

REFERENCE TITLE: bicyclists; public ways

State of Arizona
House of Representatives
Fifty-first Legislature
Second Regular Session
2014

HB 2545

Introduced by
Representatives Orr, Meyer, Sherwood, Steele, Senator Farley:
Representatives Brophy McGee, Coleman, Pratt, Shope, Thorpe

AN ACT

AMENDING SECTIONS 28-735, 28-815 AND 28-898, ARIZONA REVISED STATUTES;
RELATING TO TRAFFIC AND VEHICLE REGULATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-735, Arizona Revised Statutes, is amended to
3 read:

4 28-735. Overtaking bicycles: civil penalties

5 A. When overtaking and passing a bicycle proceeding in ~~the same~~ ANY
6 direction, a person driving a motor vehicle shall exercise due care by
7 leaving a safe distance between the motor vehicle and the bicycle of not less
8 than three feet until the motor vehicle is safely past the overtaken bicycle.
9 FOR THE PURPOSES OF THIS SUBSECTION, A PERSON DRIVING A MOTOR VEHICLE MAY
10 CROSS THE CENTER LANE DOUBLE YELLOW LINE IF NECESSARY TO PASS A BICYCLE AND
11 NO TRAFFIC IS APPROACHING FROM THE OPPOSITE DIRECTION. IF WHILE OVERTAKING A
12 BICYCLE THE DRIVER IS INVOLVED IN A COLLISION WITH THE BICYCLE, THE COLLISION
13 IS PRIMA FACIE EVIDENCE OF THE DRIVER'S FAILURE TO LEAVE A SAFE DISTANCE
14 BETWEEN THE MOTOR VEHICLE AND THE BICYCLE.

15 B. If a person violates this section and the violation results in a
16 collision causing:

17 1. Serious physical injury as defined in section 13-105 to another
18 person, the violator is subject to a civil penalty of up to five hundred
19 dollars.

20 2. Death to another person, the violator is subject to a civil penalty
21 of up to one thousand dollars.

22 ~~C. Subsection B of this section does not apply to a bicyclist who is~~
23 ~~injured in a vehicular traffic lane when a designated bicycle lane or path is~~
24 ~~present and passable.~~

25 Sec. 2. Section 28-815, Arizona Revised Statutes, is amended to read:

26 28-815. Riding on roadway, shoulder and bicycle path: bicycle
27 path or lane usage

28 A. A person riding a bicycle on a roadway at less than the normal
29 speed of traffic at the time and place and under the conditions then existing
30 shall ride as close as practicable to the right-hand curb or edge of the
31 roadway, except under any of the following situations:

32 1. If overtaking and passing another bicycle or vehicle proceeding in
33 the same direction.

34 2. If preparing for a left turn at an intersection or into a private
35 road or driveway.

36 3. If reasonably necessary to avoid conditions, including fixed or
37 moving objects, parked or moving vehicles, bicycles, pedestrians, animals or
38 surface hazards.

39 4. If the lane in which the person is operating the bicycle is too
40 narrow for a bicycle and a vehicle to travel safely side by side within the
41 lane.

42 B. Persons riding bicycles on a roadway shall not ride more than two
43 abreast except on paths or parts of roadways set aside for the exclusive use
44 of bicycles.

1 C. A path or lane that is designated as a bicycle path or lane by
2 state or local authorities is for the exclusive use of bicycles even though
3 other uses are permitted pursuant to subsection D OF THIS SECTION or are
4 otherwise permitted by state or local authorities.

5 D. A person shall not operate, stop, park or leave standing a vehicle
6 ON A SHOULDER OR in a path or lane designated as a bicycle path or lane by a
7 state or local authority except:

8 1. In the case of emergency. ~~or~~

9 2. For crossing the SHOULDER, path or lane to gain access to a public
10 or private road or driveway. THE PERSON OPERATING THE VEHICLE MUST YIELD TO
11 A BICYCLIST IN THE SHOULDER, PATH OR LANE BEFORE ENTERING OR CROSSING THE
12 SHOULDER, PATH OR LANE PURSUANT TO THIS PARAGRAPH. IF A COLLISION OCCURS
13 BETWEEN THE MOTOR VEHICLE AND THE BICYCLIST, THE COLLISION IS PRIMA FACIE
14 EVIDENCE OF THE OPERATOR'S FAILURE TO YIELD THE RIGHT-OF-WAY.

15 E. Subsection D OF THIS SECTION does not prohibit the use of the path
16 or lane by the appropriate local authority.

17 Sec. 3. Section 28-898, Arizona Revised Statutes, is amended to read:
18 28-898. Objects on roadway; prohibition

19 A. A person shall not throw or deposit on a roadway any glass bottle,
20 glass, nails, tacks, wire, cans or other substance likely to injure a person,
21 animal or vehicle on the roadway.

22 B. A person who drops or permits to be dropped or thrown on a roadway
23 any destructive or injurious material shall immediately remove the material
24 or cause it to be removed.

25 C. A person removing a wrecked or damaged vehicle from a highway shall
26 remove TO THE EDGE OR CURB OF THE HIGHWAY any glass or other injurious
27 substance THAT IS dropped on the highway from the vehicle.