

House File 128 - Introduced

HOUSE FILE _____
BY SMITH, KRESSIG, D. OLSON,
and FICKEN

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the operation of bicycles on a street or
2 highway, providing requirements for motor vehicle operators
3 encountering other vehicles or bicycles, and providing
4 penalties.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 1600HH 83
7 dea/nh/14

PAG LIN

1 1 Section 1. Section 321.236, subsection 10, Code 2009, is
1 2 amended to read as follows:
1 3 10. Regulating the operation of bicycles and requiring the
1 4 registration and licensing of the same, including the
1 5 requirement of a registration fee. However, the regulations
1 6 shall not conflict with the provisions of section 321.234 and
1 7 shall not prohibit the operation of bicycles on streets or
1 8 highways.

1 9 Sec. 2. NEW SECTION. 321.297A USE OF TRAFFIC LANES BY
1 10 BICYCLES.

1 11 1. A vehicle shall not be operated in a manner depriving a
1 12 bicycle operator of the full use of a lane if the lane is of
1 13 insufficient width for the vehicle and a bicycle to share.

1 14 2. A violation of this section is a simple misdemeanor
1 15 punishable as a scheduled violation under section 805.8A,
1 16 subsection 6, paragraph "b".

1 17 Sec. 3. Section 321.299, Code 2009, is amended to read as
1 18 follows:

1 19 321.299 OVERTAKING A VEHICLE OR BICYCLE.

1 20 The following rules shall govern the overtaking and passing
1 21 of vehicles proceeding in the same direction, subject to those
1 22 limitations, exceptions, and special rules ~~hereinafter stated~~
1 23 otherwise provided in this chapter:

1 24 1. The driver of a vehicle overtaking another vehicle or a
1 25 bicycle proceeding in the same direction shall pass to the
1 26 left thereof of the vehicle or bicycle at a safe distance and
1 27 shall not again drive to the right side of the roadway until
1 28 safely clear of the overtaken vehicle or bicycle.

1 29 2. Except when overtaking and passing on the right is
1 30 permitted, the driver of an overtaken vehicle shall give way
1 31 to the right in favor of the overtaking vehicle and shall not
1 32 increase the speed of the overtaken vehicle until completely
1 33 passed by the overtaking vehicle.

1 34 3. When a vehicle is overtaking and passing another
1 35 vehicle or a bicycle, the operator of the overtaking vehicle
2 1 shall maintain a distance of not less than five feet from the
2 2 other vehicle or bicycle.

2 3 Sec. 4. Section 321.307, Code 2009, is amended to read as
2 4 follows:

2 5 321.307 FOLLOWING TOO CLOSELY.

2 6 The driver of a motor vehicle shall not follow another
2 7 vehicle or a bicycle more closely than is reasonable and
2 8 prudent, having due regard for the speed of ~~such vehicles~~ the
2 9 vehicle or bicycle and the traffic upon and the condition of
2 10 the highway.

2 11 Sec. 5. Section 321.314, Code 2009, is amended to read as
2 12 follows:

2 13 321.314 WHEN SIGNAL REQUIRED.

2 14 ~~No~~ A person shall not turn a vehicle from a direct course
2 15 upon a highway unless and until such movement can be made with
2 16 reasonable safety and then only after giving ~~a clearly audible~~
2 17 ~~signal by sounding the horn if any pedestrian may be affected~~

2 18 by such movement or after giving an appropriate signal in the
2 19 manner ~~hereinafter~~ provided in this chapter in the event any
2 20 other vehicle may be affected by such movement.

2 21 Sec. 6. Section 321.318, Code 2009, is amended to read as
2 22 follows:

2 23 321.318 METHOD OF GIVING HAND AND ARM SIGNALS.

2 24 ~~1. All signals herein~~ Signals required under this chapter
2 25 which may be given by hand and arm shall when so given be
2 26 given from the left side of the vehicle, and the following
2 27 manner and interpretation thereof is suggested:

2 28 ~~1-~~ a. Left turn == Hand and arm extended horizontally.

