SPONSOR: Rep. Mitchell & Rep. J. Johnson & Sen. Sokola
Reps. Baumbach, Brady, Hudson, Longhurst, Mulrooney, Ramone; Sens. Cloutier, Ennis, Marshall, Townsend

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 185

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO RULES OF THE ROAD

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 41, Title 21 of the Delaware code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 4108 Traffic-control signal legend.

(a) Whenever traffic is controlled by official traffic-control signals ~~exhibiting~~showing different colored circular lights,~~ or~~ color~~ed~~ lighted arrows, or color-lighted bicycle symbols, successively ~~1~~one at a time or in combination, only the colors green, red and yellow shall be used, except for ~~special pedestrian signals carrying a word or symbol legend~~pedestrian control signals, and such lights shall indicate and apply to drivers of vehicles, operators of bicycles and pedestrians as follows:

(5) Bicycle Signals:

Bicycle signals may include circular or arrow traffic signal indications designated as bicycle signals by an adjacent sign, and traffic indications in the shape of a bicycle. Circular and arrow bicycle signals shall have the same meaning as the corresponding circular and arrow signals as described in § 4108(a)(1) through (a)(4), but shall only apply to a person operating a bicycle in a bicycle lane or path. Bicycle shaped bicycle signals shall have the same meaning as the corresponding circular signals as described in § 4108(a)(1) through (a)(4), but shall only apply to a person operating a bicycle in a bicycle lane or path. A person operating a bicycle in a general travel lane shall obey the circular and arrow traffic signals described in § 4108(a)(1) through (a)(4).

§ 4116 Overtaking a vehicle or bicycle on the left.

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

(a) On a roadway with at least 2 travel lanes proceeding in the same direction and if a travel lane proceeding in the same direction exists to the left, the driver of the overtaking vehicle shall, yielding the right-of-way and proceeding with caution, move completely into the lane to the left before passing.

(b) On a roadway with only one travel lane proceeding in a given direction and where that travel lane is too narrow for an overtaking vehicle to travel safely side-by-side within the lane with the overtaken vehicle or bicycle, the driver of the overtaking vehicle shall move completely into the lane to the left before passing. The driver of the overtaking vehicle shall only make this movement if it can be accomplished while obeying the limitations described in § 4118 through § 4120.

(c) On a roadway with only one travel lane proceeding in a given direction and where that travel lane is both wide enough for an overtaking vehicle to travel safely side-by-side within the lane with the overtaken vehicle or bicycle and where the vehicle or bicycle to be overtaken is also positioned in the right part of the lane leaving sufficient space for safe passing within the travel lane, the driver of the overtaking vehicle shall:

(1) Reduce speed while passing in order to lessen the speed differential between the overtaking vehicle and the overtaken vehicle or bicycle;

(2) Pass to the left of the overtaken vehicle or bicycle at a reasonable and prudent distance, which shall in any case never be less than 3 feet; and

(3) Return to a normal position in the travel lane only when safely clear of the overtaken vehicle or bicycle.

~~(1) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicles.~~

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

(e)~~(3)~~ A person who violates this section by driving below the posted speed limit in the left lane of a multilane roadway when it impedes the ability of 1 or more vehicles to pass, except when such person is making a legal left turn or otherwise lawfully exiting the road to the left, shall be penalized as provided in § 4205 of this title.

~~(4) The driver of a motor vehicle, when approaching a bicyclist traveling in the same direction, shall ensure the safety and protection of the bicyclist by:~~

~~a. Proceeding with caution and yielding the right-of-way by making a lane change into a lane not adjacent to that of the bicyclist, if possible, with due regard to safety and traffic conditions, if on a roadway having at least 4 lanes with not less than 2 lanes proceeding in the same direction as the approaching vehicle; or,~~

~~b. Proceeding with caution and reducing the speed of the vehicle to a safe speed and leaving a reasonable and prudent distance by providing a minimum of 3 feet of clearance while passing such bicyclist, if changing lanes would be impossible or unsafe.~~

§ 4120 No-passing zones.; exceptions.

