

# SENATE BILL REPORT

## HB 1108

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As Reported By Senate Committee On:  
Transportation, March 30, 2005

**Title:** An act relating to limitations for vehicles passing pedestrians or bicyclists.

**Brief Description:** Providing additional limitations for vehicles passing pedestrians or bicyclists.

**Sponsors:** Representatives Grant, Walsh, Wallace, Rodne, Wood, Morrell, Lovick, Williams, Jarrett, Kilmer, Simpson, Kessler, Chase and Dickerson.

**Brief History:** Passed House: 3/10/05, 95-0.

**Committee Activity:** Transportation: 3/21/05, 3/30/05 [DPA].

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### SENATE COMMITTEE ON TRANSPORTATION

**Majority Report:** Do pass as amended.

Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Swecker, Ranking Minority Member; Benson, Eide, Esser, Mulliken, Oke, Spanel and Weinstein.

**Staff:** Kelly Simpson (786-7403)

**Background:** Under current law, when a vehicle overtakes and passes another vehicle, the passing vehicle must pass to the left at a safe distance and may not return to the right side of the roadway until safely clear of the overtaken vehicle.

Vehicles may not be driven on the left side of a roadway when: (1) approaching or upon the crest of a grade or a curve in the highway where the driver's view is obstructed such that it creates a hazard concerning oncoming traffic; (2) approaching within 100 feet of or traversing an intersection or railroad crossing; (3) the view is obstructed upon approaching within 100 feet of a bridge, viaduct, or tunnel; or (4) the left side is not clearly visible and free of oncoming traffic for a sufficient distance to permit overtaking and passing without interfering with oncoming traffic or any vehicle overtaken.

Although current law contains no explicit provision regarding drivers overtaking and approaching bicyclists and pedestrians, drivers are generally required to exercise due care to avoid colliding with any pedestrian upon a roadway, and must generally exercise due care and caution as circumstances require.

**Summary of Amended Bill:** The driver of a vehicle approaching a pedestrian or bicycle that is on the roadway or on the right-hand shoulder or bicycle lane of the roadway must pass at a safe distance to the left to clearly avoid coming into contact with the pedestrian or bicyclist. The driver must also be safely clear of the overtaken pedestrian or bicyclist before returning to the driver's original position on the roadway.

The driver of a vehicle may not drive on the left side of the roadway when a bicycle or pedestrian is within view of the driver and is approaching from the opposite direction, or is

present, in the roadway, shoulder, or bicycle lane within a distance unsafe to the bicyclist or pedestrian due to the width or condition of the roadway, shoulder, or bicycle lane.

**Amended Bill Compared to Original Bill:** The original bill was not considered.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** The benefits in this bill are not hypothetical. Real instances have occurred of tragic accidents involving motor vehicles passing bicyclists and pedestrians. This bill would potentially reduce future accidents. The bill is an important educational and law enforcement tool. Motorists are increasingly failing to drive safely around bicyclists and pedestrians, particularly around crosswalks.

**Testimony Against:** None.

**Who Testified:** PRO: Debi Toews; Barbara Culp & Michael Temple, Bicycle Alliance of WA; Cherie Tessier; Doug MacDonald, Secretary of Transportation.