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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:

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

3 § 4108 Traffic-control signal legend.

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

9 (5) Bicycle Signals:

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

17 § 4116 Overtaking a vehicle or bicycle on the left.

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

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

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

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

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

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

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

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

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

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

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

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

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

53 § 4120 No-passing zones; exceptions.

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

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

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

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

65 § 4196 ~~Position on roadway~~ Bicycling on right side of roadway; exceptions.

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

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

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

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

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

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

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

84 ~~(b)(7) Any person~~ When operating a bicycle upon a one-way highway with 2 or more marked traffic lanes and  
85 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-  
86 hand edge of such roadway as ~~practicable~~ judged safe by the bicycle operator.

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

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

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

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

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

101 § 4196A Bicycle approaching or entering intersection.

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

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

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

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

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

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

116 § 4198 Left turns.

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

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

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

126 (2) Proceed across the intersecting roadway; and

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

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

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

134 § 4306 Horns and other sound devices; unlawful use.

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

- 140                   (1) To make unreasonably loud or harsh sound;  
141                   (2) When stationary; or  
142                   (3) When passing an animal-drawn vehicle or bicycle under normal conditions where no imminent danger of a  
143                   collision exists.
- 144                   Section 2. §4196A(c) of this Act expires 4 years after the enactment of this Act into law, unless otherwise  
145                   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.