

Approved 4-1-86
Date

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES

The meeting was called to order by Sen. Bill Morris at
Chairperson

9:00 a.m. ~~pm~~ on March 25, 1986 in room 254-E of the Capitol.

All members were present ~~except~~.

Committee staff present:

Hank Avila, Legislative Research Department
Arden Ensley, Revisor of Statutes
Louise Cunningham, Secretary

Conferees appearing before the committee:

Larry Ross, Wichita, President, Bicycle Kansas, Inc.
Rev. John Richter, Meriden
Tracey McVay, Prairie Village, Johnson County Bicycle Club
Ed DeSoignie, KDOT
Rep. Dillon
Janet Bohanon, Lupus Foundation, Kansas City
Diana Hallgrimson, Lupus Foundation, Lenexa
Ann Stice, Lupus Foundation, Topeka
Beth Thompson, Lupus Foundation, Lawrence
Chris Rettig, Lupus Foundation, Topeka
John Pinkerton, AIMCAL/Film Industry, Tempe, Arizona
Lt. Bill Jacobs, Kansas Highway Patrol

HEARING ON H.B. 2559 - Operation and equipment of bicycles upon streets and highways.

Larry Ross is an enthusiastic bicyclist and has been commuting to work for over 12 years. He is very active in bicycling organizations. He said there was a need to update the statutes for bicycling safety on the streets. He said bicycles should be given vehicle status. Right now the bicycle is not regarded as a vehicle and the statutes have not been changed in over twenty years. With the increase in the number of bicycles on the streets there was a need for an update. A copy of his statement is attached. (Att. 1).

Rev. John Richter, Meriden, said he was involved in the bicycle touring business and rode approximately 2,500 miles annually. He was concerned about promoting bicycle safety and updating the State's Uniform Code. A copy of his statement is attached. (Att. 2).

Tracey McVay said the Johnson County Bicycle Club is composed of approximately 400 members and they are interested in promoting safe cycling. They support H.B. 2559. A copy of her statement is attached. (Att. 3).

Ed DeSoignie, DOT, said the Department has worked with the bicyclists for the past several years and the main thrust of the bill is conformity to the Uniform Vehicle Code. They support H.B. 2559 as amended by the House.

HEARING ON H.B. 2755 - Allowing use of certain film or glaze on windshields.

Rep. Dillon said members of the Lupus Foundation last November requested legislation which would screen out ultra-violet rays by the use of glazing material on windows of automobiles. Several women who have Lupus were appearing before this committee today.

Janet Bohanon, said people with Lupus were sensitive to the sun and heat and their lives are endangered. She said they need protection from ultra-violet sun rays. They have to be protected from the sun for medical reasons. She distributed an article pertaining to Lupus from the Kansas City Star dated March 11, 1986. A copy is attached. (Att. 4).

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES

room 254-E, Statehouse, at 9:00 a.m./~~p.m.~~ on March 25, 1986

Diana Hallgrimson said the tinted windshield does not protect them. They do not need heavy, dark screening. They need a film or glazing that reduces the ultraviolet light transmission.

Marilyn Osgood said she cannot be out in the car for longer than one hour in the sunlight hours. The last time she drove up to Lincoln she ended up in the hospital.

Ann Stice, Topeka, said she has had Lupus for 25 years but has been in remission for the past ten years. She still has problems and the sun still bothers her. She said this bill would help her.

Beth Thompson, Lawrence, said her reactions to the sun vary. She was offered a job in Topeka but could not take it because commuting would be too difficult on her. The exposure to the sun would bother her. She said she needs a sun-filtering film on her car.

Chris Rettig said she took a job which would require her to drive three or four days a week. She could not hold the job because she was too sensitive to the sun. She said a film that would filter out the sun rays would be very helpful and it was necessary for her.

John Pinkerton said he was representing the companies that manufacture the window film. He said these companies make 95% of the film and he had permission to speak for all of them. He said this committee had received misinformation. The 80% light transmission film is not available in Kansas. This was only an experimental film produced only for professional installers. He said the 35% light transmission film is the only film for these people with Lupus. This is the film which has been accepted by consumers and law enforcement people and is legal virtually nationwide. He distributed information entitled "The Consumer and Nonreflective Window Film". A copy is attached. (Att. 5).

Lt. Jacobs said a doctor had testified in the House hearing that no matter what shade the tint was, it takes care of the ultraviolet rays.

