

SUGGESTED REVISIONS TO VIRGINIA'S  
PEDESTRIAN, MOTORCYCLE, AND BICYCLE LAWS

by

Dean A. Swift  
Graduate Legal Assistant

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(The opinions, findings, and conclusions expressed in this  
report are those of the author and not necessarily those of  
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## ABSTRACT

An evaluation of the laws of Virginia governing pedestrian movement and the operation of bicycles and motorcycles revealed that a number of changes are called for. Comparisons between current Virginia law, the Uniform Vehicle Code (U.V.C.) and selected statutes from other states dramatize the need for amendment.

The language of the proposals presented in the report has been taken in large part from the U.V.C. The suggested amendments and additions have been formulated to meet the necessity for comprehensive protection for pedestrians and cyclists, as well as to clearly define their rights in relation to those of motorists. The proposed changes, however, have been designed to avoid major revisions in current law.



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INTRODUCTION

At the request of the Director of the Virginia Department of Transportation Safety, the Highway and Transportation Research Council has evaluated the laws of Virginia which control pedestrian movement and regulate the operation of bicycles and motorcycles. As a result of this evaluation, it is believed that a number of changes in the existing laws are warranted. The objectives of the proposed changes are twofold: (1) To provide maximum protection for pedestrians and cyclists, while respecting the rights of motorists; and (2) to provide a systematic set of rules which clearly define the rights of pedestrians and cyclists versus the rights of motorists.

The proposals formulated in this report represent a combination of current Virginia laws with selected provisions from the Uniform Vehicle Code (U.V.C.) and other selected state statutes. Although much of the language in the proposed amendments has been borrowed from the Uniform Vehicle Code, special effort has been made to avoid proposals that would significantly change Virginia law.

PEDESTRIAN LAWS

Although Virginia's pedestrian laws compare favorably with those of her sister states, many other states are more protective of pedestrians than Virginia. In particular, California is noted for having laws which extend maximum protection to pedestrians. A few of the differences between the Code of Virginia and the California statutes are discussed below. Also some comparisons with the U.V.C. are considered. Differences between these statutes clearly show that additional protection for pedestrians may be attained by statutory revision.

Statutory Comparisons of Pedestrian Laws

- (1) "When crossing highways or streets, pedestrians shall not carelessly or maliciously interfere with the orderly passage of vehicles." Va. Code Ann. §46.1-230(a).

This is the opening sentence of Virginia's pedestrian statutes. Accordingly, this sentence sets the tone for the pedestrian section. Unfortunately, the tone is hostile to pedestrians and suggests that the movement of vehicles is more important than pedestrian safety. No provision comparable to §46.1-230(a) is in either the California Code or the U.V.C.

- (2) "They [pedestrians] shall cross wherever possible only at intersections or marked crosswalks. Where any intersections of highways or streets contain no marked crosswalks pedestrians shall not be guilty of negligence as a matter of law for crossing at any such intersection or between intersections when crossing by the most direct route." Va. Code Ann. §46.1-230(a).

This is the only section of Virginia's code which deals with pedestrians crossing outside crosswalks and it does not define the consequences of not crossing at a crosswalk. In contrast, both the California Code (§21954) and the U.V.C. (§11-503) spell out the rights and responsibilities of pedestrians outside crosswalks and the responsibilities of drivers encountering them.

- (3) "No pedestrian shall enter or cross an intersection in disregard of approaching traffic." Va. Code Ann. §46.1-231(b).

This section is a limitation on the pedestrian right-of-way granted in §46.1-231(a) Va. Code Ann. Both the California Code and the U.V.C. have limitations, but the wording is quite different from that in Virginia's limitation. California Code §21950(b) states that:

"The provisions of this section shall not relieve a pedestrian from the duty of using care for his safety. No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute an immediate hazard."

The difference between the Virginia and California Code is subtle but can be extremely important in a court of law. An injured pedestrian in California need only prove that he did not "suddenly . . .

walk or run" into the path of a vehicle that posed an "immediate hazard." The same pedestrian in Virginia must show that he did not "disregard" "approaching traffic," in spite of the fact that traffic should yield to him if there is time. Under Virginia law, a pedestrian is well-advised to stay on the corner until there is no traffic in sight.

