

## **Laws Applicable to Motor Vehicle and Bicycle Operation**

### **Section 230:74**

**230:74 Definitions.** – As used in this subdivision:

I. "Bicycle" means every vehicle propelled solely by human power upon which any person may ride, having 2 tandem wheels, except scooters and similar devices.

II. "Bicycle route" means any lane, way, path or trail designated by appropriate signs, that explicitly provides for bicycle travel.

III. "Bicycle lane" means a portion of a roadway which has been designated for the preferential or exclusive use of bicycles. It is distinguished from the portion of the roadway for motor vehicular traffic by a paint stripe or similar device. Improved road edges are considered a bicycle lane where so designated.

IV. "Bicycle path or trail" means a separate trail or path which is for the exclusive use of bicycles where a trail or path forms a part of a highway, which is separated from the roadway for motor vehicular traffic by an open space or barrier.

**Source.** RSA 250:26. 1979, 486:2. 1981, 87:1, eff. April 20, 1981; 337:1, 2, eff. Aug. 16, 1981.

### **Section 230:75**

**230:75 Commissioner of Transportation; Powers and Duties.** – In addition to the powers and duties of the commissioner of transportation under this title, the commissioner:

I. May expend the amounts necessary for the establishment, operation and maintenance of bicycle routes and lanes and may expend amounts necessary for bicycle paths or trails.

II. May acquire by purchase, gift or condemnation in accordance with the procedures established pursuant to this title and RSA 498-A, any real property or interest therein that shall be necessary or appropriate for the development of bicycle routes.

III. May enter into written cooperative agreements with landowners, federal agencies, state agencies, local governments, private organizations and individuals in order to provide for the development, maintenance, operation, location and relocation of a bicycle route.

IV. May publish and exhibit rules concerning the use of a bicycle route in accordance with the provisions of RSA 541-A.

V. May provide a uniform system of designating bicycle routes consistent with the purposes of this subdivision and submit bicycle route plans for inclusion in any highway plan, whether or not the highway plan is for new construction or reconstruction of an existing highway.

VI. May recommend construction standards for bicycle routes and determine priority of routes to receive state funding using the guidelines established by the bicycle study.

VII. May provide technical assistance, in conjunction with other public agencies, in planning and developing bicycle routes.

VIII. May assist and cooperate with regional planning commissions, municipal governments, other state agencies and citizens' groups in the development and construction of local and regional bicycle projects and in the application for any funds available for such projects.

IX. Shall evaluate the standards established for bicycle route construction or along the edges of rural highways in light of the economic, aesthetic, and environmental concerns. As part of his study the commissioner shall consider:

(a) The minimum improvement to the shoulder or road edge necessary to provide a travel lane of adequate width for safe maneuvering for bicycles.

(b) The minimum warrants that must exist to provide the construction of a separate bike path or trail.

X. Shall construct any bicycle route, lane, path or trail with suitable materials to provide a hard surface.

**Source.** RSA 250:27. 1979, 486:2. 1981, 87:1; 337:3-5. 1985, 402:6, I(b)(2).

#### **Section 230:76**

**230:76 Cooperation Among Agencies.** – For the purposes of this subdivision the department of resources and economic development shall assist the commissioner of transportation in matters relating to recreational use and the availability of government funds which may be used for purposes of this subdivision. The department of safety shall assist the commission in matters relating to bicycle safety.

**Source.** RSA 250:28. 1979, 486:2. 1981, 87:1. 1985, 402:6, I(b)(2).

#### **Section 230:77**

**230:77 Bicycle Highways.** – The department of transportation shall design, locate and erect suitable signs to mark the bicycle paths or trails established pursuant to the provisions of RSA 12-B:4 along class I, II, III and IV highways so designated as bicycle paths and trails.

#### **Section 230:80**

##### **230:80 Liability of the Department of Transportation; Standard of Care. –**

I. The department of transportation shall not be held liable for damages in an action to recover for personal injury or property damage arising out of its construction, maintenance, or repair of public highways and highway bridges unless such injury or damage was caused by an insufficiency, as defined by RSA 230:78, and:

(a) The department of transportation received a notice of such insufficiency as set forth in RSA 230:78, but failed to act as provided by RSA 230:79; or

(b) The commissioner of the department of transportation who is responsible for maintenance and repair of highways or highway bridges, had actual notice or knowledge of such insufficiency, by means other than notice pursuant to RSA 230:78 and was grossly negligent or exercised bad faith in responding or failing to respond to such actual knowledge; or

(c) The condition constituting the insufficiency was created by an intentional act of an employee acting in the scope of his official duty while in the course of his employment, acting with gross negligence, or with reckless disregard of the hazard.

