Increased Bicycle Use Means It Is Time to Revisit Vehicle Laws

By: Robert Proudfoot, Staff Member

With environmental advocates pushing for bicycling as an alternative to automobiles through new users and Bike Share programs, bicycling laws become more important as way to eliminate safety risks and provide standards of conduct for predictable road use. Currently, the state and local laws for bicyclists are ambiguous; sometimes they are motor vehicles or other times pedestrians. In some states, bicyclists are not subject to violations for driving under the influence laws ("DUI laws") while theses laws apply in other
states.[1] Further, state uninsured motorist insurance coverage does not apply to accidents with bicyclists. [2] For traffic violations, some courts have ruled that bicycles are “vehicles” and subject to traffic laws.[3] This piecemeal approach for bicycling serves to muddle the regulatory environment and create uncertainty as to the rights and duties of all road users.

Bicycle advocates have long debated whether a bicycling should be considered use of a vehicle or not under state law.[4] The United Kingdom struggled with this ambiguity more than a hundred years ago when it defined a bicycle use as a “carriage” in regulation.[5] By placing bicycles into an already defined category of vehicle, it required riders to have a “lamp” and give an audible signal for passing.[6] An Oregon case, State v. Potter, exemplifies the strained application of vehicle definitions to bicycling in the United States.[7] In that case, a bicyclist was cited for a traffic violation but appealed the decision on the basis that the relevant law only applied to “motor vehicles” and not “vehicles.”[8] The court agreed that the law was only for “motor vehicles” but held that another statute gives a bicyclist the “same rights and duties as the driver of any other vehicle” which includes motor vehicles.[9] The court ruled that the bicycle, even though it was only a vehicle, had to follow the motor vehicle traffic law in question.[10] In California, bicyclists also have the same rights and duties as drivers of motor vehicles.[11]

Bicycle lanes are regulated separately in different states as well.[12] In California, it is considered another lane of traffic that automobiles must cross to turn right, similar to bus lanes.[13] In Oregon, automobiles must yield to a bicycle lane behind them before making any turns.[14] While Oregon’s law is meant to protect bicyclists from right-hook accidents from turning automobiles, collisions still occur and the law has confounded some.[15]

Bike share programs implemented in places like New York City, Washington, D.C., and Miami have further complicated the issue.[16] In these cities, there is an increasing amount of first-time or casual bicyclists. This group may not understand the fact that while bicycles are not legally defined as motor vehicles, bicyclists are required to follow traffic laws as a vehicle.[17] The new riders ride on sidewalks, go down one-way streets the wrong way, and slalom in and out of traffic unpredictably.[18] New York City just recently started aggressively issuing tickets to commercial bicyclists, such as food delivery or messenger persons, for riding on the sidewalks, violating traffic laws, and unsafe riding.[19] In Florida and most other states, even though a bicycle is considered a vehicle under state law, a bicyclist has the right to ride on a sidewalk.[20]

As public officials struggle to define a bicycle’s official legal status on roads and sidewalks, tensions between bicyclists, automobiles, and pedestrians are on the rise. The legal issue and conflict will continue as increasing increases in popularity as an environmentally friendly alternative.

[6] Id at §85(1)(a).
[7] Id at §85(1)(b).
[8] Id at §§ 85(1)(a), (b).
[13] Id at §85(1)(a).
[14] Id at §85(1)(b).
[15] Id at §§ 85(1)(a), (b).
[16] 75 Cal. App. 2d 300, 305, 170 P.2d 999, 1003 (1946) (when a bicyclist and motorist meet at an intersection, the person on the left must yield according to traffic laws).
[18] See also 9 Couch on Ins. § 123:23 (3d. ed. 2011).
[20] Id at §85(1)(a).

Older Post: The Drought's effect on corn and its subsequent effect on meat prices (Full-blog/2012/09/the-droughts-effect-on-corn-and.html)

[8] Id. at 945-46.
[9] Id. at 945.