- (4) "Notwithstanding other provisions of this chapter or the provisions of any local ordinance, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any obviously confused, incapacitated or intoxicated person." §11-504 (U.V.C.)

This section on the responsibility of drivers to exercise due care toward pedestrians, and a similar, though less comprehensive provision in the California Code, has no counterpart in the Virginia Code. Such a section would seem highly desirable in the promotion of pedestrian safety.

#### Changes Indicated by the Statutory Comparisons

As the foregoing comparisons reveal, Virginia's pedestrian protection laws might well benefit from revision. At a minimum, any revision should include the following changes.

- (1) Reorganization of the statutes to distinguish the rights and privileges of pedestrians within a crosswalk, or at an intersection, from those crossing a roadway outside a crosswalk or intersection.
- (2) Modification of the limitation on pedestrian right-of-way at crosswalks, which now reads "No pedestrian shall enter or cross an intersection in disregard of approaching traffic," to a form which forbids only sudden movements into the path of vehicles so close as to create an imminent hazard.
- (3) Inclusion of a section to require drivers to exercise due care toward pedestrians at all times.

Each of these changes has been incorporated into the proposed amendments that are set forth below. In addition to these changes, a number of other changes have been recommended. Many of these additional changes are needed to provide more systematic protection of pedestrians than is now provided.

Proposed Pedestrian Laws

It is suggested that adoption of the following regulations would accomplish the objectives set forth above. The section numbers used in this proposal are intended primarily for reference purposes. However, the section numbers generally correspond to current law. The legislative proposal is as follows:

## §46.1-230 Pedestrians' right-of-way at crosswalks

- (a) The driver of a vehicle shall yield the right-of-way to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection, except at intersections where the movement of traffic is being regulated by traffic officers or traffic direction devices.
- (b) The provisions of this section shall not relieve a pedestrian from the duty of using care for his safety. No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute an immediate hazard.
- (c) Paragraph (a) shall not apply under conditions stated in §46.1-231(b).
- (d) The provisions of subdivision (b) shall not relieve a driver of a vehicle from the duty of exercising due care for the safety of any pedestrian within any marked crosswalk or within any unmarked crosswalk at an intersection. The drivers of vehicles entering, crossing or turning at intersections shall change their course, slow down or come to a complete stop if necessary to permit pedestrians to cross such intersections safely and expeditiously.
- (e) Pedestrians crossing highways or streets at intersections shall at all times have the right-of-way over vehicles making turns into the highway or streets being crossed by the pedestrians.

## §36.1-230.1 Pedestrians to use right half of crosswalk

Pedestrians shall move, whenever practicable, upon the right half of crosswalks.



## §46.1-231 Crossing at other than crosswalks

- (a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.
- (b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.
- (c) Between adjacent intersections at which traffic-control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk, but where intersections of streets contain no marked crosswalks pedestrians shall not be guilty of negligence as a matter of law for failure to cross at said intersections. They shall cross only at right angles.
- (d) The governing body of an incorporated town or city or the governing body of a county authorized by law to regulate traffic may by ordinance permit pedestrians to cross an intersection diagonally when all traffic entering the intersection has been halted by lights, semaphores, or signals by a peace or police officer.

## §46.1-232 Pedestrian obedience to traffic control devices and traffic regulations

- (a) Pedestrians shall be subject to all official traffic and pedestrian control signals and shall obey the instructions of any official traffic control device specifically applicable to them unless otherwise directed by a police officer. Whenever special pedestrian control signals exhibiting the words "Walk" or "Don't Walk" are in place such signals shall indicate as follows:
  - (1) Walk — Pedestrians facing such signal may proceed across the highway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.

- (2) Don't Walk — No pedestrian shall start to cross the highway in the direction of such signal, but any pedestrian who has partially completed his crossing on the Walk signal shall proceed to a sidewalk or safety island while the Don't Walk signal is showing.
- (b) At all other places, pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this Article.

§46.1-233 Pedestrian to yield right-of-way to emergency vehicles

- (a) Pedestrians shall yield the right-of-way upon the immediate approach of an authorized emergency vehicle as described in §46.1-226 making use of audible and visual signals as required by §46.1-225.
- (b) This section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway nor from the duty to exercise due care to avoid colliding with any pedestrian.

