

**PUBLIC CHAPTER NO. 81****HOUSE BILL NO. 235**

**By Representatives Overbey, McCord, Montgomery, DuBois, Bone, Shaw, Hensley, Ferguson, Strader, Casada, Shepard, Maddox, Pinion, McCormick, Sargent, Fitzhugh, Hawk, Favors, Dean, Sontany, Harry Brooks, Williams**

**Substituted for: Senate Bill No. 1699**

**By Senators Herron, Lowe Finney, Woodson, McNally, Burchett, Marrero, Black**

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 8, Part 1, to enact the "Jeff Roth Bicycle and Pedalcyclists Protection Act of 2007".

WHEREAS, Tennessee Code Annotated, Section 55-8-172, provides that a person riding a bicycle upon a roadway has the same right to that roadway as the driver of a motor vehicle and has all of the rights and duties applicable to the driver of a motor vehicle while using such roadway; and

WHEREAS, Tennessee Code Annotated, Section 55-8-175, specifies certain safety requirements for a pedalcyclist when approaching a motor vehicle on a roadway but fails to specify any safety requirements for when a motor vehicle approaches a pedalcyclist on a roadway; and

WHEREAS, in 2004 there were seven (7) traffic-related pedalcyclist fatalities in Tennessee and five hundred twenty (520) traffic crashes involving pedalcyclists; in 2005 the number of fatalities rose to ten (10) while there were four hundred fifteen (415) crashes, and in 2006 there were at least seven pedalcyclist fatalities and four hundred thirty-four (434) crashes; and

WHEREAS, one of these senseless deaths was avid pedalcyclist Jeffrey Roth, who was struck and killed while riding his bicycle in December, 2006 in Blount County by a motorist who was later charged with criminal homicide; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-8-175 is amended by adding the following new subsection (c) and by re-lettering present subsection (c) as subsection (d) as follows:

(c)

(1) This subsection shall be known and may be cited as the "Jeff Roth and Brian Brown Bicycle Protection Act of 2007."

(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 such clearance until safely past the overtaken bicycle.

(d) A violation of this section is a Class C misdemeanor.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.”

**PASSED: April 18, 2007**

  
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JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

  
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RON RAMSEY  
SPEAKER OF THE SENATE

**APPROVED this 3rd day of May 2007**

  
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PHIL BREDEESEN, GOVERNOR