

1 H.540

2 Introduced by Representatives Burke of Brattleboro, Aswad of Burlington,
3 Courcelle of Rutland City, Edwards of Brattleboro, Krawczyk
4 of Bennington, Lanpher of Vergennes, McFaun of Barre Town,
5 Milkey of Brattleboro, Mrowicki of Putney, Potter of
6 Clarendon, Ram of Burlington, Shand of Weathersfield, Smith
7 of Mendon, Spengler of Colchester, Stevens of Shoreham,
8 Wizowaty of Burlington and Zuckerman of Burlington

9 Referred to Committee on

10 Date:

11 Subject: Motor vehicles; vulnerable users; passing; crowding; bicycles; lane
12 usage; hand signals; nighttime equipment

13 Statement of purpose: This bill proposes to:

- 14 (1) set forth the standard of care for motor vehicles on a highway to pass
15 and share the road with “vulnerable users”;
- 16 (2) specify hand signals used by bicyclists when turning right or left;
- 17 (3) specify bicyclists’ use of left lanes under certain circumstances; and
- 18 (4) specify use of equipment by bicyclists at nighttime.

19 An act relating to motor vehicles passing vulnerable users on the highway
20 and to bicycle operation

1 It is hereby enacted by the General Assembly of the State of Vermont:

2 ~~Sec. 1. 23 V.S.A. § 1033 is amended to read:~~

3 ~~§ 1033. PASSING ON THE LEFT MOTOR VEHICLES AND~~

4 ~~VULNERABLE USERS~~

5 ~~(a) Vehicles Passing motor vehicles. Motor vehicles~~ proceeding in the
6 same direction may be overtaken and passed only as follows:

7 (1) The driver of a motor vehicle overtaking another motor vehicle
8 proceeding in the same direction may pass to its left at a safe distance, and
9 when so doing shall exercise due care, ~~may~~ shall not pass to the left of the
10 center of the highway unless the way ahead is clear of approaching traffic, and
11 shall not again drive 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 permitted, the
14 driver of an overtaken motor vehicle shall give way to the right in favor of the
15 overtaking motor vehicle on audible signal and shall not increase the speed of
16 his or her vehicle until completely passed by the overtaking vehicle.

17 (b) Definition of vulnerable users. As used in this chapter, "vulnerable
18 user" means a pedestrian; a person operating a wheelchair; a person operating
19 a bicycle or other vehicle that is not a motor vehicle; a person on roller skates,
20 rollerblades, or roller skis; a highway worker; a person riding or herding an
21 animal; and a person operating a farm tractor or implement of husbandry.

1 ~~(c) Passing vulnerable users. The operator of a motor vehicle approaching~~
2 ~~or passing a vulnerable user shall exercise due care, which includes using~~
3 ~~every reasonable precaution and increasing clearance from the vulnerable user,~~
4 ~~to safely clear the vulnerable user.~~

5 Sec. 2. 23 V.S.A. § 1039 is amended to read:

6 § 1039. FOLLOWING TOO CLOSELY, CROWDING, AND
7 HARASSMENT

8 (a) The driver of a vehicle shall not follow another vehicle more closely
9 than is reasonable and prudent, having due regard for the speed of the vehicles
10 and the traffic upon, and the conditions of, the highway. The operator of a
11 vehicle shall not, in a careless or imprudent manner, approach, pass, or
12 maintain speed unnecessarily close to a vulnerable user, and an occupant of a
13 vehicle shall not throw any object or substance at a vulnerable user.

14 * * *

15 Sec. 3. 23 V.S.A. § 1065 is amended to read:

16 § 1065. HAND SIGNALS

17 (a) ~~All~~ A right or left turn shall not be made without first giving a signal of
18 intention either by hand or by signal in accordance with section 1064 of this
19 title. Except as provided in subsection (b) of this section, all signals to indicate
20 change of speed or direction, when given by hand, shall be given from the left
21 side of the vehicle and in the following manner:

1 ~~(1) Left turn. – Hand and arm extended horizontally.~~

2 (2) Right turn. – Hand and arm extended upward.

3 (3) Stop or decrease speed. – Hand and arm extended downward.

