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**SENATE BILL 5193**

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**State of Washington                      62nd Legislature                      2011 Regular Session**

**By** Senators White, Kastama, Nelson, Prentice, and Chase

Read first time 01/18/11. Referred to Committee on Transportation.

1            AN ACT Relating to bicyclist and motorist mutual responsibilities;  
2 amending RCW 46.61.755, 46.61.770, 46.61.110, and 46.61.100; adding new  
3 sections to chapter 46.61 RCW; creating a new section; and recodifying  
4 RCW 46.61.755 and 46.61.770.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6            NEW SECTION.    **Sec. 1.**    The legislature finds and declares that  
7 mutual responsibility is required by both bicyclists and motorists to  
8 reduce accidents and conflicts between them. This act is intended to  
9 clarify such mutual responsibilities so that bicyclists and motorists  
10 may be better informed as to safe practices that will help reduce  
11 accidents and conflicts between bicyclists and motorists.

12            **Sec. 2.**    RCW 46.61.755 and 2000 c 85 s 3 are each amended to read  
13 as follows:

14            (1) Every person riding a bicycle upon a roadway shall be granted  
15 all of the rights and shall be subject to all of the duties applicable  
16 to the driver of a vehicle by this chapter, except as to special  
17 regulations in RCW 46.61.750 through 46.61.780 and except as to those

1 provisions of this chapter which by their nature can have no  
2 application.

3 (2) Every person riding a bicycle upon a sidewalk ~~((or))~~,  
4 crosswalk, or multiuse trail must be granted all of the rights and is  
5 subject to all of the duties applicable to a pedestrian by this  
6 chapter. Every person riding a bicycle shall yield the right-of-way to  
7 a pedestrian on a sidewalk, crosswalk, or multiuse trail or path;  
8 however, the pedestrian is not relieved of the obligation to exercise  
9 due care.

10 **Sec. 3.** RCW 46.61.770 and 1982 c 55 s 7 are each amended to read  
11 as follows:

12 (1) Every person operating a bicycle upon a roadway at a rate of  
13 speed less than the legal and normal flow of traffic at the particular  
14 time and place shall, when traffic is present, ride as near to the  
15 right side of the right through lane as is judged reasonably safe by  
16 the bicyclist except as may be appropriate while preparing to make or  
17 ~~((while))~~ making turning movements, ~~((or while))~~ transiting a  
18 roundabout, overtaking and passing another bicycle or vehicle  
19 proceeding in the same direction, or riding two or more bicycles  
20 abreast.

21 (2) Subject to the exception in subsection (1) of this section, a  
22 person operating a bicycle upon a roadway at speeds less than the legal  
23 and normal flow of traffic shall, when traffic is present, make use of  
24 a paved shoulder of the roadway or any specially designated bicycle  
25 lane, if such a lane exists, and such use is reasonably judged safe by  
26 the bicyclist.

27 (3) Subject to the exception in subsection (1) of this section, a  
28 person operating a bicycle upon a roadway or highway ~~((other than))~~,  
29 excluding a limited-access highway, ~~((which roadway or highway))~~ that  
30 carries traffic in one direction only and has two or more marked  
31 traffic lanes~~((7))~~ may ride in the left through lane, and when so  
32 doing, shall ride as near to the left side of the left through lane and  
33 as the bicyclist reasonably judges is safe.

34 ~~((A person operating a bicycle upon a roadway may use the shoulder~~  
35 ~~of the roadway or any specially designated bicycle lane if such~~  
36 ~~exists.))~~ (4) When a bicyclist is being overtaken on the left and the  
37 lane, including any attached shoulder or bicycle lane, is wide enough

1 for the vehicle to pass the bicyclist at a safe distance, the bicyclist  
2 shall ride as far to the right as reasonably judged safe by the  
3 bicyclist to facilitate the overtaking.

