

Senate File 2 - Introduced

SENATE FILE 2
BY LOFGREN

A BILL FOR

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

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

1 Section 1. Section 321.299, Code 2019, 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 2019, 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 Sec. 3. Section 321.385A, Code 2019, is amended to read as
13 follows:

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

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, ~~or~~ rear registration
34 plate light, or bicycle lamp 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 2019, is amended to read as
10 follows:

11 **321.397 Lamps on bicycles.**

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

23 Sec. 5. Section 321.423, subsection 2, Code 2019, is amended
24 by adding the following new paragraph:

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

28 Sec. 6. Section 321.423, subsection 7, paragraph a,
29 unnumbered paragraph 1, Code 2019, is amended to read as
30 follows:

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

35 Sec. 7. NEW SECTION. **321.434A Bicycle riders —**

1 **high-visibility or reflective clothing required.**

2 A person riding a bicycle on a highway with a speed limit of
3 forty-five miles per hour or more, other than for the purpose
4 of crossing the highway at a crosswalk, shall wear clothing
5 and equipment which together contain at least one hundred
6 forty-four square inches of high-visibility or reflective
7 material visible to the rear of the bicycle. This section
8 does not apply to a person riding a bicycle as part of an
9 organized bicycle riding event involving five hundred or more
10 bicycle riders at which one or more certified peace officers
11 are providing traffic control and direction.

12 Sec. 8. Section 805.8A, subsection 9, Code 2019, is amended
13 by adding the following new paragraph:

14 NEW PARAGRAPH. 1. Section 321.434A....\$ 25.

15

EXPLANATION

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

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

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

1 violation causes a death, a court could impose an additional
2 fine of \$1,000 and suspend the person's driver's license for
3 not more than 180 days.

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

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

27 Current law requires a bicycle to have a front lighted
28 lamp and either a rear lighted lamp or a rear reflector at
29 any time from sunset to sunrise, and at such other times
30 when conditions such as fog, snow, sleet, or rain provide
31 insufficient lighting to render clearly discernible persons and
32 vehicles on the highway at a distance of 500 feet ahead. The
33 bill instead requires that, from sunset to sunrise, a bicycle
34 must be equipped with a lamp on the front exhibiting a steady
35 or flashing white light visible from a distance of at least 300

1 feet to the front, and every bicycle or bicycle rider must be
2 equipped with a lamp exhibiting a steady or flashing red light
3 visible from a distance of 300 feet to the rear.

4 The scheduled fine for a violation of this provision is \$25.
5 However, the bill provides that a citation issued for failure
6 to have a front or rear lamp on a bicycle or on a bicycle rider
7 must first provide for a 72-hour period within which the person
8 charged with the violation can replace or repair the lamp. If
9 the person complies with the directive to replace or repair the
10 bicycle lamp, the citation must be expunged.

11 The bill requires a person riding a bicycle on a highway
12 with a speed limit of 45 miles per hour or more, other than
13 for the purpose of crossing the highway at a crosswalk, to
14 wear clothing and equipment which together contain at least
15 144 square inches of high-visibility or reflective material
16 visible to the rear of the bicycle. The scheduled fine for a
17 violation of this provision is \$25. The bill provides that
18 the provision does not apply to a person riding a bicycle as
19 part of an organized bicycle riding event involving 500 or more
20 bicycle riders at which one or more certified peace officers
21 are providing traffic control and direction.