Meeting was adjourned at 10:00 a.m.

SENATE TRANSPORTATION AND UTILITIES COMMITTEE

Date 3-25-86 Place 254-E Time 9⁰⁰

GUEST LIST

NAME	ADDRESS	ORGANIZATION
David S. Warner	Box 1411 Topeka, KS 01	Peterson Systems
W Peterson	2023 E 29th	Peterson Systems
Neil Rogers	7949 SW 21st	Bicycle
STEVEN HENDRICKS	CAPITOL	GOVERNOR'S OFFICE
LT. BILL JACOBS	TOPEKA	KANSAS HIGHWAY PATROL
HAROLD B TURNER	TOPEKA	DEPT. OF REVENUE
JOHN SPINKERTON	TEMPE AZ	AIMCAL / Film Industry
Tracy McVay	Prairie Village, Mo.	Johnson County Bicycle Club
Phil Menninger	TOPEKA 1637 Freeman	Kan Valley Bicycle Racing Club KS Bicycle Dealers Assn
Jean Muggen	Topeka	Kan Valley Bible Club
Rev John F Richter	PO Box "Meiden", KS	Kansas East Conference United Methodist Church

SENATE TRANSPORTATION AND UTILITIES COMMITTEE

Date 3-25-86 Place 254-E Time 9:00

GUEST LIST

NAME	ADDRESS	ORGANIZATION
LARRY ROSS	452 NO. CLIFTON	BICYCLE KANSAS
HAROLD OELSCHLAEGER	TOPEKA, KS 2613 SW 8th Hitchman	KAN VALLEY BICYCLE TOURING CLUB
Pat Hopensardness	6617 No. Madison	Window Tint
David H. Myatt	Wichita KS	Sunglow
BRUCE MITCHELL	2-25 509 N. 11th	GLT
Pat Keeloy	6523B-40th Tulsa OK	Medico
BRUCE GRAHAM	TOPEKA	KSMOTOR CARRIERS ASSN
Manlyna Jsgood	Lorusbury Ka	Lupus Foundation
Ann Stice	Topeka	✓
Janet Chabon	K.C.K.	Lupus Foundation
Ruth Thompson	2344 Michelland Lawrence	Lupus Foundation
Chris Fetter	1625 S. LOWEFORD	
Steve DeJouise	Wichita	THE TINT SHOP
PETE SARTORO	1020 E. 5th St K.C. MO 64110	PRO-TINT
Wendell Pablaugh	1375 S 33 NW. NE 63510	Pro Marketing



Larry Ross
Bicycle Advocate
Bicycle Safety Educator

452 N. Clifton
Wichita, Ks. 67208-3236
(316) 687-1475

President, Bicycle Wichita Inc.
President, Bicycle Kansas Inc.
Non Profit Organizations

TESTIMONY BEFORE
KANSAS SENATE TRANSPORTATION & UTILITIES
COMMITTEE
MARCH 25, 1986

LARRY ROSS

HB 2
today
that
our

..., for the opportunity to give testimony on behalf of
..., Ladies and Gentlemen and fellow Kansans, I am here
...ive action is necessary to update the state statutes
... of bicycles upon the streets, roads and highways of

My name is Larry Ross, I reside at 452 North Clifton in Wichita and am a native son of Kansas. I am president of Bicycle Kansas, Inc. and Bicycle Wichita, Inc., two not-for-profit organizations dedicated to bicycle safety and the encouragement and fostering of bicycle use for health, recreation, sport and transportation. I am an active bicyclist -- I grew up on my bicycle when I was a child and was a source of genuine frustration to my mother and father as I seldom got very far away from it, I even missed several meals because of my trusty bicycle.

Most recently, I have been cycling for the past twelve years as a commuting and touring bicyclist. I have been a member of the Oz Bicycle Club of Wichita for twelve years -- I have served on various committees and on the Board of Directors. I am immediate past president of the Wichita Bicycle Committee. Serving on the Committee for the past nine years and on four occasions as president of that citizen advisory group. I have commuted to my job frequently over the past twelve years in Wichita and am quite familiar with Wichita area streets and roads from the perspective of a bicyclist. I have also bike toured extensively, having ridden in twenty-three states some seventy thousand miles. Most of those seventy thousand miles have been on the roads and highways of Kansas.