§46.1-234 Pedestrians stepping into street where they cannot be seen

Pedestrians shall not step into that portion of a highway or street open to moving vehicular traffic at any point between intersections where their presence would be obscured from the vision of drivers of approaching vehicles by a vehicle or other obstruction at the curb or side, except to board a passenger bus or to enter a safety zone, in which event they shall cross the highway or street only at right angles.

§46.1-234.1 Boarding or alighting from buses

When actually boarding or alighting from passenger buses pedestrians shall have the right-of-way over vehicles, but shall not, in order to board or alight from passenger buses, step into the highway or street sooner nor remain there longer than is absolutely necessary

§46.1-235 Pedestrians on highways

- (a) Where a sidewalk is provided and its use is practicable, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

- (b) Where a sidewalk is not available, any pedestrian walking along and upon a highway shall walk only on a shoulder, as far as practicable from the edge of the roadway.
- (c) Where neither a sidewalk nor a shoulder is available, any pedestrian walking along and upon a highway shall walk as near as practicable to an outside edge of the roadway, and, if on a two-way roadway, shall walk only on the left side of the roadway.
- (d) Except as otherwise provided in this Article, any pedestrian upon a roadway shall yield the right-of-way to all vehicles upon the roadway.

§46.1-235.1 Pedestrians soliciting rides or business

- (a) No person shall stand in a roadway for the purpose of soliciting a ride.
- (b) No person shall stand on a highway for the purpose of soliciting employment or business from the occupant of any vehicle.
- (c) No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

§46.1-235.2 Pedestrians under influence of alcohol or drugs

A pedestrian who is under the influence of alcohol or any drug to a degree which renders him a hazard shall not walk or be upon a highway except on a sidewalk.

§46.1-236 Pedestrians on bridges and at railroad grade crossings

- (a) No pedestrian shall enter or remain upon any bridge or approach thereto beyond the bridge signal, gate, or barrier after a bridge operation signal indication has been given.
- (b) No pedestrian shall pass through, around, over or under any crossing gate or barrier at a railroad grade crossing or bridge while such gate or barrier is closed or is being opened or closed.
- (c) Pedestrians shall not loiter on any bridge on which the State Highway and Transportation Commissioner has posted signs prohibiting such action. Any person violating the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be punished accordingly.

§46.1-237 Playing on streets or highways; roller skates, toys or other devices on wheels or runners; persons riding bicycles, etc., not to attach to vehicles

- (a) No person shall play on a highway or street, other than upon the sidewalk thereof, within a city or town or on any part of a highway outside the limits of a city or town designated by the State Highway and Transportation Commissioner exclusively for vehicular travel. No person shall use on a highway or street where play is prohibited roller skates, or toys or other devices on wheels or runners, except bicycles and motorcycles. The governing bodies of counties, cities and towns may designate areas on highways or streets where play is prohibited or may restrict play to the use of roller skates, or toys or other devices on wheels or runners and, if such highways or streets have two traffic lanes, such persons using such devices, except bicycles and motorcycles, shall keep as near as reasonably possible to the extreme left side or edge of the left-hand traffic lane so that they will be facing oncoming traffic at all times.
- (b) No person riding upon any bicycles, roller skates, toys or other devices on wheels or runners, shall attach the same or himself to any vehicle upon a roadway.

§46.1-238 Penalty for violating §§46.1-230 to 46.1-237

Any person convicted of violating any of the provisions of §§46.1-230 through 46.1-237 shall be fined not less than two dollars nor more than twenty-five dollars for each offense.

§46.1-239 When vehicles to stop for pedestrians guided by dog or carrying white, red-tipped white or metallic cane

Whenever a pedestrian is crossing or attempting to cross a public street or highway, guided by a guide dog or carrying in a raised or extended position a cane or walking stick clearly visible above the body which is metallic or white in color or white tipped with red, the driver of every vehicle approaching the intersection or place of crossing shall bring his vehicle to a full stop before arriving at such intersection or place of crossing, unless such intersection or place of crossing is controlled by a traffic officer. Any person violating any provision of the section shall be guilty of a Class 4 misdemeanor.

