

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 586

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO RULES OF THE ROAD; AMENDING SECTION 49-631, IDAHO CODE, TO
PROVIDE PROVISIONS RELATING TO A DRIVER PASSING A BICYCLE, OTHER HUMAN-POWERED VEHICLE, PEDESTRIAN, RUNNER, PERSON ON HORSEBACK OR OTHER HUMAN- OR ANIMAL-POWERED VEHICLES INCLUDING WHEELCHAIRS IN THE SAME DIRECTION AND IN THE SAME LANE WHEN THERE IS ONCOMING TRAFFIC AND TO PROVIDE THAT SUCH DRIVER SHALL ALLOW ONCOMING VEHICLES AT LEAST ONE-HALF THE MAIN TRAVELED PORTION OF THE ROADWAY AND TO ALLOW THE BICYCLE, OTHER HUMAN-POWERED VEHICLE, PEDESTRIAN, RUNNER, PERSON ON HORSEBACK OR OTHER HUMAN- OR ANIMAL-POWERED VEHICLES INCLUDING WHEELCHAIRS AT LEAST A THREE FOOT SEPARATION, TO PROVIDE THAT A PEDESTRIAN OR THE OPERATOR OF A BICYCLE, OTHER HUMAN-POWERED VEHICLE, PEDESTRIAN, RUNNER, PERSON ON HORSEBACK OR OTHER HUMAN- OR ANIMAL-POWERED VEHICLES INCLUDING WHEELCHAIRS SHALL TURN OFF OR STEP OFF THE ROADWAY TO ALLOW FOLLOWING VEHICLES TO PASS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 49-632, IDAHO CODE, TO PROVIDE PROVISIONS RELATING TO THE OVERTAKING AND PASSING OF A BICYCLE, OTHER HUMAN-POWERED VEHICLE, PEDESTRIAN, RUNNER, PERSON ON HORSEBACK OR OTHER HUMAN- OR ANIMAL-POWERED VEHICLES INCLUDING WHEELCHAIRS PROCEEDING IN THE SAME DIRECTION, TO CLARIFY LANGUAGE, TO PROVIDE THAT THE DRIVER OF A VEHICLE OVERTAKING A BICYCLE, OTHER HUMAN-POWERED VEHICLE, PEDESTRIAN, RUNNER, PERSON ON HORSEBACK OR OTHER HUMAN- OR ANIMAL-POWERED VEHICLES INCLUDING WHEELCHAIRS SHALL PASS AT A SAFE DISTANCE OF NOT LESS THAN THREE FEET TO THE LEFT, TO PROVIDE THAT THE DRIVER OF A VEHICLE OVERTAKING A BICYCLE, OTHER HUMAN-POWERED VEHICLE, PEDESTRIAN, RUNNER, PERSON ON HORSEBACK OR OTHER HUMAN- OR ANIMAL-POWERED VEHICLES INCLUDING WHEELCHAIRS SHALL NOT MAKE A RIGHT TURN UNTIL SAFELY PAST, TO PROVIDE THAT A PEDESTRIAN OR THE OPERATOR OF A BICYCLE, OTHER HUMAN-POWERED VEHICLE, PEDESTRIAN, RUNNER, PERSON ON HORSEBACK OR OTHER HUMAN- OR ANIMAL-POWERED VEHICLES INCLUDING WHEELCHAIRS SHALL TURN OFF OR STEP OFF THE ROADWAY TO ALLOW FOLLOWING VEHICLES TO PASS; AMENDING SECTION 49-633, IDAHO CODE, TO PROVIDE THAT THE DRIVER OF A MOTOR VEHICLE UPON A ONE-WAY ROADWAY WITH TWO OR MORE MARKED TRAFFIC LANES, WHEN OVERTAKING A BICYCLE, OTHER HUMAN-POWERED VEHICLE, PEDESTRIAN, RUNNER, PERSON ON HORSEBACK OR OTHER HUMAN- OR ANIMAL-POWERED VEHICLES INCLUDING WHEELCHAIRS PROCEEDING IN THE SAME DIRECTION, SHALL ALLOW A THREE FOOT SEPARATION BETWEEN THE LEFT SIDE OF THE DRIVER'S VEHICLE AND THE RIGHT SIDE OF THE BICYCLE, OTHER HUMAN-POWERED VEHICLE, PEDESTRIAN, RUNNER, PERSON ON HORSEBACK OR OTHER HUMAN- OR ANIMAL-POWERED VEHICLES INCLUDING WHEELCHAIRS, AND TO PROVIDE THAT A PEDESTRIAN OR THE OPERATOR OF A BICYCLE, OTHER HUMAN-POWERED VEHICLE, PEDESTRIAN, RUNNER, PERSON ON HORSEBACK OR OTHER HUMAN- OR ANIMAL-POWERED VEHICLES INCLUDING WHEELCHAIRS SHALL TURN OFF OR STEP OFF THE ROADWAY TO ALLOW FOLLOWING VEHICLES TO PASS; AND AMENDING SECTION 49-634, IDAHO CODE, TO PROVIDE THAT CERTAIN PROVISIONS SHALL NOT APPLY TO THE DRIVER OF A VEHICLE PASSING A BICYCLE, OTHER HUMAN-POWERED