I have taught bicycle commuting and bicycle touring classes at Wichita Free University and Heartland Learning Connection for six years. I have conducted

ATT. ①
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several bicycle law seminars for the Wichita Police Department at the Law Enforcement Training Center and will conduct four additional seminars next month.

In spite of the large number of cyclists, bicyclists of all ages, interests and abilities, a prevailing attitude -- which is changing and I'm here today to ask you to play a role in changing that attitude -- the attitude is that a bicycle is a child's toy and is not to be taken seriously. The attitude that bicycles are not to be acknowledged as a vehicle, ladies and gentlemen, is a dangerous attitude. It is dangerous, because it does reflect the realities of Kansas and National Roadways.

It is dangerous, because according to the national highway traffic administration (NHTSA) figures, 900 bicyclists were killed in bicycle/motor vehicle accidents during 1984, a 7% increase over 1983. If bicycle accidents that didn't involve motor vehicles were considered, the number of fatalities for 1984 could be as many as 1,100 with one and a half million injuries. In Kansas, bicycle fatalities accounted for seven deaths in 1985. In Wichita and its metropolitan area, there were 3 fatalities in 1983, four in 1984, and three in 1985. Two of the fatalities in 1985 were bicyclists, who were victims of a motorcyclist driving under the influence and an eight year old girl, Michele Jessogne was struck by a motorist driving under the influence. There has been significant movement in changing the state statutes relating to operating a motor vehicle while under the influence of alcohol and/or drugs and I congratulate and thank you for the part that you have played in getting tougher laws enacted.

You might say, well good enough -- what does that have to do with HB 2559? I believe that it has a great deal to do with HB 2559. We are here today to consider changing, updating and improving if you will, the state statutes that would grant vehicular status to the bicycle -- but we are also dealing with an attitude -- is the bicycle to be taken seriously and considered as a viable transportation mode? Or are we here to perpetuate the outmoded ideal that the bicycle is indeed a child's toy and not worthy of status as a vehicle. With the current statutes, the law ac-

knowledges that bicycles exist and are being used on the roads and highways of our state and have been since before the automobile became such a necessity of American life.

I'm happy to have an automobile that makes my life more enjoyable and allows me to do things that would be all but impossible on a bicycle. However, I do pedal my bicycle a considerable number of miles each year. I enjoy riding and feel it enriches my life. Bicyclists, according to state statutes as they currently exist are given the rights and duties given the drivers of other vehicles. But, bicycles are not legally considered as a vehicle. Rather, they are excluded in the definition of a vehicle, although they are being used as such in ever increasing numbers.

I might add that several sections of the Wichita traffic ordinances were updated several years ago to conform to the UVC and the changes have created no problems.

I would like to call your attention to a story that appeared in the Topeka Capital-Journal on Saturday, March 13, 1982 which stated: "Kansas at Top in Traffic Safety." (This article referred to a Washington based safety group -- The National Committee on Uniform Traffic Laws & Ordinances (NCUTLO) compared road laws to its code and awarded Kansas the Number 1 rating among all 50 states.) Although Kansas has held the top spot for the past seven or eight years, it still falls short of making all the improvements suggested...most notably in the area of drunken driving and bicycle laws. Arlan Hicks, a Policy Development Engineer for KDOT was quoted in the article as saying, "We have a ways to go."

Ladies and Gentlemen, there have been notable advances in legislation relating to drunken driving under the influence of drugs. You and your fellow members of the Kansas Legislature have moved to remedy one of the two shortcomings referred to in the NCUTLO report. These changes have hopefully made driving and traveling on the state highway system safer and more enjoyable. However, we have resolve only half of the two problems addressed in that report. We have failed to make any movement on improving and updating bicycle law.

Ladies and gentlemen, I call upon you to consider and pass HB 2559. By doing so, you will have played a role in making the roads and highways of Kansas a safer place for the bicyclist and motorist alike. It is with this in mind that I ask you to favorably consider and pass along to the full Senate HB 2559. Thank you for the pleasure of appearing as a witness before your committee.

ATTACHMENTS: Topeka Capital-Journal article, "Kansas at Top." Bicycle related portions of the UVC. Wichita bicycle ordinances.

Kansas at top in traffic safety

BY TORI LINENBERGER

United Press International

(NEUTLO)

A Washington-based safety group claims traffic laws in Kansas are among the safest, most up-to-date in the country. But an engineer for the Kansas Department of Transportation insists there's plenty of room for improvement.