§46.1-240 Construction of §46.1-239, failure to use cane or guide dog not contributory negligence

Nothing contained in §46.1-239 shall be construed to deprive any totally or partially blind or otherwise incapacitated person,

not carrying such a cane or walking stick or not being guided by a dog, of the rights and privileges conferred by law upon pedestrians crossing streets or highways, nor shall the failure of such totally or partially blind or otherwise incapacitated person to carry a cane or walking stick or to be guided by a guide dog upon the streets, highways or sidewalks of this Commonwealth be held to constitute nor be evidence of contributory negligence.

§46.1-241 Drivers to exercise due care

Notwithstanding other provisions of this Article or the provisions of any ordinances, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian (or any person propelling a human-powered vehicle) and shall give an audible signal when necessary and shall exercise proper precaution upon observing any child or any obviously confused, incapacitated or intoxicated person.

§46.1-242 No vehicle shall at any time be driven through or within a safety zone\*

§46.1-242.1 The driver of a vehicle crossing a sidewalk shall yield the right-of-way to any pedestrian and all other traffic on the sidewalk

## BICYCLE LAWS

### Analysis of Current Bicycle Laws

In recent years bicycling as a means of transportation and as a recreational activity has increased dramatically. Faced with the increasing volume of bicycle traffic and the corresponding increase

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\*"Safety Zone" is defined in the U.V.C. as:

"The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone."

There is no comparable definition in the Code of Virginia. Accordingly, legislation adopting such a definition may be advisable.

in interaction between bicycles and motor vehicles, it is reasonable to recommend a number of additions to the existing Virginia laws. These additions are warranted to define more clearly how bicyclists are to operate in traffic. For example, the proposed amendments include provisions which govern turning, signaling, and parking of bicycles. The current Virginia laws controlling bicycle turning, signaling, and parking fail to consider the unique nature of the bicyclists in traffic.

Along with the proposed additions to the current bicycle laws, one significant change in the laws is suggested. The proposed amendments would permit bicycles to be ridden on sidewalks. This proposal recognizes the fact that, in many cases, it is safer for bicyclists, particularly children, to operate off the highway and out of traffic. Accordingly, a bicyclist should be given the option of riding upon the sidewalk or the street, because an absolute ban on riding bicycles on sidewalks may unnecessarily force bicyclists into potentially hazardous situations. Of course, the use of bicycles on sidewalks may be prohibited by traffic control devices when circumstances warrant such a prohibition.

#### Proposed Bicycle Laws

The legislative proposal to effect the additions and changes discussed above is as follows:

46.1-229 — Traffic laws apply to persons on bicycles and other human-powered vehicles

Every person propelling a vehicle by human power or riding a bicycle shall have all of the rights and all of the duties applicable to the driver of any other vehicle except as to special regulations in this Article and except as to those provisions which by their nature can have no application.

46.1-229.1 — Riding on roadways and bicycle paths

- (a) Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.
- (b) Persons riding bicycles upon a highway shall not ride two or more abreast except on paths or parts of highways set aside for the exclusive use of bicycles.
- (c) Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

46.1-229.2 — Bicycles and human-powered vehicles on sidewalks

- (a) A person propelling a bicycle upon and along a sidewalk, or across a roadway upon and along a crosswalk, shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.
- (b) A person shall not ride a bicycle upon and along a sidewalk or across a roadway upon and along a crosswalk, where such use of bicycles is prohibited by official traffic control devices.
- (c) A person propelling a vehicle by human power upon and along a sidewalk, or across a roadway upon and along a crosswalk, shall have all the rights and duties applicable to a pedestrian under the same circumstances.

46.1-229.3 — Riding on bicycles

No bicycle shall be used to carry more persons at one time than the number for which it is designed or equipped, except that an adult rider may carry a child securely attached to his person in a backpack or sling.

46.1-229.4 — Carrying articles while operating a bicycle

No person operating a bicycle shall carry any package, bundle or article which prevents the use of both hands in the control and operation of the bicycle. A person operating a bicycle shall keep at least one hand on the handlebars at all times.

