Comparison of West Virginia and Iowa laws pertaining to passing bicyclists

|  |  |  |
| --- | --- | --- |
| **Topic** | **West Virginia law** | **Iowa law** |
| Same Rights and Rules | **§17C-11-2. Traffic laws apply to persons riding bicycles.**  Every person riding a bicycle upon a roadway **shall be granted all of the rights** **and shall be subject to all of the duties applicable to the driver of a vehicle** by this chapter, except as to special regulations in this article and except as to those provisions of this chapter which by their nature can have no application. | **321.234 BICYCLES, ANIMALS, OR ANIMAL-DRAWN VEHICLES.** 2. **A person**, including a peace officer, **riding a bicycle on the highway** is subject to the provisions of this chapter and **has all the rights and duties under this chapter applicable to the driver of a vehicle**, except those provisions of this chapter which by their nature can have no application or those provisions for which specific exceptions have been set forth regarding police bicycles. |
| Safe passing | **§17C-7-3. Overtaking and passing vehicle proceeding in same direction -- Passing on the left generally; penalty.** (a) The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to these limitations, exceptions, and special rules hereinafter stated. (1) **The driver of a vehicle overtaking another vehicle proceeding in the same direction shall give an audible signal and 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 signal and shall not increase the speed of his or her vehicle until completely passed by the overtaking vehicle. | **321.299 OVERTAKING A VEHICLE.** 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:**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.** 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 and shall not increase the speed of the overtaken vehicle until completely passed by the overtaking vehicle. |
| A bicycle is not a vehicle | **§17C-1-2. Vehicle**.  "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, **except devices moved by human power** or used exclusively upon stationary rails or tracks or wheelchairs. | **321.1 DEFINITIONS OF WORDS AND PHRASES.**40. *c. "Bicycle"* means either of the following:(1) A **device** having two wheels and having at least one saddle or seat for the use of a rider which is propelled by human power. (2) A device having two or three wheels with fully operable pedals and an electric motor of less than seven hundred fifty watts(one horsepower), whose maximum speed on a paved level surface, when powered solely by such a motor while ridden, is less than twenty miles per hour. |