Chapter No. 414
10/SS26/R38PS
JN / AS/SG

SENATE BILL NO. 3014

Originated in Senate [signature] Secretary

SENATE BILL NO. 3014

AN ACT TO PROVIDE THE RIGHTS AND DUTIES OF THOSE PERSONS OPERATING BICYCLES ON ANY ROADWAY OR HIGHWAY OR PATH SET ASIDE FOR BICYCLES; TO SET FORTH THE RIGHTS AND DUTIES OF THE OPERATOR OF A MOTOR VEHICLE WITH RESPECT TO BICYCLES; TO PROHIBIT CERTAIN ACTIVITIES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Sections 1 through 7 of this act shall be known and may cited as the "John Paul Frerer Bicycle Safety Act."

SECTION 2. (1) Sections 1 through 7 of this act apply to bicycles whenever they are operated upon any roadway or highway, or upon any path set aside for the exclusive use of bicycles.

(2) A person riding a bicycle upon a roadway has all of the rights and is subject to all of the duties applicable to the driver of a vehicle, except as may be otherwise provided in Sections 1 through 7 of this act.

SECTION 3. (1) For purposes of this section, "bicycle lane" means a portion of the roadway or a lane separated from the roadway that has been designated by striping, pavement markings and signage for the preferential or exclusive use of bicyclists.

(2) Whenever a bicycle lane has been provided adjacent to a roadway, the operator of a motor vehicle may not block the bicycle lane to oncoming bicycle traffic and shall yield to a bicyclist in the bicycle lane before entering or crossing the lane.

(3) This section does not apply to vehicles engaged in providing public services, including, but not limited to, fire engines, police vehicles, ambulances, public utility vehicles, waste management trucks and tow trucks.

SECTION 4. (1) Every bicyclist operating a bicycle upon a roadway less than the normal speed of traffic shall ride as close as practicable to the right-hand curb or edge of the roadway except under any of the following conditions:

(a) When it is unsafe to do so;

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

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

(d) When proceeding straight in a place where right turns are permitted; and

(e) When necessary to avoid hazardous conditions, including, but not limited to, fixed or moving objects, vehicles, bicycles, pedestrians, animals, surface hazards or a lane of substandard width that makes it unsafe to continue along the right portion of the way. For purposes of this paragraph, "lane of substandard width" means a lane that is too narrow for a bicycle and a vehicle to travel safely side by side in the lane.

(2) When operating a bicycle upon a roadway, a bicyclist must exercise due care when passing or overtaking a vehicle that is standing or proceeding in the same direction.

(3) Bicyclists riding bicycles upon a roadway shall not ride more than two (2) abreast, except on paths or parts of roadways set aside for exclusive use of bicycles.

SECTION 5. (1) While passing a bicyclist on a roadway, a motorist shall leave a safe distance of not less than three (3) feet between his vehicle and the bicyclist and shall maintain such clearance until safely past the bicycle.

(2) A motor vehicle operator may pass a bicycle traveling in the same direction in a nonpassing zone with the duty to execute the pass only when it is safe to do so.

(3) The operator of a vehicle that passes a bicyclist proceeding in the same direction may not make a right turn at any

intersection or into any highway or driveway unless the turn can be made with reasonable safety.

SECTION 6. (1) A bicyclist shall indicate a right turn by extending the left arm upward, by raising the left arm to the square, or by extending the right arm horizontally to the right.

(2) A bicyclist shall indicate a left turn by extending the left arm horizontally.

(3) A bicyclist shall indicate stopping or decreasing speed by extending the left arm or the right arm downward.

(4) A bicyclist is not required to give the signals continuously, if the hand or arm is needed to control the bicycle.

SECTION 7. It is unlawful to harass, taunt or maliciously throw an object at or in the direction of any person riding a bicycle.

A person convicted of a violation of this section shall be fined One Hundred Dollars ($100.00) for the first offense, Five Hundred Dollars ($500.00) for the second offense, and a fine of Two Thousand Five Hundred Dollars ($2,500.00) and imprisonment in the county jail for seven (7) days for the third and subsequent offenses.

SECTION 8. This act shall take effect and be in force from and after July 1, 2010.

PASSED BY THE SENATE
February 8, 2010

PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
March 9, 2010

SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR

GOVERNOR

3/17/10 8:09p