2 29 ~~2-~~ b. Right turn == Hand and arm extended upward.

2 30 ~~3-~~ c. Stop or decrease of speed == Hand and arm extended
2 31 downward.

2 32 2. A person operating a bicycle may signal a right turn
2 33 with the left hand and arm extended upward or with the right
2 34 hand and arm extended horizontally.

2 35 Sec. 7. Section 321.353, Code 2009, is amended to read as
3 1 follows:

3 2 321.353 STOP BEFORE CROSSING SIDEWALK OR RECREATION TRAIL
3 3 == RIGHT-OF-WAY.

3 4 1. The driver of a vehicle emerging from a private
3 5 roadway, alley, driveway, or building shall stop ~~such the~~
3 6 vehicle immediately prior to driving onto the sidewalk area
3 7 and thereafter the driver shall proceed into the sidewalk area
3 8 only when the driver can do so without danger to pedestrian or
3 9 bicycle traffic, and the driver shall yield the right-of-way
3 10 to any bicycle or vehicular traffic on the street into which
3 11 the driver's vehicle is entering.

3 12 2. Except where a sign posted by state or local
3 13 authorities requires recreation trail users to yield to cross
3 14 traffic, the driver of a vehicle emerging from a private
3 15 roadway, alley, driveway, or building shall stop the vehicle
3 16 immediately prior to driving onto a recreation trail area and
3 17 thereafter the driver shall proceed into the recreation trail
3 18 area only when the driver can do so without danger to
3 19 pedestrian or bicycle traffic. The driver shall yield the
3 20 right-of-way to any bicycle or vehicular traffic on the street
3 21 into which the driver's vehicle is entering.

3 22 ~~2-~~ 3. The driver of a vehicle about to enter or cross a
3 23 highway from a private road or driveway shall stop such
3 24 vehicle immediately prior to driving on ~~said the~~ highway and
3 25 shall yield the right-of-way to all bicycles or vehicles
3 26 approaching on ~~said the~~ highway.

3 27 Sec. 8. NEW SECTION. 321.371A OPENING DOOR OF PARKED
3 28 VEHICLE.

3 29 A person shall not open the door of a vehicle on the side
3 30 available to moving traffic unless it is reasonably safe to do
3 31 so and can be done without interfering with the movement of
3 32 traffic. A person shall not leave the door of a vehicle open
3 33 on the side of the vehicle available to moving traffic for a
3 34 period of time longer than necessary to load or unload
3 35 passengers or cargo.

4 1 Sec. 9. Section 321.482A, unnumbered paragraph 1, Code
4 2 2009, is amended to read as follows:

4 3 Notwithstanding section 321.482, a person who is convicted
4 4 of operating a motor vehicle in violation of section 321.275,
4 5 subsection 4, section 321.297, 321.297A, 321.298, 321.299,
4 6 321.302, 321.303, 321.304, 321.305, 321.306, 321.307, 321.308,
4 7 section 321.309, subsection 2, or section 321.311, 321.319,
4 8 321.320, 321.321, 321.322, 321.323, 321.323A, 321.324,
4 9 321.324A, 321.327, 321.329, or 321.333, or a person who is
4 10 convicted of a violation of section 321.371A, causing serious

4 11 injury to or the death of another person may be subject to the
4 12 following penalties in addition to the penalty provided for a
4 13 scheduled violation in section 805.8A or any other penalty
4 14 provided by law:

4 15 Sec. 10. Section 805.8A, subsection 6, paragraph b, Code
4 16 2009, is amended to read as follows:

4 17 b. For violations under section 321.275, subsections 1
4 18 through 7, sections 321.277A, 321.297A, 321.315, 321.316,
4 19 321.318, 321.363, and 321.365, the scheduled fine is
4 20 twenty-five dollars.

4 21 Sec. 11. Section 805.8A, subsection 14, is amended by
4 22 adding the following new paragraph:

4 23 NEW PARAGRAPH. j. OPEN DOOR VIOLATIONS. For a violation
4 24 under section 321.371A, the scheduled fine is thirty-five
4 25 dollars.

