

Draft.

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**States (and the District of Columbia) with three-foot laws, or a bill passed by state legislature that is expected to codify a three-foot law, and the statutory language, by year law established. (Each provision under the heading “Statutory Text” is a complete section of law unless it is offset by ellipses (...).)**

State	Effective date <sup>a</sup>	Statutory citation	Statutory Text
Wisconsin	April 20, 1974	Wis. Stat. Ann. § 346.075 (West 2009)	Overtaking and passing bicycles, electric personal assistive mobility devices, and motor buses  (1) The operator of a motor vehicle overtaking a bicycle or electric personal assistive mobility device proceeding in the same direction shall exercise due care, leaving a safe distance, but in no case less than 3 feet clearance when passing the bicycle or electric personal assistive mobility device, and shall maintain clearance until safely past the overtaken bicycle or electric personal assistive mobility device. (2) [omitted; the paragraph does not regulate bicycle traffic].
Minnesota	April 20, 1995 <sup>b</sup>	Minn. Stat. Ann. § 169.18 (West 2009) (Subdivision 5 of § 169.18 was amended by 2009 Minn. Sess. Law Serv. Ch. 86 (S.F. 1096) (WEST). The changes were clerical and did not affect Subdivision 3.)	... Subdivision 3. Passing.  The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to the limitations, exceptions, and special rules hereinafter stated: (1) the driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle; (2) except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible warning, and shall not increase the speed of the overtaken vehicle until completely passed by the overtaking vehicle; and (3) the operator of a motor vehicle overtaking a bicycle or individual proceeding in the same direction on the roadway shall leave a safe distance, but in no case less than three feet clearance, when passing the bicycle or individual and shall maintain clearance until safely past the overtaken bicycle or individual. ...
Arizona	April 17, 2000 <sup>b</sup>	Ariz. Rev. Stat. Ann. § 28-735 (2009)	Overtaking bicycles; civil penalties  A. When overtaking and passing a bicycle proceeding in the same direction, a person driving a motor vehicle shall exercise due care by leaving a safe distance between the motor vehicle and the bicycle of not less than three feet until the motor vehicle is safely past the overtaken bicycle. B. If a person violates this section and the violation results in a collision causing: 1. Serious physical injury as defined in § 13-105 another person, the violator is subject to a civil penalty of up to five hundred dollars. 2. Death to another person, the violator is subject to a civil penalty of up to one thousand dollars. C. Subsection B of this section does not apply to a bicyclist who is injured in a vehicular traffic lane when a designated bicycle lane or

