

COMMITTEE SUBSTITUTE

for

**H. B. 3021**

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(BY DELEGATE(S) WELLS, GUTHRIE, SKAFF,  
POORE AND MCCUSKEY)

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(Originating in the Committee on the Judiciary)  
[March 29, 2013]

A BILL to amend and reenact §17C-7-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17C-11-5 of said code, all relating to operating a bicycle or overtaking a bicycle on a roadway.

*Be it enacted by the Legislature of West Virginia:*

That §17C-7-3 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that §17C-11-5 of said code be amended and reenacted, all to read as follows:

**ARTICLE 7. DRIVING ON RIGHT SIDE OF ROADWAY, OVERTAKING AND PASSING, ETC.**

**§17C-7-3. Overtaking and passing vehicle proceeding in same direction — Passing on the left generally; penalty.**

1 (a) The following rules ~~shall~~ govern the overtaking and  
2 passing of vehicles proceeding in the same direction, subject to  
3 these limitations, exceptions, and special rules hereinafter stated.

4 (1) The driver of a vehicle overtaking another vehicle  
5 proceeding in the same direction shall give an audible signal and  
6 pass to the left thereof at a safe distance and shall not again drive  
7 to the right side of the roadway until safely clear of the over-  
8 taken vehicle. The driver of a vehicle overtaking a bicycle  
9 traveling in the same direction shall pass to the left thereof at a  
10 distance of not less than four feet at a careful and prudent  
11 reduced speed and shall not again drive to the right side of the  
12 roadway until safely clear of the overtaken bicycle.

13 (2) Except when overtaking and passing on the right is  
14 permitted, the driver of an overtaken vehicle shall give way to  
15 the right in favor of the overtaking vehicle on audible signal and  
16 shall not increase the speed of his or her vehicle until completely  
17 passed by the overtaking vehicle.

18 (b) Any person violating the provisions of this section is  
19 guilty of a misdemeanor and, upon conviction thereof, shall be  
20 fined not more than \$100; upon a second conviction within one  
21 year thereafter, shall be fined not more than \$200; and upon a  
22 third or subsequent conviction, shall be fined not more than  
23 \$500.

**ARTICLE 11. OPERATION OF BICYCLES AND PLAY VEHICLES.**

**§17C-11-5. Riding on roadways and bicycle paths.**

1 (a) Every person operating a bicycle upon a roadway shall  
2 ride as near to the right side of the roadway as practicable,  
3 exercising due care when passing a standing vehicle or one  
4 proceeding in the same direction.

5 (b) Persons riding bicycles upon a roadway shall not ride  
6 more than two abreast except on paths or parts of roadways set  
7 aside for the exclusive use of bicycles.

8 ~~(c) Whenever a usable path for bicycles has been provided~~  
9 ~~adjacent to a roadway, bicycle riders shall use such path and~~  
10 ~~shall not use the roadway.~~