4 (5) When a bicyclist is being overtaken on the right and the lane,  
5 including any attached shoulder or bicycle lane, is wide enough for the  
6 vehicle to pass the bicyclist at a safe distance, the bicyclist shall  
7 ride as far to the left as reasonably judged safe by the bicyclist to  
8 facilitate the overtaking.

9 (6) For the purposes of this section, "safe" includes a reasonable  
10 space of pavement on either side of the bicyclist, a position so as to  
11 be seen and safe from opening vehicle doors and to avoid being passed  
12 at less than a safe distance, and a surface that is free from hazards,  
13 pavement defects, and objects or materials, whether fixed or moveable,  
14 that may obstruct travel, cause a collision or fall, or damage the  
15 bicycle.

16 ~~((+2))~~ (7) Persons riding bicycles upon a roadway shall not ride  
17 more than two abreast except when passing other bicycles or riding on  
18 paths or parts of roadways set aside for the exclusive use of bicycles.

19 NEW SECTION. Sec. 4. Notwithstanding the provisions of this  
20 chapter including, but not limited to, the provisions on rights-of-way,  
21 every driver of a motor vehicle shall exercise due care to avoid  
22 colliding with any bicyclist and shall when necessary to avoid an  
23 imminent or likely collision give warning by sounding the horn or an  
24 appropriate verbal warning.

25 NEW SECTION. Sec. 5. (1) The driver of a motor vehicle  
26 approaching a bicyclist or pedestrian that is on a roadway, shoulder,  
27 or bicycle lane shall pass at a safe distance to clearly avoid coming  
28 into contact with the bicyclist or pedestrian, and shall not again  
29 drive to the side of the roadway occupied by the bicyclist or  
30 pedestrian until safely clear of the overtaken bicyclist or pedestrian.

31 (2) A safe distance, with respect to passing bicyclists and  
32 pedestrians, is as follows:

33 (a) When the motor vehicle speed is less than thirty-five miles per  
34 hour, the driver of the motor vehicle shall maintain a minimum of three  
35 feet lateral separation between the closest part of the motor vehicle  
36 and the closest part of the bicycle or pedestrian.

1 (b) When the motor vehicle speed is thirty-five miles per hour or  
2 more, the driver of the motor vehicle shall maintain a minimum of five  
3 feet lateral separation between the closest part of the motor vehicle  
4 and the closest part of the bicycle or pedestrian to the extent that it  
5 is reasonably feasible and safe; however, the minimum distance of  
6 lateral separation must not be less than three feet.

7 (c) For the purpose of determining the distance of lateral  
8 separation, a mirror, trailer, or any object connected to or extended  
9 from a motor vehicle or bicycle is considered part of the motor vehicle  
10 or bicycle.

11 **Sec. 6.** RCW 46.61.110 and 2005 c 396 s 1 are each amended to read  
12 as follows:

13 The following rules shall govern the overtaking and passing of  
14 vehicles proceeding in the same direction, subject to those  
15 limitations, exceptions and special rules hereinafter stated:

16 (1) The driver of a vehicle overtaking other traffic proceeding in  
17 the same direction shall pass to the left thereof at a safe distance  
18 and shall not again drive to the right side of the roadway until safely  
19 clear of the overtaken traffic.

20 (2) The driver of a vehicle approaching a pedestrian or bicycle  
21 that is on the roadway or on the right-hand shoulder or bicycle lane of  
22 the roadway shall pass to the left at a safe distance, as defined in  
23 section 5(2) of this act, to clearly avoid coming into contact with the  
24 pedestrian or bicyclist, and shall not again drive to the right side of  
25 the roadway until safely clear of the overtaken pedestrian or  
26 bicyclist.

27 (3) Except when overtaking and passing on the right is permitted,  
28 overtaken traffic shall give way to the right in favor of an overtaking  
29 vehicle on audible signal and shall not increase speed until completely  
30 passed by the overtaking vehicle.

