

House File 2040 - Introduced

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BY WOLFE

A BILL FOR

1 An Act relating to the overtaking and passing of bicycles by
2 motor vehicles, and making penalties applicable.

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

1 Section 1. Section 321.299, Code 2020, 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 does 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 2020, 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 does not apply to a vehicle
10 overtaking and passing a bicycle, provided the vehicle complies
11 with the limitations set forth in section 321.303.

12 EXPLANATION

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

15 This bill amends Code section 321.299 to require the driver
16 of a vehicle overtaking a person riding a bicycle proceeding
17 in the same direction on a roadway to pass to the left of the
18 bicycle in an adjacent travel lane or on the opposite side of
19 the roadway, and prohibits the driver from returning to the
20 right side of the roadway until safely clear of the overtaken
21 bicycle in accordance with Code section 321.281. Code section
22 321.281 prohibits a person operating a vehicle from steering
23 the vehicle unreasonably close to or toward a person riding
24 a bicycle on a highway. This provision of the bill does not
25 apply if the bicycle is traveling on a paved shoulder or in a
26 lane designated for the travel of bicycles.

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

1 Under Code section 321.234, a person riding a bicycle on the
2 highway is subject to the provisions of Code chapter 321 (motor
3 vehicles and law of the road) and has all the rights and duties
4 applicable to the driver of a vehicle. The bill specifies
5 that under Code section 321.304 a vehicle is prohibited from
6 overtaking and passing a bicycle when approaching the crest of
7 a grade or upon a curve in the highway where the driver's view
8 along the highway is obstructed for a distance of approximately
9 700 feet; when approaching within 100 feet of any narrow
10 bridge, viaduct, or tunnel; or when approaching within 100 feet
11 of or traversing any intersection or railroad grade crossing.
12 However, the bill provides that a vehicle may pass a bicycle
13 where official signs are in place directing that traffic keep
14 to the right or a distinctive center line or off-center line
15 is marked, provided the vehicle complies with the current
16 requirements for overtaking on the left.

17 A violation of Code section 321.304 is punishable by a
18 scheduled fine of \$100. However, if the violation causes a
19 serious injury, a court could impose an additional fine of \$500
20 and suspend the person's driver's license for not more than 90
21 days. If the violation causes a death, a court could impose
22 an additional fine of \$1,000 and suspend the person's driver's
23 license for not more than 180 days.