

House Study Bill 130 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL BY
CHAIRPERSON CARLSON)

A BILL FOR

1 An Act relating to the safe operation of bicycles, and making
2 penalties applicable.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.299, Code 2017, is amended to read
2 as follows:

3 **321.299 Overtaking a vehicle or bicycle.**

4 The following rules shall govern the overtaking and passing
5 of vehicles and bicycles proceeding in the same direction,
6 subject to those limitations, exceptions, and special rules
7 hereinafter stated:

8 1. The driver of a vehicle overtaking another vehicle
9 proceeding in the same direction shall pass to the left of the
10 other vehicle at a safe distance and shall not again drive
11 to the right side of the roadway until safely clear of the
12 overtaken vehicle.

13 2. Except when overtaking and passing on the right is
14 permitted, the driver of an overtaken vehicle shall give way
15 to the right in favor of the overtaking vehicle and shall not
16 increase the speed of the overtaken vehicle until completely
17 passed by the overtaking vehicle.

18 3. The driver of a vehicle overtaking a person riding a
19 bicycle proceeding in the same direction on a roadway shall
20 pass to the left of the bicycle in an adjacent travel lane or
21 on the opposite side of the roadway and shall not again drive
22 to the right side of the roadway until safely clear of the
23 overtaken bicycle in accordance with section 321.281. This
24 subsection shall not apply to a vehicle overtaking a bicycle
25 which is traveling on a paved shoulder or in a lane designated
26 for the travel of bicycles.

27 Sec. 2. Section 321.304, Code 2017, is amended to read as
28 follows:

29 **321.304 Prohibited passing.**

30 ~~No~~ A vehicle shall not, in overtaking and passing another
31 vehicle, a bicycle, or at any other time, be driven to the left
32 side of the roadway under the following conditions:

33 1. When approaching the crest of a grade or upon a curve
34 in the highway where the driver's view along the highway is
35 obstructed for a distance of approximately seven hundred feet.

1 2. When approaching within one hundred feet of any narrow
2 bridge, viaduct, or tunnel, when so signposted, or when
3 approaching within one hundred feet of or traversing any
4 intersection or railroad grade crossing.

5 3. Where official signs are in place directing that traffic
6 keep to the right or a distinctive center line or off-center
7 line is marked, which distinctive line also so directs traffic
8 as declared in the sign manual adopted by the department of
9 transportation. This subsection shall not apply to a vehicle
10 overtaking and passing a bicycle, provided the vehicle complies
11 with section 321.303.

12 Sec. 3. Section 321.385A, Code 2017, is amended to read as
13 follows:

14 **321.385A Citation for unlighted headlamp, rear lamp, bicycle**
15 **lamp, or rear registration plate light.**

16 1. *a.* A citation issued for failure to have headlamps
17 as required under [section 321.385](#) shall first provide for a
18 ~~seventy-two-hour~~ seventy-two-hour period within which the
19 person charged with the violation shall replace or repair the
20 headlamp.

21 *b.* A citation issued for failure to have rear lamps as
22 required under [section 321.387](#) or a rear registration plate
23 light as required under [section 321.388](#) shall first provide for
24 a ~~seventy-two-hour~~ seventy-two-hour period within which the
25 person charged with the violation shall replace or repair the
26 lamps or light.

27 *c.* A citation issued for failure to have a front or rear
28 lamp on a bicycle or on a bicycle rider as required under
29 section 321.397 shall first provide for a seventy-two-hour
30 period within which the person charged with the violation shall
31 replace or repair the lamp.

32 2. If the person complies with the directive to replace
33 or repair the headlamp, rear lamps, bicycle lamp, or rear
34 registration plate light within the allotted time period,
35 the citation shall be expunged. If the person fails to

1 comply within the allotted time period, the citation shall be
2 processed in the same manner as other citations.

3 3. A citation issued under this section shall include
4 a written notice of replacement or repair which shall
5 indicate the date of replacement or repair and the manner in
6 which the replacement or repair occurred and which shall be
7 returned to the issuing authority within the ~~seventy-two hour~~
8 seventy-two-hour time period.

