

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 586

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO RULES OF THE ROAD; AMENDING SECTION 49-631, IDAHO CODE, TO  
2 PROVIDE PROVISIONS RELATING TO A DRIVER PASSING A BICYCLE, OTHER HU-  
3 MAN-POWERED VEHICLE, PEDESTRIAN, RUNNER, PERSON ON HORSEBACK OR OTHER  
4 HUMAN- OR ANIMAL-POWERED VEHICLES INCLUDING WHEELCHAIRS IN THE SAME  
5 DIRECTION AND IN THE SAME LANE WHEN THERE IS ONCOMING TRAFFIC AND TO PRO-  
6 VIDE THAT SUCH DRIVER SHALL ALLOW ONCOMING VEHICLES AT LEAST ONE-HALF  
7 THE MAIN TRAVELED PORTION OF THE ROADWAY AND TO ALLOW THE BICYCLE, OTHER  
8 HUMAN-POWERED VEHICLE, PEDESTRIAN, RUNNER, PERSON ON HORSEBACK OR  
9 OTHER HUMAN- OR ANIMAL-POWERED VEHICLES INCLUDING WHEELCHAIRS AT LEAST  
10 A THREE FOOT SEPARATION, TO PROVIDE THAT A PEDESTRIAN OR THE OPERATOR  
11 OF A BICYCLE, OTHER HUMAN-POWERED VEHICLE, PEDESTRIAN, RUNNER, PER-  
12 SON ON HORSEBACK OR OTHER HUMAN- OR ANIMAL-POWERED VEHICLES INCLUDING  
13 WHEELCHAIRS SHALL TURN OFF OR STEP OFF THE ROADWAY TO ALLOW FOLLOWING  
14 VEHICLES TO PASS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION  
15 49-632, IDAHO CODE, TO PROVIDE PROVISIONS RELATING TO THE OVERTAKING  
16 AND PASSING OF A BICYCLE, OTHER HUMAN-POWERED VEHICLE, PEDESTRIAN,  
17 RUNNER, PERSON ON HORSEBACK OR OTHER HUMAN- OR ANIMAL-POWERED VEHICLES  
18 INCLUDING WHEELCHAIRS PROCEEDING IN THE SAME DIRECTION, TO CLARIFY  
19 LANGUAGE, TO PROVIDE THAT THE DRIVER OF A VEHICLE OVERTAKING A BICYCLE,  
20 OTHER HUMAN-POWERED VEHICLE, PEDESTRIAN, RUNNER, PERSON ON HORSEBACK  
21 OR OTHER HUMAN- OR ANIMAL-POWERED VEHICLES INCLUDING WHEELCHAIRS SHALL  
22 PASS AT A SAFE DISTANCE OF NOT LESS THAN THREE FEET TO THE LEFT, TO  
23 PROVIDE THAT THE DRIVER OF A VEHICLE OVERTAKING A BICYCLE, OTHER HU-  
24 MAN-POWERED VEHICLE, PEDESTRIAN, RUNNER, PERSON ON HORSEBACK OR OTHER  
25 HUMAN- OR ANIMAL-POWERED VEHICLES INCLUDING WHEELCHAIRS SHALL NOT MAKE  
26 A RIGHT TURN UNTIL SAFELY PAST, TO PROVIDE THAT A PEDESTRIAN OR THE  
27 OPERATOR OF A BICYCLE, OTHER HUMAN-POWERED VEHICLE, PEDESTRIAN, RUN-  
28 NER, PERSON ON HORSEBACK OR OTHER HUMAN- OR ANIMAL-POWERED VEHICLES  
29 INCLUDING WHEELCHAIRS SHALL TURN OFF OR STEP OFF THE ROADWAY TO ALLOW  
30 FOLLOWING VEHICLES TO PASS; AMENDING SECTION 49-633, IDAHO CODE, TO  
31 PROVIDE THAT THE DRIVER OF A MOTOR VEHICLE UPON A ONE-WAY ROADWAY WITH  
32 TWO OR MORE MARKED TRAFFIC LANES, WHEN OVERTAKING A BICYCLE, OTHER HU-  
33 MAN-POWERED VEHICLE, PEDESTRIAN, RUNNER, PERSON ON HORSEBACK OR OTHER  
34 HUMAN- OR ANIMAL-POWERED VEHICLES INCLUDING WHEELCHAIRS PROCEEDING IN  
35 THE SAME DIRECTION, SHALL ALLOW A THREE FOOT SEPARATION BETWEEN THE LEFT  
36 SIDE OF THE DRIVER'S VEHICLE AND THE RIGHT SIDE OF THE BICYCLE, OTHER HU-  
37 MAN-POWERED VEHICLE, PEDESTRIAN, RUNNER, PERSON ON HORSEBACK OR OTHER  
38 HUMAN- OR ANIMAL-POWERED VEHICLES INCLUDING WHEELCHAIRS, AND TO PRO-  
39 VIDE THAT A PEDESTRIAN OR THE OPERATOR OF A BICYCLE, OTHER HUMAN-POWERED  
40 VEHICLE, PEDESTRIAN, RUNNER, PERSON ON HORSEBACK OR OTHER HUMAN- OR  
41 ANIMAL-POWERED VEHICLES INCLUDING WHEELCHAIRS SHALL TURN OFF OR STEP  
42 OFF THE ROADWAY TO ALLOW FOLLOWING VEHICLES TO PASS; AND AMENDING SEC-  
43 TION 49-634, IDAHO CODE, TO PROVIDE THAT CERTAIN PROVISIONS SHALL NOT  
44 APPLY TO THE DRIVER OF A VEHICLE PASSING A BICYCLE, OTHER HUMAN-POWERED  
45

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.

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

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

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

23           (5) Except when overtaking and passing on the right is permitted, the  
 24 driver of an overtaken vehicle shall give way to the right in favor of the  
 25 overtaking vehicle on audible signal and shall not increase the speed of his  
 26 vehicle until completely passed by the overtaking vehicle.

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

29           49-633. WHEN PASSING ON THE RIGHT IS PERMITTED. (1) The driver of a ve-  
 30 hicle may overtake and pass upon the right of another vehicle only under the  
 31 following conditions:

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

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

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

39           (3) The driver of a motor vehicle upon a one-way roadway with two (2)  
 40 or more marked traffic lanes, when overtaking a bicycle, other human-powered  
 41 vehicle, pedestrian, runner, person on horseback or other human- or animal-  
 42 powered vehicles including wheelchairs proceeding in the same direction and  
 43 riding, walking or running on the left-hand side of the roadway, shall al-  
 44 low the bicycle, other human-powered vehicle, pedestrian, runner, person on  
 45 horseback or other human- or animal-powered vehicles including wheelchairs  
 46 at least a three (3) foot separation between the left side of the driver's ve-  
 47 hicle, including all mirrors or other projections, and the right side of the  
 48 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.