(d) The department of transportation shall adopt rules, under RSA 541-A, relative to procedures for written and oral notice, and for the transfer of personal knowledge regarding insufficiencies to responsible supervisory persons, to insure that information relative to such insufficiencies in the highway system is quickly communicated to those empowered to make decisions about repairs and posting.

II. Any action to recover damages for bodily injury, personal injury or property damage arising out of construction, repair or maintenance of its public highways or highway bridges shall be dismissed unless the complaint describes with particularity the means by which the department of transportation received actual notice of the alleged insufficiency, or the intentional act which created the alleged insufficiency.

III. The acceptance or layout of a public highway shall not be construed to confer upon the department of transportation any notice of, or liability for, insufficiencies or defects which arose or were

created prior to such layout or acceptance.

IV. The setting of construction, repair, or maintenance standards of levels of service of highways and highway bridges by the commissioner, whether accomplished formally or informally, shall be deemed a discretionary, policy function for which the department of transportation shall not be held liable in the absence of malice or bad faith. However, the department shall develop and implement standards for the design and placement of rumble strips, drain grates, and road surface treatments that eliminate foreseen hazards for **bicyclists** by following federal guidelines.

**Section 259:122**

**259:122 Vehicle.** – "Vehicle" shall mean:

I. Except as provided in paragraphs II and III, **every mechanical device in, upon or by which any person or property is or may be transported or drawn upon a way**, excepting devices used exclusively upon stationary rails or tracks;

II. [Repealed.]

III. When used in the provisions of RSA 264 <<<<accidents and financial responsibility>>>>, the same as paragraph I of this section, but not including bicycles and mopeds.

**Section 259:6**

**259:6 Bicycle.** – "Bicycle" shall mean every pedalled vehicle propelled solely by human power upon which any person may ride, except child's tricycles and similar devices.

**Section 265:11-a**

**265:11-a Prohibiting Avoidance of Traffic Signals.** – At any traffic control signal or sign, it shall be unlawful for the driver of a motor vehicle to cut across public or private property at or near the intersection which is not a roadway to avoid the traffic control signal or sign. Any person who violates the provisions of this section shall be guilty of a violation.

**Section 265:19**

**265:19 When Overtaking on the Right is Permitted.** – The driver of a vehicle may overtake and pass on the right of another vehicle only under the following conditions:

I. When the vehicle overtaken is making or about to make a left turn;

II. Upon a roadway with unobstructed pavement of sufficient width for 2 or more lines of vehicles moving lawfully in the direction being traveled by the overtaking vehicle;

III. The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. Such movement shall not be made by driving off the roadway.

**Section 265:26-a**

**265:26-a Driving Upon Sidewalk.** – No person shall drive any vehicle upon a sidewalk or sidewalk area except when a permanent or authorized temporary driveway crosses the sidewalk area.

**Section 265:37**

**265:37 Drivers to Exercise Due Care.** – Notwithstanding the foregoing 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 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.

**Section 265:44**

**265:44 Moving a Vehicle.** – No person shall turn a vehicle or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person shall turn a vehicle or move right or left upon a roadway without giving an appropriate signal in a manner hereinafter provided.

**Section 265:45**

**265:45 Turning Movements and Required Signals.** –

I. No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in RSA 265:42, or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal in the manner hereinafter provided.

II. A signal of intention to turn right or left when required shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning.

III. No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

IV. The signals provided for in RSA 265:46, II, shall be used to indicate an intention to turn, change lanes, or start from a parked position and shall not be flashed on one side only on a parked or disabled vehicle, or flashed as a courtesy or "do pass" signal to drivers of other vehicles approaching from the rear.

**Section 265:46**

**265:46 Signals by Hand and Arm or Signal Lamps.** –

I. Any stop or turn signal when required herein shall be given either by means of the hand and arm or by lighted signal lamps, except as otherwise provided in paragraph II.