46.1-229.5 — Clinging to vehicles

- (a) No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any (streetcar or) vehicle upon a roadway.
- (b) This section shall not prohibit attaching a bicycle trailer or bicycle semitrailer to a bicycle if that trailer or semitrailer has been designed for such attachment.

46.1-229.6 — Left turns for bicyclists

- (a) A person riding a bicycle and intending to turn left shall follow a course described in §46.1-215 or in subsection (b).

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- (b) A person riding a bicycle and intending to turn left shall approach the turn as close as practicable to the right curb or edge of the roadway. After proceeding across the intersecting roadway, he shall make the turn as close as practicable to the curb or edge of the roadway on the far side of the intersection. After turning, the bicyclist shall comply with any official traffic control device or police officer regulating traffic on the highway along which he intends to proceed.
- (c) Notwithstanding the foregoing provisions, the state highway commission and local authorities in their respective jurisdictions may cause official traffic control devices to be placed and thereby require and direct that a specific course be traveled by turning bicycles, and when such devices are so placed, no person shall turn a bicycle other than as directed and required by such devices.

46.1-229.61 — Turn and stop signals for bicyclists

- (a) Except as provided in this section, a person riding a bicycle shall comply with §46.1-216.
- (b) A signal of intention to turn right or left when required shall be given continuously not less than the last 100 feet traveled by the bicyclist before turning, and shall be given while the bicyclist is stopped waiting to turn. A signal by hand and arm need not be given continuously if the hand is needed in the control or operation of the bicycle.

46.1-229.7 — Bicycle parking

- (a) A person may park a bicycle on a sidewalk unless prohibited or restricted by an official traffic control device.
- (b) A bicycle parked on a sidewalk shall not impede the normal and reasonable movement of pedestrian or other traffic.
- (c) A bicycle may be parked on the roadway at any angle to the curb or edge of the roadway at any location where parking is allowed.
- (d) A bicycle may be parked on the roadway abreast of another bicycle or bicycles near the side of the roadway at any location where parking is allowed.
- (e) A person shall not park a bicycle on a roadway in such a manner as to obstruct the movement of a legally parked motor vehicle.



- (f) In all other respects, bicycles parked anywhere on a highway shall conform with the provisions regulating the parking of vehicles.

46.1-229.8 — Bicycle racing

- (a) Bicycle racing on the highways is prohibited except as authorized in this section.
- (b) Bicycle racing on a highway shall not be unlawful when a racing event has been approved by state or local authorities on any highway under their respective jurisdictions. Approval of bicycle highway racing events shall be granted only under conditions which assure reasonable safety for all race participants, spectators and other highway users, and which prevent unreasonable interference with traffic flow which would seriously inconvenience other highway users.
- (c) By agreement with the approving authority, participants in an approved bicycle highway racing event may be exempted from compliance with any traffic laws otherwise applicable thereto, provided that traffic control is adequate to assure the safety of all highway users.

46.1-229.9 — Effect of regulations

- (a) It is a misdemeanor for any person to do any act forbidden or fail to perform any act required by §§46.1-229.1 through 46.1-229.8.
- (b) The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of these sections.

## MOTORCYCLE LAWS

### Analysis of Current Motorcycle Laws

At present, the operation of a motorcycle in Virginia is regulated, with one exception, by the provisions of §46.1-172 Va. Code Ann. The exception, which provides that operating motorcycles two abreast in a single lane constitutes reckless driving,

is found at §46.1-190 (d1) Va. Code Ann. It is believed that §46.1-172 is fundamentally sound, but would be improved if its provisions were categorized based upon some common element. Accordingly, the proposed legislation which is submitted incorporates the provisions of §46.1-172, but is organized by placing most provisions into one of three categories: (1) motorcycle equipment, (2) manner of riding, (3) manner of operation in traffic.

In the course of reorganization, the language of some provisions has been altered, but the proposed laws are essentially the same as the previous laws. The only substantial difference in the proposed legislation is that §46.1-190 (d1), noted above, has been abandoned. Therefore, motorcycles would be permitted to operate two abreast in a single lane. This proposed change is warranted by two considerations: (1) Motorcycles operated two abreast increase the visibility of the motorcyclist and thereby provide increased protection for motorcyclist; and (2) permitting the parallel operation of motorcycles in a single lane merely conforms to a common practice adhered to by a number of good citizens who probably are unaware that they are engaged in "reckless driving" conduct.