4 (b) ~~No turn to right or left may be made without first giving a signal of an~~
5 ~~intention to do so either by hand or by signal in accordance with section 1064~~
6 ~~of this title~~ A person operating a bicycle may give a right-turn signal by
7 extending the right hand and arm horizontally and to the right side of the
8 bicycle.

9 Sec. 4. 23 V.S.A. § 1127 is amended to read:

10 § 1127. CONTROL IN PRESENCE OF HORSES ~~AND~~ CATTLE, SHEEP,
11 AND GOATS

12 (a) ~~Whenever upon a public highway and approaching a vehicle drawn by a~~
13 ~~horse or other draft animal, or approaching a horse or other animal upon which~~
14 ~~a person is riding, the operator of a motor vehicle shall operate the vehicle in~~
15 ~~such a manner as to exercise every reasonable precaution to prevent the~~
16 ~~frightening of such horse or animal and to insure the safety and protection of~~
17 ~~the person riding or driving.~~

18 (b) The operator of a motor vehicle shall yield to any cattle, sheep, or goats
19 which are being herded or horses being ridden on or across a highway.

1 ~~Sec. 5. 23 V.S.A. § 1139(a) is amended to read:~~

2 (a) A person operating a bicycle upon a roadway shall exercise due care
3 when passing a standing vehicle or one proceeding in the same direction and
4 generally shall ride as near to the right side of the roadway as practicable
5 ~~exercising due care when passing a standing vehicle or one proceeding in the~~
6 ~~same direction, but shall ride to the left or in a left lane when:~~

7 (1) preparing for a left turn at an intersection or into a private roadway
8 or driveway;

9 (2) approaching an intersection with a right turn lane if not turning right
10 at the intersection;

11 (3) overtaking a slower vehicle; or

12 (4) taking reasonably necessary precautions to avoid hazards or road
13 conditions.

14 Sec. 6. 23 V.S.A. § 1141(a) is amended to read:

15 (a) ~~No~~ A person ~~may~~ shall not operate a bicycle at nighttime from one-half
16 hour after sunset until one-half hour before sunrise unless it is equipped with a
17 lamp on the front, which emits a white light visible from a distance of at least
18 500 feet to the front, and with a red reflector on the rear, which shall be visible
19 at least 300 feet to the rear when directly in front of lawful upper beams of
20 head lamps on a motor vehicle. Lamps emitting flashing or steady red lights
21 visible to the rear may be used in addition to the red reflector. In addition,

~~bicycles operated during these hours shall be equipped with either reflective,
rear-facing material on pedals or reflective, rear-facing ankle bands on the
bicyclist.~~

Sec. 7. REPEAL

~~23 V.S.A. § 1053 (passing pedestrians on a highway) is repealed.~~

~~Sec. 1. 23 V.S.A. § 1033 is amended to read:~~

~~§ 1033. PASSING ON THE LEFT MOTOR VEHICLES AND VULNERABLE
USERS~~

~~(a) Vehicles Passing motor vehicles. Motor vehicles proceeding in the
same direction may be overtaken and passed only as follows:~~

~~(1) The driver of a motor vehicle overtaking another motor vehicle
proceeding in the same direction may pass to its left at a safe distance, and
when so doing shall exercise due care, ~~may~~ shall not pass to the left of the
center of the highway unless the way ahead is clear of approaching traffic, and
shall not again drive to the right side of the roadway until safely clear of the
overtaken vehicle.~~

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

~~(b) Definition. As used in this chapter, "vulnerable user" means a
pedestrian; highway worker; ~~pedestrian, including a highway worker~~
~~pedestrian and a highway worker in highway equipment;~~ a person operating a
wheelchair or other personal mobility device, whether motorized or not; a
person operating a bicycle or other nonmotorized means of transportation
(such as, but not limited to, roller skates, rollerblades, or roller skis); a person
riding, driving, or herding an animal; or a person operating a farm tractor or
implement of husbandry.~~

~~(c) Passing vulnerable users. The operator of a motor vehicle approaching
or passing a vulnerable user shall exercise due care, which includes using
every reasonable precaution and increasing clearance from the vulnerable
user, to safely clear the vulnerable user.~~