9 Sec. 4. Section 321.397, Code 2017, is amended to read as
10 follows:

11 **321.397 Lamps on bicycles.**

12 Every At the times specified in section 321.384 and at any
13 time a bicycle is operated on a primary or secondary road, as
14 defined in section 306.3, the bicycle shall be equipped with a
15 lamp on the front exhibiting a steady or flashing white light,
16 ~~at the times specified in section 321.384,~~ visible from a
17 distance of at least three hundred feet to the front, and every
18 bicycle or bicycle rider shall be equipped with a lamp ~~on the~~
19 ~~rear~~ exhibiting a steady or flashing red light visible from a
20 distance of three hundred feet to the rear; ~~except that a red~~
21 ~~reflector may be used in lieu of a rear light.~~ A peace officer
22 riding a police bicycle is not required to use either front or
23 rear lamps if duty so requires.

24 Sec. 5. Section 321.423, subsection 2, Code 2017, is amended
25 by adding the following new paragraph:

26 NEW PARAGRAPH. *k.* A flashing white or red light equipped on
27 a bicycle operating on a highway pursuant to section 321.397
28 is permitted.

29 Sec. 6. Section 321.423, subsection 7, paragraph a,
30 unnumbered paragraph 1, Code 2017, is amended to read as
31 follows:

32 Except as provided in section 321.373, subsection 7, and
33 subsection 2, paragraphs "c", and "i", and "k" of this section,
34 a flashing white light shall only be used on a vehicle in the
35 following circumstances:

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EXPLANATION

The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly.

This bill amends Code section 321.299 to require the driver of a vehicle overtaking a person riding a bicycle proceeding in the same direction on a roadway to pass to the left of the bicycle in an adjacent travel lane or on the opposite side of the roadway, and prohibits the driver from returning to the right side of the roadway until safely clear of the overtaken bicycle in accordance with Code section 321.281. Code section 321.281 prohibits a person operating a vehicle from steering the vehicle unreasonably close to or toward a person riding a bicycle on a highway. This provision of the bill does not apply if the bicycle is traveling on a paved shoulder or in a lane designated for the travel of bicycles.

A violation of Code section 321.281 is punishable by a scheduled fine of \$250 and a violation of Code section 321.299 is punishable by a scheduled fine of \$100. However, if a violation of Code section 321.299 causes a serious injury, a court could impose an additional fine of \$500 and suspend the person's driver's license for not more than 90 days. If the violation causes a death, a court could impose an additional fine of \$1,000 and suspend the person's driver's license for not more than 180 days.

Under Code section 321.234, a person riding a bicycle on the highway is subject to the provisions of Code chapter 321 (motor vehicles and law of the road) and has all the rights and duties applicable to the driver of a vehicle. The bill specifies that under Code section 321.304 a vehicle is prohibited from overtaking and passing a bicycle when approaching the crest of a grade or upon a curve in the highway where the driver's view along the highway is obstructed for a distance of approximately 700 feet; when approaching within 100 feet of any narrow bridge, viaduct, or tunnel; or when approaching within 100 feet of or traversing any intersection or railroad grade crossing.

1 However, the bill provides that a vehicle may pass a bicycle
2 where official signs are in place directing that traffic keep
3 to the right or a distinctive center line or off-center line
4 is marked, provided the vehicle complies with the current
5 requirements for overtaking on the left.

6 A violation of Code section 321.304 is punishable by a
7 scheduled fine of \$100. However, if the violation causes a
8 serious injury, a court could impose an additional fine of \$500
9 and suspend the person's driver's license for not more than 90
10 days. If the violation causes a death, a court could impose
11 an additional fine of \$1,000 and suspend the person's driver's
12 license for not more than 180 days.

13 Current law requires a bicycle to have a front lighted lamp
14 and either a rear lighted lamp or a rear reflector at any time
15 from sunset to sunrise, and at such other times when conditions
16 such as fog, snow, sleet, or rain provide insufficient lighting
17 to render clearly discernible persons and vehicles on the
18 highway at a distance of 500 feet ahead.

19 During the periods of time stated above and at any time a
20 bicycle is operated on a primary or secondary road, the bill
21 instead requires a bicycle to be equipped with a lamp on the
22 front exhibiting a steady or flashing white light visible from
23 a distance of at least 300 feet to the front, and every bicycle
24 or bicycle rider to be equipped with a lamp exhibiting a steady
25 or flashing red light visible from a distance of 300 feet to
26 the rear.

27 The scheduled fine for a violation of this provision is \$25.
28 However, the bill provides that a citation issued for failure
29 to have a front or rear lamp on a bicycle or on a bicycle rider
30 must first provide for a 72-hour period within which the person
31 charged with the violation can replace or repair the lamp. If
32 the person complies with the directive to replace or repair the
33 bicycle lamp, the citation must be expunged.