1 VEHICLE, PEDESTRIAN, RUNNER, PERSON ON HORSEBACK OR OTHER HUMAN- OR AN-
 2 IMAL-POWERED VEHICLES INCLUDING WHEELCHAIRS IN CERTAIN SITUATIONS WHEN
 3 PASSING CAN BE MADE IN SAFETY.

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

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

7 49-631. PASSING VEHICLES PROCEEDING IN OPPOSITE DIRECTIONS -- PASSING
 8 BICYCLES OR PEDESTRIANS WHEN THERE IS ONCOMING TRAFFIC. (1) Drivers of ve-
 9 hicles proceeding in opposite directions shall pass each other to the right.
 10 Upon highways having width for not more than one (1) line of traffic in each
 11 direction, each driver shall give to the other at least one-half (1/2) the
 12 main traveled portion of the highway as possible.

13 (2) A driver shall not pass a bicycle, other human-powered vehicle,
 14 pedestrian, runner, person on horseback or other human- or animal-powered
 15 vehicles including wheelchairs moving in the same direction and in the same
 16 lane when there is oncoming traffic unless the driver can simultaneously:

17 (a) Allow the bicycle, other human-powered vehicle, pedestrian, run-
 18 ner, person on horseback or other human- or animal-powered vehicles
 19 including wheelchairs and oncoming vehicles at least one-half (1/2) of
 20 the main traveled portion of the entire roadway in accordance with sub-
 21 section (1) of this section; and

22 (b) Allow at least a three (3) foot separation between the right side of
 23 the driver's vehicle, including all mirrors or other projections, and
 24 the left side of the bicycle, other human-powered vehicle, pedestrian,
 25 runner, person on horseback or other human- or animal-powered vehicles
 26 including wheelchairs at all times.

27 (3) An operator of a bicycle, other human-powered vehicle, pedestrian,
 28 runner, person on horseback or other human- or animal-powered vehicles in-
 29 cluding wheelchairs traveling slower than the normal speed of traffic and
 30 behind which three (3) or more vehicles are formed in line shall turn off the
 31 roadway, or in the case of a pedestrian or runner, step off the side of the
 32 roadway, wherever sufficient area for a safe turnout or step-off exists, in
 33 order to permit the following vehicles to pass.