~~Sec. 2. 23 V.S.A. § 1039 is amended to read:~~

~~§ 1039. FOLLOWING TOO CLOSELY, CROWDING, AND
HARASSMENT~~

~~(a) The driver of a vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of the vehicles and the traffic upon, and the conditions of, the highway. The operator of a vehicle shall not, in a careless or imprudent manner, approach, pass, or maintain speed unnecessarily close to a vulnerable user, and an occupant of a vehicle shall not throw any object or substance at a vulnerable user.~~

~~* * *~~

~~Sec. 3. 23 V.S.A. § 1065 is amended to read:~~

~~§ 1065. HAND SIGNALS~~

~~(a) At A right or left turn shall not be made without first giving a signal of intention either by hand or by signal in accordance with section 1064 of this title. Except as provided in subsection (b) of this section, all signals to indicate change of speed or direction, when given by hand, shall be given from the left side of the vehicle and in the following manner:~~

- ~~(1) Left turn. – Hand and arm extended horizontally.~~
- ~~(2) Right turn. – Hand and arm extended upward.~~
- ~~(3) Stop or decrease speed. – Hand and arm extended downward.~~

~~(b) No turn to right or left may be made without first giving a signal of an intention to do so either by hand or by signal in accordance with section 1064 of this title. A person operating a bicycle may give a right-turn signal by extending the right hand and arm horizontally and to the right side of the bicycle.~~

~~Sec. 4. 23 V.S.A. § 1127 is amended to read:~~

~~§ 1127. CONTROL IN PRESENCE OF HORSES AND CATTLE ANIMALS~~

~~(a) Whenever upon a public highway and approaching a vehicle drawn by a horse or other draft animal, or approaching a horse or other animal upon which a person is riding, or animals being herded, the operator of a motor vehicle shall operate the vehicle in such a manner as to exercise every reasonable precaution to prevent the frightening of such horse or any animal and to ~~insure~~ ensure the safety and protection of the animal and the person riding or driving, or herding.~~

~~(b) The operator of a motor vehicle shall yield to any cattle, sheep, or goats which are animals being herded on or across a highway.~~

~~Sec. 5. 23 V.S.A. § 1139(a) is amended to read:~~

~~(a) A person operating a bicycle upon a roadway shall exercise due care when passing a standing vehicle or one proceeding in the same direction and generally shall ride as near to the right side of the roadway as practicable ~~exercising due care when passing a standing vehicle or one proceeding in the same direction, but shall ride to the left or in a left lane when:~~~~

~~(1) preparing for a left turn at an intersection or into a private roadway or driveway;~~

~~(2) approaching an intersection with a right turn lane if not turning right at the intersection;~~

~~(3) overtaking another highway user; or~~

~~(4) taking reasonably necessary precautions to avoid hazards or road conditions.~~

~~Sec. 6. 23 V.S.A. § 1141(a) is amended to read:~~

~~(a) ~~No~~ A person ~~may~~ shall not operate a bicycle at nighttime from one-half hour after sunset until one-half hour before sunrise unless it is equipped with a lamp on the front, which emits a white light visible from a distance of at least 500 feet to the front, and with a red reflector on the rear, which shall be visible at least 300 feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. Lamps emitting flashing or steady red lights visible to the rear may be used in addition to the red reflector.~~

~~Sec. 7. REPEAL~~

~~23 V.S.A. § 1053 (passing pedestrians on a highway) is repealed~~

~~Sec. 1. 23 V.S.A. § 4(81) is added to read:~~

~~(81) "Vulnerable user" means a pedestrian; an operator of highway building, repair, or maintenance equipment or of agricultural equipment; a person operating a wheelchair or other personal mobility device, whether motorized or not; a person operating a bicycle or other nonmotorized means of transportation (such as, but not limited to, roller skates, rollerblades, or roller skis); or a person riding, driving, or herding an animal.~~

Sec. 2. 23 V.S.A. § 1033 is amended to read:

§ 1033. PASSING ~~ON THE LEFT~~ MOTOR VEHICLES AND VULNERABLE USERS

(a) ~~Vehicles~~ Passing motor vehicles. Motor vehicles proceeding in the same direction may be overtaken and passed only as follows:

(1) The driver of a motor vehicle overtaking another motor vehicle proceeding in the same direction may pass to its left at a safe distance, and when so doing shall exercise due care, ~~may~~ shall not pass to the left of the center of the highway unless the way ahead is clear of approaching traffic, and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

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

(b) Passing vulnerable users. The operator of a motor vehicle approaching or passing a vulnerable user as defined in subdivision 4(81) of this title shall exercise due care, which includes increasing clearance, to pass the vulnerable user safely, and shall cross the center of the highway only as provided in subdivision (a)(1) of this section.