(b) Where signs or markings are in place to define a no-passing zone, no driver shall at any time drive on the left side of the roadway within such no-passing zone or on the left side of any pavement striping designed to mark such no-passing zone throughout its length. This subsection does not apply under the conditions described in § 4114(a)(2) of this title, nor to a driver of a vehicle turning left into or from an alley, private road, driveway or highway; except as follows:.

(1) When reasonably necessary to avoid parked vehicles, pedestrians, animals, surface hazards or other obstructions on a roadway and where only one travel lane proceeding in a given direction exists but while still obeying the limitations described in § 4118 and § 4119;

(2) When reasonably necessary to pass a vehicle or bicycle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing and where only one travel lane proceeding in a given direction exists but while still obeying the limitations described in § 4118 and § 4119; or

(3) When making a left turn into or from an alley, private road, driveway or highway.

§ 4196 Position on roadwayBicycling on right side of roadway; exceptions.

(a) Any person operating a bicycle upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as close as practicable to the right-hand edge of the roadway except under any of the following circumstancesUpon all roadways of sufficient width a bicycle operator shall travel in the right half of the roadway except as follows:

(1) When overtaking and passing another bicycle or vehicle proceeding in the same direction;

(2) When preparing for a left turn at an intersection or into a private road or driveway;

(3) When proceeding straight in a right-turn-only lane; orWhen approaching an intersection where right turns are permitted and there is a dedicated right turn lane, in which case a person may operate a bicycle in this dedicated lane, even if the bicycle operator does not intend to turn right;

(4) When reasonably necessary to avoid conditions including, but not limited to fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals, or surface hazards; or substandard width lanes that make it unsafe to continue along the right-hand edge of roadway. For purposes of this section, a "substandard width lane" is a lane that is too narrow for a bicycle and a vehicle to travel safely side by side within the lane.

(5) When a paved roadway shoulder exists, in which case a person may operate a bicycle in the roadway shoulder with due regard for any traffic control devices intended to regulate or guide traffic or pedestrians;

(6) When a part of a roadway has been set aside for the exclusive use of bicycles including contra-flow bicycle lanes, left-handed cycle tracks or bicycle lanes on one-way streets and two-way cycle tracks or bicycle lanes, in which case a person may operate a bicycle in the designated bicycle lane or cycle track; or

~~(b)~~(7) ~~Any person~~When operating a bicycle upon a one-way highway with 2 or more marked traffic lanes and a posted speed limit of less than 30 miles per hour, in which case a person may ~~ride~~operate a bicycle as near the left-hand edge of such roadway as ~~practicable~~judged safe by the bicycle operator.

(b) Upon all roadways any bicycle proceeding at less than the normal speed of vehicle traffic at the time and place and under the conditions then existing shall be operated in the right-hand travel lane. If the right-hand travel lane is wide enough for a bicycle and a vehicle to travel safely side-by-side within the lane, a bicycle operator shall operate far enough to the right as judged safe by the operator to facilitate the movement of such overtaking vehicles unless the bicycle operator determines that other conditions make it unsafe to do so.

(c) Persons ~~riding~~operating bicycles upon a roadway shall not ~~ride~~travel more than ~~2~~two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. ~~Persons riding 2 abreast shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane.~~

(1) Operating bicycles side-by-side does not constitute an impediment to normal traffic at times of no conflicting traffic, if motor vehicle traffic can overtake in the adjacent lane, or if the lane is too narrow for a bicycle and a vehicle to travel safely side-by-side within the lane.

(2) On a laned roadway, persons operating bicycles side-by-side shall do so within a single lane.

~~(d) Any person operating a bicycle may ride upon a paved shoulder with due regard for any traffic control devices intended to regulate or guide traffic or pedestrians.~~

§ 4196A Bicycle approaching or entering intersection.

