following shall govern
21 the overtaking and passing of vehicles, bicycles, other human-powered
22 vehicles and pedestrians proceeding in the same direction, subject to those
23 limitations, exceptions and special requirements stated:

24 (1) The driver of a vehicle overtaking another vehicle proceeding in
25 the same direction shall pass to the left of the vehicle at a safe distance
26 and shall not again drive to the right side of the roadway until safely clear
27 of the overtaken vehicle.

28 (2) The driver of a vehicle overtaking a bicycle or other human-powered
29 vehicle or pedestrian shall pass at a safe distance of not less than three (3)
30 feet to the left of such bicycle or other human-powered vehicle or pedestrian
31 and shall not again drive to the right side of the roadway until safely clear
32 of the bicycle or other human-powered vehicle or pedestrian.

33 (3) The driver of a vehicle overtaking a bicycle or other human-powered
34 vehicle or pedestrian shall not make a right turn until safely past and then
35 only when such a turn does not impede the progress of the bicycle or other
36 human-powered vehicle or pedestrian.

37 (4) A pedestrian or the operator of a bicycle or other human-powered
38 vehicle, traveling slower than the normal speed of traffic and behind which
39 three (3) or more vehicles are formed in line, shall turn off the roadway,
40 or in the case of a pedestrian, step off the side of the roadway, wherever
41 sufficient area for a safe turnout or step off exists, in order to permit the
42 following vehicles to pass.

43 (5) Except when overtaking and passing on the right is permitted, the
44 driver of an overtaken vehicle shall give way to the right in favor of the
45 overtaking vehicle on audible signal and shall not increase the speed of his
46 vehicle until completely passed by the overtaking vehicle.

47 SECTION 3. That Section 49-633, Idaho Code, be, and the same is hereby
48 amended to read as follows:

1 49-633. WHEN PASSING ON THE RIGHT IS PERMITTED. (1) The driver of a
2 vehicle may overtake and pass upon the right of another vehicle only under
3 the following conditions:

4 (a) When the vehicle overtaken is making or about to make a left turn;

5 (b) Upon a highway with unobstructed pavement of sufficient width for
6 two (2) or more lines of vehicles moving lawfully in the direction being
7 traveled by the overtaking vehicle.

8 (2) The driver of a vehicle may overtake and pass another vehicle upon
9 the right only under conditions permitting such movement in safety. That
10 movement shall not be made by driving off the roadway.

11 (3) The driver of a motor vehicle upon a one-way roadway with two (2) or
12 more marked traffic lanes, when overtaking a bicycle or other human-powered
13 vehicle or pedestrian proceeding the same direction and riding, walking
14 or running on the left-hand side of the roadway, shall allow the bicycle
15 or other human-powered vehicle or pedestrian at least a three (3) foot
16 separation between the left side of the driver's vehicle, including all
17 mirrors or other projections, and the right side of the bicycle or other
18 human-powered vehicle or pedestrian at all times.

19 (4) A pedestrian or the operator of a bicycle or other human-powered
20 vehicle, traveling slower than the normal speed of traffic and behind which
21 three (3) or more vehicles are formed in line, shall turn off the roadway,
22 or in the case of a pedestrian, step off the side of the roadway, wherever
23 sufficient area for a safe turnout or step off exists, in order to permit the
24 following vehicles to pass.

25 SECTION 4. That Section 49-634, Idaho Code, be, and the same is hereby
26 amended to read as follows:

27 49-634. LIMITATIONS ON OVERTAKING ON THE LEFT. (1) No vehicle shall be
28 driven to the left side of the center of the highway in overtaking and passing
29 another vehicle proceeding in the same direction, unless the left side
30 is clearly visible and free of oncoming traffic for a sufficient distance
31 ahead to permit the overtaking and passing to be completely made without
32 interfering with the operation of any vehicle approaching from the opposite
33 direction or any vehicle overtaken. In every event the overtaking vehicle
34 must return to an authorized lane of travel as soon as practicable and in the
35 event the passing movement involves the use of a lane authorized for vehicles
36 approaching from the opposite direction, before coming within two hundred
37 (200) feet of any approaching vehicle.

38 (2) The provisions of this section shall not apply to the driver of
39 a vehicle passing a bicycle or other human-powered vehicle or pedestrian
40 moving the same direction and in the same lane when such movement can be made
41 in safety, regardless of roadway markings, and without interfering with,
42 impeding or endangering other traffic lawfully using the highway.