In addition to reorganizing the existing law on motorcycle operation, the proposal adds a number of provisions. The additions are set forth below. A review of these additions and consideration of the objectives advanced by them will demonstrate their desirability.

- (1) A person shall ride upon a motorcycle only while sitting astride the seat, facing forward, with one leg on each side of the motorcycle.
- (2) No person shall operate a motorcycle while carrying any package, bundle, or other article which prevents him from keeping both hands on the handlebars.
- (3) No operator shall carry any person, nor shall any person ride, in a position that will interfere with the operation or control of the motorcycle or the view of the operator.
- (4) No person riding a motorcycle shall attach himself or the motorcycle to any other vehicle (or streetcar) on a roadway.
- (5) No person shall operate any motorcycle with handlebars more than 15 inches in height above that portion of the seat occupied by the operator.

Proposed Motorcycle Laws

The legislative proposal for revision of Virginia's motorcycle laws is as follows:

46.1-172 — Traffic laws apply to persons operating motorcycles

Every person operating a motorcycle shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of any other vehicle under this act, except as to special regulations in this article and except as to those provisions of this act which by their nature can have no application.

46.1-172.01 — Operating motorcycles on roadways laned for traffic

- (a) All motorcycles are entitled to full use of a lane and no motor vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a lane. This subsection shall not apply to motorcycles operated two abreast in a single lane.
- (b) The operator of a motorcycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.
- (c) No person shall operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles.
- (d) Motorcycles shall not be operated more than two abreast in a single lane.
- (e) Subsections (b) and (c) shall not apply to police officers in the performance of their official duties.
- (f) This section shall not apply to any validly authorized parade, motorcade or motorcycle escort.

46.1-172.02 — Riding on motorcycles

- (a) A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the motorcycle at the rear or side of the operator.

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- (b) A person shall ride upon a motorcycle only while sitting astride the seat, facing forward, with one leg on each side of the motorcycle.
- (c) No person shall operate a motorcycle while carrying any package, bundle, or other article which prevents him from keeping both hands on the handlebars.
- (d) No operator shall carry any person, nor shall any person ride, in a position that will interfere with the operation or control of the motorcycle or the view of the operator.

46.1-172.03 — Clinging to other vehicles

No person riding a motorcycle shall attach himself or the motorcycle to any other vehicle (or streetcar) on a roadway.

46.1-172.04 — Equipment for motorcycle riders

- (a) No person shall operate or ride upon a motorcycle unless he is wearing protective headgear which complies with standards established by the Superintendent of State Police. Operators and passengers riding on motorcycles with wheels of eight inches or less in diameter shall not be required to wear protective helmets.
- (b) A person operating a motorcycle shall wear a face shield, safety glasses or goggles or have his motorcycle equipped with a safety glass or a windshield at all times while operating said vehicle. No motorcycle operator shall use any face shield, safety glasses or goggles or have his motorcycle equipped with safety glass or a windshield unless of a type approved by the Superintendent.
- (c) Failure to wear a face shield, safety glasses or goggles or protective helmet shall not constitute negligence per se in any civil proceeding.

46.1-172.05 — Footrests and handlebars

- (a) Any motorcycle carrying a passenger other than in a sidecar or enclosed cab shall be equipped with footrests for such passenger.
- (b) No person shall operate any motorcycle with handlebars more than 15 inches in height above that portion of the seat occupied by the operator.

## CONCLUSION

It may be assumed that the policy underlying the pedestrian, motorcycle, and bicycle laws should be to clearly and equitably define the rights and obligations of those to whom the laws apply. Moreover, the safety of all concerned is of paramount importance. Comprehensive and well-organized statutes go far toward accomplishing this goal, for the safety of those who use the highways is directly related to the quality of the Code by which the state seeks to govern public behavior. Thus, where the Virginia Code strays from its intended effect, as in the failure of the current pedestrian statute to define the consequences of not crossing at a crosswalk, it should be readily acknowledged that there is a need for revision. It is with these considerations in mind that the foregoing proposals are submitted.

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