			path is present and passable.
Utah	May 2, 2005	Utah Code Ann. § 41-6a-706.5 (West 2008)	<p>Operation of motor vehicle near bicycle prohibited</p> <p>An operator of a motor vehicle may not knowingly, intentionally, or recklessly operate a motor vehicle within three feet of a moving bicycle, unless the operator of the motor vehicle operates the motor vehicle within a reasonable and safe distance of the bicycle.</p>
Florida	Oct. 1, 2006	Fla. Stat. Ann. §316.083 (West 2009)	<p>The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions, and special rules hereinafter stated:</p> <p>(1) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall give an appropriate signal as provided for in <a href="#">s. 316.156</a>, shall pass to the left thereof at a safe distance, and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle. The driver of a vehicle overtaking a bicycle or other nonmotorized vehicle must pass the bicycle or other nonmotorized vehicle at a safe distance of not less than 3 feet between the vehicle and the bicycle or other nonmotorized vehicle.</p> <p>(2) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle, on audible signal or upon the visible blinking of the headlamps of the overtaking vehicle if such overtaking is being attempted at nighttime, and shall not increase the speed of his or her vehicle until completely passed by the overtaking vehicle.</p> <p>(3) A violation of this section is a noncriminal traffic infraction, punishable as a moving violation as provided in chapter 318.</p>
Oklahoma	July 1, 2006	Okla. Stat. Ann. tit. 47, § 11-1208 (West 2009)	<p>Overtaking and passing bicycle – Violations – Fines and penalties</p> <p>A. When overtaking and passing a bicycle proceeding in the same direction, a person driving a motor vehicle shall exercise due care by leaving a safe distance between the motor vehicle and the bicycle of not less than three (3) feet until the motor vehicle is safely past the overtaken bicycle.</p> <p>B. If a person violates the provisions of subsection A of this section and the violation results in a collision causing serious physical injury to another person, the person shall be subject to a fine of not more than Five Hundred Dollars (\$500.00).</p> <p>C. If a person violates the provisions of subsection A of this section and the violation results in the death of another person, the person shall be subject to a fine of not more than One Thousand Dollars (\$1,000.00), in addition to any other penalties prescribed by law.</p>
Maine	June 22, 2007	Me. Rev. Stat. Ann. tit. 29, § 2070 (West 2008)	<p>... 1-A. Passing Bicycle.</p> <p>An operator of a motor vehicle that is passing a bicycle proceeding in the same direction shall exercise due care by leaving a distance between the motor vehicle and the bicycle of not less than 3 feet while the motor vehicle is passing the bicycle. A motor vehicle operator may pass a bicycle traveling in the same direction in a no-passing zone only when it is safe to do so. ...</p>
Arkansas	July 31, 2007	Ark. Code Ann. § 27-51-311 (West 2009)	<p>Overtaking a bicycle.</p> <p>(a) The driver of a motor vehicle overtaking a bicycle proceeding in the same direction on a roadway shall exercise due care and pass to the left at a safe distance of not less than three feet (3') and shall not again drive to the right side of the roadway until safely clear of the overtaken bicycle.</p> <p>(b)(1) A person who violates this section shall be subject to a fine not to exceed one hundred dollars (\$100).</p> <p>(2) A person who violates this section with the violation resulting in a collision causing death or serious physical injury to the person</p>

			operating the overtaken bicycle shall be subject to a fine not to exceed one thousand dollars (\$1,000) in addition to any other penalties prescribed by law.
Tennessee	May 3, 2007	Tenn. Code. Ann. § 55-8-175 (West 2009)	<p>Operation upon Roadways ...</p> <p>(c)(1) This subsection (c) shall be known and may be cited as the “Jeff Roth and Brian Brown Bicycle Protection Act of 2007.”</p> <p>(2) The operator of a motor vehicle, when overtaking and passing a bicycle proceeding in the same direction on the roadway, shall leave a safe distance between the motor vehicle and the bicycle of not less than three feet (3’) and shall maintain the clearance until safely past the overtaken bicycle.</p> <p>(d) A violation of this section is a Class C misdemeanor.</p>
Illinois	Jan. 1, 2008	625 Ill. Comp. Stat. Ann. 5/11-703 (West 2009)	<p>Overtaking a vehicle on the left.</p> <p>The following rules govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions, and special rules otherwise stated in this Chapter:</p> <p>(a) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle. In no event shall such movement be made by driving off the pavement or the main traveled portion of the roadway.</p> <p>(b) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.</p> <p>(c) The driver of a 2 wheeled vehicle may not, in passing upon the left of any vehicle proceeding in the same direction, pass upon the right of any vehicle proceeding in the same direction unless there is an unobstructed lane of traffic available to permit such passing maneuver safely.</p> <p>(d) The operator of a motor vehicle overtaking a bicycle or individual proceeding in the same direction on a highway shall leave a safe distance, but not less than 3 feet, when passing the bicycle or individual and shall maintain that distance until safely past the overtaken bicycle or individual.</p>
Connecticut	Oct. 1, 2008	Conn. Gen. Stat. Ann. § 14-232 (West 2008) (Pocket part add'n to 2006 laws)	<p>(a) Except as provided in sections 14-233 and 14-234, (1) the driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the highway until safely clear of the overtaken vehicle; and (2) the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle. For the purposes of this subsection, “safe distance” means not less than three feet when the driver of a vehicle overtakes and passes a person riding a bicycle.</p> <p>(b) No vehicle shall be driven to the left side of the center of the highway in overtaking and passing another vehicle proceeding in the same direction unless the left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken.</p> <p>(c) Violation of any provision of this section shall be an infraction.</p>
New Hampshire	Jan. 1, 2009	N.H. Rev. Stat. Ann. § 265:143-a	Drivers to Exercise Due Care When Approaching Bicycle.