Of the 50 states, Puerto Rico and the District of Columbia, Kansas is ranked No. 1 in its compliance with safety guidelines formed by the National Committee on Uniform Traffic Laws and Ordinances. Trailing near the bottom of the group's list is neighboring Missouri, second only to Massachusetts for harboring the most outmoded laws.

"The traffic laws in Missouri are so bad they're just unfair to everybody," said Edward Kearney, executive director of the committee.

Kearney's committee, a non-profit, private organization that advocates a Uniform Vehicle Code for governing the nation's roadways, compared road laws to its code and awarded the Missouri Vehicle Code only 279 points out of a possible 1,065.

Particularly rankling to some Missourians is the No. 1 rating given neighboring Kansas. The Sunflower state pulled a 932 points, easily outdistancing No. 2-ranked South Carolina.

The Uniform Vehicle Code has been rewritten several times since it was adopted in a 1926 meeting led by committee founder President Herbert Hoover, then U.S. Secretary of Commerce. The committee recommends its code because there are no federal standards.

"The federal government doesn't have police officers to enforce its laws," said Kearney. "And the federal court system couldn't handle all the violators."

Although Kansas has held the top spot for the past seven or eight years, it

still falls short of making all the improvements suggested in the committee's 1979 Uniform Vehicle Code, most notably in the area of drunken driving and bicycle laws, said Arlan Hicks, a policy development engineer for KDOT.

"There has been a considerable effort made to have our laws comply with the code," Hicks said in explaining why the state ranks so high on the list. "I must say, however, that the Legislature does not follow it widely. We should comply with all the standards; we have a way to go."

Hicks conducted a study on the state's compliance with the code and discovered only a few areas either not covered adequately or not covered at all.

But Kansas differs sharply from the Code on what constitutes intoxications. And further, Kansas does not address the crime of driving while under the

influence of a combination of alcohol and drugs. The code does. Of five possible points on that issue, Kansas got zero, Hicks said.

The state took only three of five points for its laws governing vehicular homicide, often defined as the killing of a person with a vehicle while in the process of committing another crime. The maximum prison penalty is one year under Kansas laws; five years under the code.

Kansas also is lax in dealing with the safety of its bicyclists, he said. It has no laws governing signals and procedures for left turns, stops, bicycle parking and bicycle racing.

"This is an area in which we have been silent too long," he said. "It may not have been practical to deal with bicycle laws 20 years ago, but it is today."

Despite any shortcomings it might have, Kansas still impressed the com-

Kansas first, Missouri near last

The National Committee on Uniform Traffic Laws and Ordinances, a non-profit association that advocates uniform motoring laws in the United States, claims Missouri's traffic laws are among the most obsolete in the country while Kansas is the best.

The rankings are based on the comparison of state traffic laws to 213 rules of the road in its Uniform Vehicle Code. Points are given on a sliding scale from five to zero. Negative points are assessed when state laws oppose the Code's rules.

Here are the rankings, with rank, state, and points:

1. Kansas 932
2. South Carolina 867
3. Utah 852
4. Idaho 836
5. North Dakota 833
6. Georgia 827
7. Washington 812
8. Pennsylvania 787
9. Illinois 775
10. Colorado 747
11. Delaware 720
12. Maryland 718
13. Nebraska 713

14. Florida 711
15. Hawaii 683
16. Texas 649
17. New York 648
18. Vermont 630
19. New Hampshire 627
20. Alaska 620
21. Wyoming 620
22. Oklahoma 615
23. Indiana 598
24. New Mexico 596
25. Montana 586
26. Arizona 582
27. Minnesota 576
28. Ohio 565
29. Rhode Island 560
30. Tennessee 560
31. Louisiana 548
32. Oregon 529
33. West Virginia 528
34. Nevada 509
35. South Dakota 461
36. California 454
37. Washington D.C. 452
38. Kentucky 448
39. Arkansas 434
40. Iowa 419
41. Connecticut 415
42. Michigan 407
43. Wisconsin 404
44. Maine 396
45. Puerto Rico 391
46. Alabama 358
47. North Carolina 339
48. Mississippi 318
49. Virginia 316
50. New Jersey 314
51. Missouri 279
52. Massachusetts 254

WICHITA BICYCLE ORDINANCES

Sections:

11.48.010	Definitions
11.48.020	License required and license fee.
11.48.030	License representatives.
11.48.040	Display of licenses.
11.48.050	Wilful destruction or alteration of licenses or serial numbers prohibited.
11.48.060	Transfer of license.
11.48.070	Replacement of lost or destroyed license.
11.48.080	Duties of dealers in bicycles.
11.48.090	Lamps, brakes and other equipment on bicycles.
11.48.100	Subject to traffic-control devices and traffic regulations.
11.48.110	Speed.
11.48.120	Riding on roadways and bicycle paths - turns and stop signals.
11.48.130	Carrying passengers.
11.48.150	Hitching to moving vehicles.
11.48.160	Bicycles and human-powered vehicles on sidewalks.
11.48.170	Parking of bicycles.
11.48.175	Impounding, leaving unattended and revocation of license.
11.48.180	Sale of unclaimed or impounded bicycles.
11.48.190	Taking without consent of owner.
11.48.200	Penalties for violation of this chapter.

11.48.010 Definitions. (a) Bicycle. "Bicycle" means any vehicle propelled solely by human power on or in which a person or persons may ride, having two or three wheels, any of which is twenty inches or over in diameter, except scooters, mopeds and similar devices.

(b) Bike path. "Bike path" means a path or road especially for bikes physically separated from car traffic.

(c) Bike lane. "Bike lane" means a clearly marked lane on the side of a street or road, separated from autos by a paint stripe or raised divider.

(d) Bike route. "Bike route" means a route designated on streets having low traffic volume, marked by signs and/or paint on the street.

The regulations of this chapter applicable to bicycles shall apply whenever a bicycle is operated upon any sidewalk, street, roadway, highway, or upon any public path set aside for the exclusive use of pedestrian and bicycle traffic, and shall also include all public parks and playgrounds or other property under the ownership, jurisdiction or control of the City, the Board of Park Commissioners or any other agency created to provide a public service in or adjacent to the City.

11.48.020 License Required and License Fee. It is unlawful for the owner or the parent or legal guardian of any minor child to authorize or knowingly permit any such minor child to violate any of the provisions of this chapter; further, it shall be the responsibility of such owner, parent or guardian to obtain or cause to be obtained, a license for every bicycle under their care or control.

Before operating the bicycle on the sidewalks, streets, parks, bike paths, or public highways of the City, a license shall be obtained and placed on the bicycle as required in Section 11.48.040 of the Code of the City, the fee of which shall be three dollars, payable in advance to the license representative; provided, however, that no such fee shall be levied, charged, or assessed against persons licensed to operate bicycles who are physically incapacitated and whose only means of transportation is that of a specially constructed bicycle.

11.48.030 License Representatives. (a) Authority to Negotiate. The City Treasurer shall have authority to require all retail outlets of bicycles and/or other private parties appointed as his representatives, to facilitate the proper licensing of bicycles operating within the corporate limits of the City. The amount to be paid to the retail outlets for performance of this service must have the approval of the Board of Commissioners. The City Treasurer shall issue licenses and application forms to the license representative.

(b) Inspection. Every new applicant for a bicycle license shall first present such bicycle for an official inspection. If, upon inspection, such bicycle is found to be in safe mechanical condition, and upon payment of the fees herein provided, a bicycle inspection representative shall attach a license to such owner's bicycle. The license shall have displayed on it the number assigned. The bicycle inspection representative will complete an application form which shall state the name of the owner, description of the bicycle, frame number and the assigned license number. The license number on the application will be accounted for and then filed in the Police Department.

11.48.040 Display of Licenses. It shall be the duty of the bicycle retail outlet, inspection stations and appointed representatives to attach the license therefor on the vertical tube of the frame of such bicycle, and such license shall be so displayed for as long as the licensee remains owner of the bicycle.

11.48.050 Wilful Destruction or Alteration of Licenses or Serial Numbers Prohibited. It is unlawful for any person wilfully or maliciously to remove, destroy, mutilate or alter such licenses during the time in which the same is operative. It is also unlawful for any person to remove, destroy, mutilate or alter the frame serial number of any bicycle. Any bicycle with the serial number defaced cannot be licensed.