Sec. 3. 23 V.S.A. § 1039 is amended to read:

§ 1039. FOLLOWING TOO CLOSELY, CROWDING, AND HARASSMENT

(a) The driver of a vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of the vehicles and the traffic upon, and the conditions of, the highway. The operator of a vehicle shall not, in a careless or imprudent manner, approach, pass, or maintain speed unnecessarily close to a vulnerable user as defined in subdivision 4(81) of this title, and an occupant of a vehicle shall not throw any object or substance at a vulnerable user.

* * *

Sec. 4. 23 V.S.A. § 1065 is amended to read:

§ 1065. HAND SIGNALS

(a) ~~All~~ A right or left turn shall not be made without first giving a signal of intention either by hand or by signal in accordance with section 1064 of this title. Except as provided in subsection (b) of this section, all signals to indicate change of speed or direction, when given by hand, shall be given from the left side of the vehicle and in the following manner:

- (1) Left turn. – Hand and arm extended horizontally.
- (2) Right turn. – Hand and arm extended upward.
- (3) Stop or decrease speed. – Hand and arm extended downward.

~~(b) No turn to right or left may be made without first giving a signal of an intention to do so either by hand or by signal in accordance with section 1064 of this title~~ A person operating a bicycle may give a right-turn signal by extending the right hand and arm horizontally and to the right side of the bicycle.

Sec. 5. 23 V.S.A. § 1127 is amended to read:

§ 1127. CONTROL IN PRESENCE OF HORSES AND CATTLE ANIMALS

(a) Whenever upon a public highway and approaching a vehicle drawn by a ~~horse or other~~ draft animal, ~~or approaching a horse or other~~ an animal upon which a person is riding, or animals being herded, the operator of a motor vehicle shall operate the vehicle in such a manner as to exercise every reasonable precaution to prevent the frightening of ~~such horse or~~ any animal and to ~~insure~~ ensure the safety and protection of the animal and the person riding or, driving, or herding.

(b) The operator of a motor vehicle shall yield to any ~~cattle, sheep, or goats which are~~ animals being herded on or across a highway.

Sec. 6. 23 V.S.A. § 1139(a) is amended to read:

(a) A person operating a bicycle upon a roadway shall exercise due care when passing a standing vehicle or one proceeding in the same direction and generally shall ride as near to the right side of the roadway as practicable ~~exercising due care when passing a standing vehicle or one proceeding in the same direction, but shall ride to the left or in a left lane when:~~

(1) preparing for a left turn at an intersection or into a private roadway or driveway;

(2) approaching an intersection with a right-turn lane if not turning right at the intersection;

(3) overtaking another highway user; or

(4) taking reasonably necessary precautions to avoid hazards or road conditions.

Sec. 7. 23 V.S.A. § 1141(a) is amended to read:

(a) ~~No~~ A person may shall not operate a bicycle at nighttime from one-half hour after sunset until one-half hour before sunrise unless ~~if the bicycle or the bicyclist is equipped with a lamp on the front, which emits a~~

~~white light visible from a distance of at least 500 feet to the front, and with a red reflector on the rear, which shall be visible at least 300 feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. Lamps emitting red lights visible to the rear may be used in addition to the red reflector. In addition, bicyclists shall operate during these hours with either a lamp on the rear of the bicycle or bicyclist which emits a flashing or steady red light visible at least 300 feet to the rear, or with reflective, rear-facing material or reflectors, or both, with a surface area totaling at least 20 square inches on the bicycle or bicyclist and visible at least 300 feet to the rear.~~

Sec. 8. REPEAL

23 V.S.A. § 1053 (passing pedestrians on a highway) is repealed.