		(2009)	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.
District of Columbia	March 25, 2009	D.C. Mun. Regs., tit. 18, § 2202.10 (as codified in §3 of the Bicycle Safety Enhancement Amendment Act of 2008)	A person driving a motor vehicle shall exercise due care by leaving a safe distance, but in no case less than 3 feet, when overtaking and passing a bicycle.
Colorado	Expected, Aug. 5, 2009	2009 Colo. Legis. Serv. Ch. 239 §§ 2-3 (amending Colo. Rev. Stat. § 42-4-1003, -1004)	<p>(§ 42-4-1003) Overtaking a vehicle on the left.<sup>c</sup></p> <p>(1) The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to the limitations, exceptions, and special rules stated in this section and sections 42-4-1004 to 42-4-1008:</p> <p>(a) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left of the vehicle at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.</p> <p>(b) The driver of a motor vehicle overtaking a bicyclist proceeding in the same direction shall allow the bicyclist at least a three-foot separation between the right side of the driver's vehicle, including all mirrors or other projections, and the left side of the bicyclist at all times.</p> <p>(c) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of the driver's vehicle until completely passed by the overtaking vehicle.</p> <p>2) Any person who violates any provision of this section commits a class A traffic infraction.</p> <p>(§ 42-4-1004) When overtaking on the right is permitted.</p> <p>(1) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:</p> <p>(a) When the vehicle overtaken is making or giving indication of making a left turn;</p> <p>(b) Upon a street or highway with unobstructed pavement not occupied by parked vehicles and marked for two or more lanes of moving vehicles in each direction; or</p> <p>(c) Upon a one-way street or upon any roadway on which traffic is restricted to one direction of movement where the roadway is free from obstructions and marked for two or more lanes of moving vehicles.</p> <p>(1.5) The driver of a motor vehicle upon a one-way roadway with two or more marked traffic lanes, when overtaking a bicyclist proceeding in the same direction and riding on the left-hand side of the road, shall allow the bicyclist at least a three-foot separation between the left side of the driver's vehicle, including all mirrors or other projections, and the right side of the bicyclist at all times.</p> <p>(2) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main-traveled portion of the roadway.</p> <p>(3) Any person who violates any provision of this section commits a</p>

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class A traffic infraction.

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Louisiana	Expected, Aug. 15, 2009	H.B. 175, 2009 Regular session. <sup>d</sup> (Adding La. Rev. Stat. Ann. § 32:76.1)	Limitations on passing bicycles.  A. This Section shall be known as the Colin Goodier Protection Act. B. The operator of a motor vehicle, when overtaking and passing a bicycle proceeding in the same direction on the roadway, shall leave a safe distance between the motor vehicle and the bicycle of not less than three feet and shall maintain such clearance until safely past the overtaken bicycle. C. The Department of Public Safety and Corrections, office of motor vehicles, is directed to include a summary of this Section in any instructional publication for drivers. D. The Department of Transportation and Development is directed to place signs in areas frequently used by bicyclists in an effort to make motorists aware of the need to share the road with bicyclists. E. The Louisiana Highway Safety Commission is directed to engage in a public awareness campaign to notify motorists and bicyclists of the provisions of this Section. F. Any person who violates this Section shall be fined not more than two hundred fifty dollars.
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<sup>a</sup> Date reflects when three-foot language was enacted. Statute may have existed in another form prior.

<sup>b</sup> Reflects date of signature by Governor. Legislative materials do not indicate other effective date.

<sup>c</sup> As expected to read when bill language takes effect.

<sup>d</sup> See, <http://www.legis.state.la.us/billdata/streamdocument.asp?did=661347>