31 **Sec. 7.** RCW 46.61.100 and 2007 c 83 s 2 are each amended to read  
32 as follows:

33 (1) Upon all roadways of sufficient width a vehicle shall be driven  
34 upon the right half of the roadway, except as follows:

35 (a) When overtaking and passing another vehicle proceeding in the  
36 same direction under the rules governing such movement;

1 (b) When an obstruction exists making it necessary to drive to the  
2 left of the center of the highway; provided, any person so doing shall  
3 yield the right-of-way to all vehicles traveling in the proper  
4 direction upon the unobstructed portion of the highway within such  
5 distance as to constitute an immediate hazard;

6 (c) When overtaking and passing a pedestrian or bicyclist in  
7 compliance with section 5 of this act;

8 (d) Upon a roadway divided into three marked lanes and providing  
9 for two-way movement of traffic under the rules applicable thereon;

10 (~~(d)~~) (e) Upon a street or highway restricted to one-way traffic;  
11 or

12 (~~(e)~~) (f) Upon a highway having three lanes or less, when  
13 approaching a stationary authorized emergency vehicle, tow truck or  
14 other vehicle providing roadside assistance while operating warning  
15 lights with three hundred sixty degree visibility, or police vehicle as  
16 described under RCW 46.61.212(~~(+2)~~) (1)(d)(ii).

17 (2) Upon all roadways having two or more lanes for traffic moving  
18 in the same direction, all vehicles shall be driven in the right-hand  
19 lane then available for traffic, except (a) when overtaking and passing  
20 another vehicle proceeding in the same direction, (b) when traveling at  
21 a speed greater than the traffic flow, (c) when moving left to allow  
22 traffic to merge, or (d) when preparing for a left turn at an  
23 intersection, exit, or into a private road or driveway when such left  
24 turn is legally permitted. On any such roadway, a vehicle or  
25 combination over ten thousand pounds shall be driven only in the right-  
26 hand lane except under the conditions enumerated in (a) through (d) of  
27 this subsection.

28 (3) No vehicle towing a trailer or no vehicle or combination over  
29 ten thousand pounds may be driven in the left-hand lane of a limited  
30 access roadway having three or more lanes for traffic moving in one  
31 direction except when preparing for a left turn at an intersection,  
32 exit, or into a private road or driveway when a left turn is legally  
33 permitted. This subsection does not apply to a vehicle using a high  
34 occupancy vehicle lane. A high occupancy vehicle lane is not  
35 considered the left-hand lane of a roadway. The department of  
36 transportation, in consultation with the Washington state patrol, shall  
37 adopt rules specifying (a) those circumstances where it is permissible  
38 for other vehicles to use the left lane in case of emergency or to

1 facilitate the orderly flow of traffic, and (b) those segments of  
2 limited access roadway to be exempt from this subsection due to the  
3 operational characteristics of the roadway.

4 (4) It is a traffic infraction to drive continuously in the left  
5 lane of a multilane roadway when it impedes the flow of other traffic.

6 (5) Upon any roadway having four or more lanes for moving traffic  
7 and providing for two-way movement of traffic, a vehicle shall not be  
8 driven to the left of the center line of the roadway except when  
9 authorized by official traffic control devices designating certain  
10 lanes to the left side of the center of the roadway for use by traffic  
11 not otherwise permitted to use such lanes, or except as permitted under  
12 subsection (1)(b) of this section. However, this subsection shall not  
13 be construed as prohibiting the crossing of the center line in making  
14 a left turn into or from an alley, private road or driveway.

15 NEW SECTION. **Sec. 8.** The following sections are codified or  
16 recodified in chapter 46.61 RCW under the subheading "bicyclist and  
17 motorist mutual responsibilities":

- 18 (1) RCW 46.61.755;  
19 (2) RCW 46.61.770;  
20 (3) Section 4 of this act; and  
21 (4) Section 5 of this act.

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