II. Any vehicle in use on a way shall be equipped with, and required signal shall be given by, lighted signal lamps when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of such vehicle exceeds 24 inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds 14 feet. The latter measurement shall apply to any single vehicle, and to any combination of vehicles.

**Section 265:47**

**265:47 Method of Giving Hand-and-Arm Signals.** – All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

I. Left turn--Hand and arm extended horizontally.

- II. Right turn--Hand and arm extended upward.
- III. Stop or decrease speed--Hand and arm extended downward.

**Section 265:78**

**265:78 Competitive Bicycle or Moped Races.** – No person shall conduct or participate in any competitive bicycle or moped race on any class I, class III, or class III-a highway or on the state-maintained part of any class II highway, unless such race is sponsored by a recognized bicycle or moped organization and the sponsor of such race has obtained, prior to such race, the written approval of the commissioner and of the police department of each city, town or place in which such race is to be held. In the case of a competitive bicycle or moped race on a class III-a highway, the sponsor of the race shall also obtain the approval of the executive director of the fish and game department. The commissioner and the executive director of the fish and game department may require insurance, police coverage or other regulations to insure the safety and protection of the public, and the permit may exempt competitors from such requirements of this chapter relative to rules of the road as are not inconsistent with public safety.

**Section 265:143**

**265:143 Application of Motor Vehicle Laws to Bicycles.** –

I. Every person propelling a vehicle by human power or riding a bicycle shall have all of the rights and be subject to all of the duties applicable to the driver of any other vehicle under the rules of the road, except as provided in paragraph II and as to special regulations in this subdivision and except as to those provisions which by their nature can have no application.

II. (a) Any peace officer, wearing a distinctive uniform, operating a bicycle during the course of his or her duties is exempt from the provisions of this subdivision, except as those provisions relate to driving under the influence of alcoholic beverages or drugs, if the bicycle is being operated under any of the following circumstances:

- (1) In response to an emergency call.
- (2) While engaged in a rescue operation.
- (3) In the immediate pursuit of an actual or suspected violator of the law.

(b) This paragraph shall not relieve a peace officer from the duty to operate a bicycle with due regard for the safety of all persons using the public way.

**Section 265:143-a**

**265:143-a Drivers to Exercise Due Care When Approaching Bicycle.** – 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.

**Section 265:144**

**265:144 Riding on Bicycles.** –

I. A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached to the bicycle.

II. No bicycle shall be used to carry more persons at one time than the number for which it is designed

and equipped.

III. No person riding upon any bicycle, coaster, roller skates, skateboard, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

IV. No person operating a bicycle shall carry any package, bundle or article which prevents the driver from keeping at least one hand upon the handlebars.

V. Persons riding bicycles 2 or more abreast shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane.

VI. Bicyclists intending to turn right or left shall not be required to give a continuous hand or arm signal if the hand is needed in the control or operation of the bicycle.

VII. A person propelling a bicycle may pass a slower-moving vehicle in the same lane provided such movement can be made with reasonable safety. A person propelling a bicycle may pass a stationary or stopped motor vehicle on the right.

VIII. Any bicyclist shall stop upon demand of a peace officer and permit his bicycle to be inspected.

IX. No bicycle shall be operated unless the steering, brakes, tires and other required equipment are in safe condition.

X. No person less than 16 years of age may operate or ride upon a bicycle on a public way unless he or she wears protective headgear of a type approved by the commissioner of health and human services.

XI. A person propelling a bicycle upon a way at a speed less than the normal speed of traffic moving in the same direction at that time and place shall remain on the right portion of the way as far as practicable except when it is unsafe to do so or:

(a) When overtaking and passing another bicycle or any other vehicle proceeding in the same direction.

(b) When preparing for or making a left turn at an intersection or into a driveway.

(c) When proceeding straight in a place where right turns are permitted.

(d) When necessary to avoid hazardous conditions, including, but not limited to, fixed or moving objects, vehicles, bicycles, pedestrians, animals, broken pavement, glass, sand, puddles, ice, or opening doors of parked vehicles.