(a) A bicycle operator approaching a stop sign at an intersection with a roadway having 3 or more lanes for moving traffic shall come to a complete stop before entering the intersection.

(b) A bicycle operator approaching a stop sign at an intersection where a vehicle is stopped in the roadway at the same stop sign shall come to a complete stop before entering the intersection.

(c) A bicycle operator approaching a stop sign at an intersection with a roadway having 2 or fewer lanes for moving traffic shall reduce speed and, if required for safety, stop before entering the intersection. After slowing to a reasonable speed or stopping, the person shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time the person is moving across or within the

intersection, except that a person, after slowing to a reasonable speed and yielding the right-of-way if required, may cautiously make a turn or proceed through the intersection without stopping.

(d) A bicycle operator approaching an intersection shall always yield the right-of-way to any vehicle which has already entered the intersection.

(e) When a bicycle and a vehicle enter an intersection from different roadways at approximately the same time, the operator of the vehicle or bicycle on the left shall yield the right-of-way to the vehicle or bicycle on the right.

§ 4198 Left turns.

(a) A person ~~riding~~operating a bicycle intending to turn left shall follow a course described in § 4152 of this title or in subsection (b) of this section.

(b) A person ~~riding~~operating a bicycle intending to turn left shall: ~~approach the turn as close as practicable to the right edge of the roadway. After proceeding across the intersecting roadway to the far corner of the curb or intersection of the roadway edges the bicyclist shall stop, as much as practicable out of the way of traffic. After stopping, the bicyclist shall yield to any traffic proceeding in either direction along the roadway the bicyclist has been using. After yielding, and complying with any official traffic-control device or police officer regulating traffic on the highway along which the bicyclist intends to proceed, the bicyclist may proceed in the new direction.~~

(1) Enter the intersection as close as practical to the right edge of the roadway; and

(2) Proceed across the intersecting roadway; and

(3) If possible, exit the travel lane and stop or, if not possible to exit the travel lane, stop as much as practical out of the way of traffic; and

(4) Yielding to any traffic proceeding in either direction along the roadway the bicyclist has been using and complying with any official traffic-control device or police officer regulating traffic on the roadway on which the bicyclist intends to proceed, proceed in the new direction.

Section 2. Amend Chapter 43, Title 21 of the Delaware code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 4306 Horns and other sound devices; unlawful use.

(b) Except as otherwise provided, no vehicle shall be equipped with and no person shall use upon a vehicle any siren, exhaust, compression or spark plug whistle.~~, and no person at any time shall use a horn otherwise than as a reasonable warning or make any unnecessary or unreasonable loud or harsh sound by means of a horn or other warning device.~~The driver of a vehicle shall, when reasonably necessary to insure safe operation, give audible warning with the horn but shall not otherwise use the horn for any other purpose. No driver of any vehicle shall use a horn:

(1) To make unreasonably loud or harsh sound;

(2) When stationary; or

(3) When passing an animal-drawn vehicle or bicycle under normal conditions where no imminent danger of a collision exists.

Section 2. §4196A(c) of this Act expires 4 years after the enactment of this Act into law, unless otherwise provided by a subsequent act of the General Assembly.

SYNOPSIS

The "Bicycle Friendly Delaware Act" would update Delaware code in conformance with recommended changes to the Uniform Vehicle Code from both the National Committee on Uniform Traffic Control Devices (Rules of the Road Committee) and the League of American Bicyclists (Legal Affairs Committee). Without changing the legal meaning of existing law, these updates would clarify sections of the Delaware Rules of the Road that are frequently misunderstood by the police, by bicycle operators and by vehicle drivers. In addition, the Act would enable the Department of Transportation to deploy bicycle traffic signals as a safety countermeasure at intersections where most fatal bicycle crashes occur; require vehicles to change lanes when passing bicycles (and farm equipment and animal-drawn vehicles) when lanes are too narrow; permit safe yielding by bicycle operators at stop sign-controlled intersections with minor roads; and prohibit the use of horns when passing animal-drawn vehicles and bicycles.