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

36 49-632. OVERTAKING A VEHICLE ON THE LEFT. The following shall gov-
 37 ern the overtaking and passing of vehicles, bicycles, other human-powered
 38 vehicles, pedestrians, runners, persons on horseback or other human- or
 39 animal-powered vehicles including wheelchairs proceeding in the same di-
 40 rection, subject to those limitations, exceptions and special requirements
 41 stated:

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

(2) The driver of a vehicle overtaking a bicycle, other human-powered vehicle, pedestrian, runner, person on horseback or other human- or animal-powered vehicles including wheelchairs shall pass at a safe distance of not less than three (3) feet to the left of such bicycle, other human-powered vehicle, pedestrian, runner, person on horseback or other human- or animal-powered vehicles including wheelchairs and shall not again drive to the right side of the roadway until safely clear of the bicycle, other human-powered vehicle, pedestrian, runner, person on horseback or other human- or animal-powered vehicles including wheelchairs.

(3) The driver of a vehicle overtaking a bicycle, other human-powered vehicle, pedestrian, runner, person on horseback or other human- or animal-powered vehicles including wheelchairs shall not make a right turn until safely past and then only when such a turn does not impede the progress of the bicycle, other human-powered vehicle, pedestrian, runner, person on horseback or other human- or animal-powered vehicles including wheelchairs.

(4) An operator of a bicycle, other human-powered vehicle, pedestrian, runner, person on horseback or other human- or animal-powered vehicles including wheelchairs traveling slower than the normal speed of traffic and behind which three (3) or more vehicles are formed in line shall turn off the roadway, or in the case of a pedestrian or runner, step off the side of the roadway, wherever sufficient area for a safe turnout or step-off exists, in order to permit the following vehicles to pass.

(5) 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 his vehicle until completely passed by the overtaking vehicle.

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

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

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

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

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

(3) The driver of a motor vehicle upon a one-way roadway with two (2) or more marked traffic lanes, when overtaking a bicycle, other human-powered vehicle, pedestrian, runner, person on horseback or other human- or animal-powered vehicles including wheelchairs proceeding in the same direction and riding, walking or running on the left-hand side of the roadway, shall allow the bicycle, other human-powered vehicle, pedestrian, runner, person on horseback or other human- or animal-powered vehicles including wheelchairs at least a three (3) foot separation between the left side of the driver's vehicle, including all mirrors or other projections, and the right side of the bicycle, other human-powered vehicle, pedestrian, runner, person on horse-

1 back or other human- or animal-powered vehicles including wheelchairs at all
2 times.

3 (4) An operator of a bicycle, other human-powered vehicle, pedestrian,
4 runner, person on horseback or other human- or animal-powered vehicles in-
5 cluding wheelchairs traveling slower than the normal speed of traffic and
6 behind which three (3) or more vehicles are formed in line shall turn off the
7 roadway, or in the case of a pedestrian or runner, step off the side of the
8 roadway, wherever sufficient area for a safe turnout or step-off exists, in
9 order to permit the following vehicles to pass.

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

12 49-634. LIMITATIONS ON OVERTAKING ON THE LEFT. (1) No vehicle shall be
13 driven to the left side of the center of the highway in overtaking and pass-
14 ing another vehicle proceeding in the same direction, unless the left side
15 is clearly visible and free of oncoming traffic for a sufficient distance
16 ahead to permit the overtaking and passing to be completely made without in-
17 terfering with the operation of any vehicle approaching from the opposite
18 direction or any vehicle overtaken. In every event the overtaking vehicle
19 must return to an authorized lane of travel as soon as practicable and in the
20 event the passing movement involves the use of a lane authorized for vehicles
21 approaching from the opposite direction, before coming within two hundred
22 (200) feet of any approaching vehicle.

23 (2) The provisions of this section shall not apply to the driver of a
24 vehicle passing a bicycle, other human-powered vehicle, pedestrian, run-
25 ner, person on horseback or other human- or animal-powered vehicles includ-
26 ing wheelchairs moving in the same direction and in the same lane when such
27 movement can be made in safety, regardless of roadway markings, and without
28 interfering with, impeding or endangering other traffic lawfully using the
29 highway.