XII. A bicyclist shall wear at least one item of reflective outerwear apparel, such as a reflective vest, jacket, or helmet strip, during the period from 1/2 hour after sunset to 1/2 hour before sunrise.

#### **Section 265:145**

**265:145 Clinging to Vehicles Prohibited.** – No person riding a motorcycle, bicycle, moped, coaster, sled, skateboard, or toy vehicle, or wearing roller skates, shall hold fast to, or hitch onto any streetcar, or any other vehicle moving upon a way.

#### **Section 265:146**

**265:146 Permits.** – The mayor of a city, or selectmen of a town, may, in their discretion, upon any special occasion, grant permits to any persons to ride bicycles or mopeds, at any rate of speed, for a time not exceeding one day upon specified portions of the public ways of such city or town, and may annex such other reasonable conditions to such permits as they may deem proper.

#### **Section 265:149**

**265:149 Ordinances and Bylaws.** – Any city or town shall have the power to make ordinances, bylaws or regulations respecting the use and equipment of bicycles, except mopeds as defined in RSA 259:57, on its ways, provided that any such ordinances, bylaws or regulations enacted with respect to such

equipment shall be at least as stringent as the requirements of RSA 266:85-89. Any city or town may require that bicycles, except mopeds as defined in RSA 259:57, be licensed and may charge reasonable fees for such licensing.

#### **Section 265:152**

##### **265:152 Bicycle Parking. –**

I. A person may park a bicycle on a sidewalk unless prohibited or restricted by an official traffic control device.

II. A bicycle parked on a sidewalk shall not impede the normal and reasonable movement of pedestrian or other traffic.

III. 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.

IV. In all other respects, bicycles parked on a way shall conform with provisions of law regulating the parking of vehicles.

#### **Bicycles and Mopeds**

##### **Section 266:85**

**266:85 Application of Chapter to Bicycles. –** No preceding provision of this chapter shall apply to bicycles nor to equipment for use on bicycles unless a provision has been made specifically applicable to bicycles or their equipment.

**Source.** 1981, 479:57, eff. Jan. 1, 1982, at 12:01 a.m.

##### **Section 266:86**

**266:86 Headlamp Required at Night. –** Every bicycle operated upon any way during darkness shall be equipped with a lamp emitting a white light visible from a distance of 300 feet in front of the bicycle and with a red reflector on the rear of a type approved by the director, which shall be visible from a distance of 300 feet to the rear when directly in front of the lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from 300 feet to the rear may be used in addition to the red reflector. Every moped driven upon any way during darkness shall be equipped with one headlamp which meets the specifications for headlamps established in RSA 266:31. Taillamps and stop lamps are required on mopeds.

**Source.** RSA 250:11-d. 1971, 319:1. 1981, 146:1, eff. Jan. 1, 1982; 479:57, eff. Jan. 1, 1982, at 12:01 a.m.

##### **Section 266:87**

##### **266:87 Pedal Reflectors and Reflective Equipment Required. –**

I. No person shall operate a bicycle, except for a bicycle equipped with clipless pedals, or moped unless such bicycle or moped has pedals equipped with a reflector of a type approved by the director which conform to 49 CFR 571.108 Table 2 and which shall be visible from the front and rear of the bicycle or moped from a distance of 200 feet during darkness.

II. No person, during darkness, shall operate a bicycle equipped with clipless pedals unless the operator is wearing either reflectorized leg bands on the lower exterior of the operator's legs or some other type of light reflective equipment on the exterior of either the operator's legs or shoes.

**Source.** RSA 250:11-e. 1971, 319:1. 1981, 146:1; 479:57. 1983, 431:14. 2000, 126:1, eff. July 7, 2000.

**Section 266:88**

**266:88 Brake Required.** – Every bicycle and moped shall be equipped with a brake or brakes which will enable its driver to stop the bicycle or moped within 25 feet from a speed of 10 miles per hour on dry, level, clean pavement.

**Source.** RSA 250:11-a. 1971, 319:1. 1981, 146:1, eff. Jan. 1, 1982; 479:57, eff. Jan. 1, 1982, at 12:01 a.m.

**Section 266:89**

**266:89 Sirens Prohibited.** – No bicycle or moped shall be equipped with a siren, nor shall any person on a bicycle or moped use a siren.