11.48.060 Transfer of License. Upon the transfer of ownership or any bicycle licensed under the provisions of this chapter, the existing license and the right to use the numbered license thereof on such bicycle shall expire, and thereafter there shall be no transfer of such license and the license shall be removed by the owner thereof and it is unlawful for any person other than the person to whom the license was originally issued to have the same in his possession; provided, however, that upon the transfer of ownership, except within the immediate family, of any bicycle under the provisions of this chapter the new owner shall, within ten days from the date of such transfer, make application to the license representative for the issuance of a license for such bicycle. It is unlawful for any persons to operate such bicycle on the sidewalk, street, bike paths parks or public highways of the City, unless such bicycle has been inspected and licensed as provided by this chapter.

11.48.070 Replacement of Lost or Destroyed License. In the event a license is lost or destroyed, the City Treasurer, upon proper showing by the licensee and the payment of a fee of one dollar, shall issue a new license in accordance with the provisions of this chapter.

11.48.080 Duties of Dealers in Bicycles. It shall be the duty of all persons engaged in the business of buying or selling new or secondhand bicycles, or the purchase of bicycle parts, to make a weekly report to the Chief of Police giving the name and address of the person to whom each bicycle was sold or from whom each bicycle was purchased, the description of each bicycle sold or purchased, including the identifying frame number and license plate, if any. It shall be the duty of all persons, dealers or corporations purchasing secondhand bicycles to retain the same in their possession for a period of seven days, unless they receive written authorization from the Chief of Police to dispose of such bicycle prior to the end of such period of time.

11.48.090 Lamps, Brakes and Other Equipment on Bicycles. (a) Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred feet to the front and with a red reflector on the rear of a type approved by the Secretary of Transportation which shall be visible from all distances from one hundred feet to six hundred feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred feet to the rear may be used in addition to the red reflector.

(b) Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement.

(c) No person shall sell a pedal for use on a bicycle, unless such pedal is equipped with a reflector of a type approved by the Secretary of Transportation which is visible from the front and rear of the bicycle to which it is attached during darkness from a distance of two hundred feet, and no person shall sell a new bicycle unless it is equipped with pedals in accordance with the provisions of this section.

11.48.100 Subject to Traffic-Control Devices and Traffic Regulations. Every person riding a bicycle shall obey all traffic ordinances applicable to the driver of any other vehicle except as to special ordinances so designated and except to those provisions which by their nature can have no application.

11.48.110 Speed. No bicycle shall be ridden faster than the posted speed limit.

11.48.120 Riding on Roadways and Bicycle Paths - Turns and Stop Signals. (a) Any person riding a bicycle in traffic moving in the same direction at such time shall ride within five feet of the right-hand curb or edge of the street, highway, roadway or alley, except under any of the following conditions:

(1) Persons fourteen years of age or older may ride as close as reasonably possible to the right-hand curb or edge of the street, highway, roadway or alley when riding two abreast;

(2) When overtaking and passing another bicycle or vehicle proceeding in the same direction;

(3) When preparing for a left turn at an intersection or into a private road or driveway;

(4) When reasonably necessary to avoid conditions (including, but not limited to, fixed or moving objects, vehicles, bicycles, pedestrians, animals, surface hazards, right-turn or left-turn lanes) that make it unsafe to continue along the right-hand or

left-hand curb or edge;

(5) When operating a bicycle upon a street, highway, roadway or alley of the City which carries traffic in one direction only, the bicyclist shall ride within five feet of the left-hand curb or edge of roadway, except under any of the situations as detailed in subdivisions (1), (2), (3) or (4) of this subsection.

(b) Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. Persons riding two abreast shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane.

(c) Left Turns. (1) The driver of a bicycle intending to turn left at any intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such bicycle and, after entering the intersection, the left turn shall be made so as to leave the intersection in a lane lawfully available to traffic moving in such direction upon the roadway being entered; or

(2) Approach the intersection beside the curb, proceed through the intersection in the same direction, yield right-of-way to all vehicles proceeding through the intersection, and then make the left turn so as to leave the intersection in the proper position upon the roadway being entered;

(3) Notwithstanding the foregoing provisions, the State Highway Commission and local authorities in their respective jurisdictions may cause official traffic-control devices to be placed and thereby require and direct that a specific course be traveled by turning bicycles, and when such devices are so placed, no person shall turn a bicycle other than as directed and required by such devices.

