

**HB 1203 – VERSION ADOPTED BY BOTH BODIES**

05Mar2008... 0478h

2008 SESSION

08-2231

03/01

**HOUSE BILL 1203**

AN ACT relative to bicycles.

SPONSORS: Rep. G. Andersen, Graf 11

COMMITTEE: Transportation

## AMENDED ANALYSIS

This bill establishes additional rules of the road relating to bicycles. This bill also requires the department of transportation to minimize bicycle hazards relating to rumble strips, drain grates, and road surface treatments on highways.

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Explanation: Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struck through.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Eight*

AN ACT relative to bicycles.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 Liability of the Department of Transportation; Standard of Care; Rumble Strips, Drain Gates, and Road Surface Treatments.  
Amend RSA 230:80, IV to read as follows:

IV. The setting of construction, repair, or maintenance standards of levels of service of highways and highway bridges by the commissioner, whether accomplished formally or informally, shall be deemed a discretionary, policy function for which the department of transportation shall not be held liable in the absence of malice or bad faith. ***However, the department shall develop and implement standards for the design and placement of rumble strips, drain grates, and road surface treatments that eliminate foreseen hazards for bicyclists by following federal guidelines.***

2 New Section; Rules of the Road; Special Rules for Bicycles and Mopeds; Drivers to Exercise Due Care When Approaching Bicycle.  
Amend RSA 265 by inserting after section 143 the following new section:

265:143-a Drivers to Exercise Due Care When Approaching Bicycle. Every driver of a vehicle, when approaching a bicyclist, shall insure the safety and protection of the bicyclist and shall exercise due care by leaving a reasonable and prudent distance between the vehicle and the bicycle. The distance shall be presumed to be reasonable and prudent if it is at least 3 feet when the vehicle is traveling at 30 miles per hour or less, with one additional foot of clearance required for every 10 miles per hour above 30 miles per hour.

3 Riding on Bicycles; Passing. Amend RSA 265:144, VII to read as follows:

VII. A person propelling a bicycle may pass a slower-moving vehicle in the same lane provided such movement can be made with reasonable safety. ***A person propelling a bicycle may pass a stationary or stopped motor vehicle on the right.***

4 New Paragraphs; Riding on Bicycles. Amend RSA 265:144 by inserting after paragraph X the following new paragraphs:

XI. A person propelling a bicycle upon a way at a speed less than the normal speed of traffic moving in the same direction at that time and place shall remain on the right portion of the way as far as practicable except when it is unsafe to do so or:

(a) When overtaking and passing another bicycle or any other vehicle proceeding in the same direction.

(b) When preparing for or making a left turn at an intersection or into a driveway.

(c) When proceeding straight in a place where right turns are permitted.

(d) When necessary to avoid hazardous conditions, including, but not limited to, fixed or moving objects, vehicles, bicycles, pedestrians, animals, broken pavement, glass, sand, puddles, ice, or opening doors of parked vehicles.

XII. A bicyclist shall wear at least one item of reflective outerwear apparel, such as a reflective vest, jacket, or helmet strip, during the period from 1/2 hour after sunset to 1/2 hour before sunrise.

5 New Paragraph; Penalty; Due Care When Passing Bicycle. Amend RSA 265:153 by inserting after paragraph II the following new paragraph:

III. The fine for a violation of RSA 265:143-a shall be \$100.

6 Effective Date. This act shall take effect January 1, 2009.