4 26 EXPLANATION

4 27 This bill contains various provisions relating to the
4 28 operation of bicycles on streets or highways and providing for

4 29 the safety of bicyclists.

4 30 Under current law, local authorities have the power to
4 31 regulate the operation of bicycles on roads within their
4 32 jurisdiction. The bill provides that local regulations shall
4 33 not prohibit the operation of bicycles on streets or highways.

4 34 The bill prohibits a person from operating a vehicle in a
4 35 manner depriving a bicycle operator of the full use of a lane
5 1 if the lane is of insufficient width for the vehicle and the
5 2 bicycle to share. A violation is a simple misdemeanor
5 3 punishable by a scheduled fine of \$25. If a violation causes
5 4 serious injury or death, additional penalties may apply as
5 5 currently provided for operating violations for failure to
5 6 yield. For a violation causing serious injury, the driver may
5 7 be subject to an additional fine of \$500 or license suspension
5 8 for up to 90 days, or both. For a violation causing death,
5 9 the driver may be subject to an additional fine of \$1,000 or
5 10 license suspension for up to 180 days, or both.

5 11 The bill amends current law governing the passing of
5 12 another vehicle to specify that the law also applies when
5 13 overtaking a bicycle. The driver of a vehicle shall pass to
5 14 the left, at a safe distance, and return to the right side of
5 15 the roadway only when safely clear of the vehicle or bicycle.
5 16 In addition, the bill specifies that the driver of the
5 17 overtaking vehicle must maintain a distance of at least five
5 18 feet from the other vehicle or bicycle. Finally, the driver
5 19 of a motor vehicle is prohibited from following a bicycle more
5 20 closely than is reasonable and prudent, considering the speed
5 21 of the bicycle and traffic and highway conditions. This
5 22 safety requirement currently applies to the driver of a
5 23 vehicle following another vehicle. A violation of these
5 24 provisions is a simple misdemeanor punishable by a scheduled
5 25 fine of \$35. If a violation causes serious injury, the driver
5 26 may be subject to an additional fine of \$500 or driver's
5 27 license suspension for up to 90 days, or both. For a
5 28 violation causing death, the driver may be subject to an
5 29 additional fine of \$1,000 or license suspension for up to 180
5 30 days, or both.

5 31 The bill eliminates a requirement that a motorist sound a
5 32 horn before making a turn that might affect any pedestrian.

5 33 The bill allows a bicyclist to signal a right turn by
5 34 extending the right arm horizontally. Current law applicable
5 35 to both motorists and bicyclists requires all hand signals to
6 1 be made with the left arm.

6 2 The bill requires the driver of a vehicle crossing into a
6 3 sidewalk or recreation trail area to stop and then proceed
6 4 without endangering either pedestrian or bicycle traffic,
6 5 except when a vehicle is crossing into a recreation trail area
6 6 where official signs are posted requiring the trail users to
6 7 yield. In addition, a vehicle emerging from a private road or
6 8 driveway and entering or crossing a highway must yield the
6 9 right-of-way to both vehicular traffic and bicycle traffic on
6 10 the highway. A violation of these provisions is a simple
6 11 misdemeanor punishable by a scheduled fine of \$35.

6 12 The bill prohibits a person from opening the door of a
6 13 vehicle on the side available to moving traffic unless it is
6 14 reasonably safe and can be done without interfering with
6 15 traffic. The door shall not be open longer than necessary to
6 16 load or unload passengers or cargo. A violation is a simple
6 17 misdemeanor punishable by a scheduled fine of \$35. If a
6 18 violation causes serious injury, the driver may be subject to
6 19 an additional fine of \$500 or driver's license suspension for
6 20 up to 90 days, or both. For a violation causing death, the
6 21 driver may be subject to an additional fine of \$1,000 or
6 22 license suspension for up to 180 days, or both.

6 23 LSB 1600HH 83

6 24 dea/nh/14.1