(d) Turning Movements and Required Signals. (1) No person shall turn a bicycle at an intersection unless the bicycle is in proper position upon the roadway as required in this subsection or turn a bicycle to enter a private road or driveway, or otherwise turn a bicycle 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 bicycle without giving an appropriate signal;

(2) A signal of intention to turn right or left shall be given before turning and/or shall be given while the bicycle is stopped waiting to turn;

(3) No person shall stop or decrease the speed of a bicycle without first giving the appropriate signal.

11.48.130 Carrying Passengers. It shall be unlawful for any person riding a bicycle upon a street, highway, roadway, alley or sidewalk of the City, to carry another person on the same bicycle; provided, however, that this restriction shall not apply to bicycles with dual-operation construction; and provided that a child who is less than five years of age may be carried on a bicycle by a person operating said bicycle if the following conditions are met:

(1) The person operating the bicycle must either be the parent or legal guardian of the child or have the consent of the parent or guardian;

(2) The child must be carried on a seat constructed on the rear of the said bicycle, which seat must either be a manufactured type or home made, that complies with the current Consumer Product Safety Commission Standards;

(3) An authorized adult rider may carry an infant securely attached to his person in a backpack or sling.

11.48.150 Hitching to Moving Vehicles. It shall be unlawful for any person while riding a bicycle on the streets or highways of the City to hitch or otherwise attach himself onto other moving vehicles.

11.48.160 Bicycles and Human-Powered Vehicles on Sidewalks. (a) A person propelling a bicycle upon and along a sidewalk, or across a roadway upon and along a crosswalk, shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.

(b) A person propelling a vehicle by human power upon and along a sidewalk or across a roadway upon and along a crosswalk, shall have all the rights and duties applicable to a pedestrian under the same circumstances.

(c) No bicycle shall be ridden on sidewalks in the central business district except in designated areas.

11.48.170 Parking of Bicycles. (a) It is unlawful for any person to park or leave a bicycle on any street, alley, highway sidewalk or sidewalk area, bike path or other public place or way in the City when such place is within one city block of a bicycle rack or area designated for parking bicycles.

(b) Bicycle racks and areas designated for parking bicycles in the City shall not be located on any street, sidewalk or other public property without prior approval of the Traffic Engineer.

(c) The Police Department shall be authorized to remove any bicycles that are unlawfully parked or left within the City and shall further be authorized to remove any bicycle left or parked on public property where that bicycle blocks pedestrian travel or presents a traffic hazard.

11.48.175 Impounding, Leaving Unattended and Revocation of License. Bicycles shall be impounded to the Police Department or to any other place of safety under any of the circumstances hereinafter enumerated:

- (a) When such bicycle is not licensed according to the provisions of this chapter;
- (b) When such bicycle is not in a safe mechanical condition.

A bicycle impounded by the Police Department shall not be released until the bicycle has been investigated and the rightful owner is found and shows proof of ownership. Then an impound fee of two dollars shall be assessed to the owner before release of the bicycle.

11.48.180 Sale of Unclaimed or Impounded Bicycles. Whenever a bicycle has been impounded for a period of four months and no claim of ownership or the right to possession thereof has been made and established to the satisfaction of the Police Department, such bicycles shall be sold at public auction, after legal publication of the time, date and location of such sale.

11.48.190 Taking Without Consent of the Owner. Any person taking a bicycle for the purpose of riding the same upon the streets of the City without the consent of the owner or person entitled to legal possession thereof is guilty of a violation of this title and subject to the penalties provided in Section 11.92.00¹.

11.48.200 Penalties for Violation of this Chapter. Any person or representative of a firm covered by this chapter, if convicted of a violation of any of the provisions of it, shall for the first conviction thereof be punished by a fine of not more than one hundred dollars; for a second such conviction within one year thereafter, such person shall be punished by a fine of not more than two hundred dollars; upon a third or subsequent conviction within one year after the first conviction, such person shall be punished by a fine of not more than five hundred dollars.

¹11.92.010 Penalties. (a) It is unlawful for any person to violate any of the provisions of this title.

(b) Every person convicted of a violation of any of the provisions of this title for which another penalty is not provided shall, upon conviction, be fined in an amount of not more than five hundred dollars.



FEB 24 1986

PAUL F. HILL, M.L.S., J.D.

Feb. 21, 1986

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10PEKA, ND 58012

Dear Mr. Roy:

I am writing at the request of Larry Ross, a bicycle advocate of Wichita. I understand there is before a legislative committee a bill to enact sec. 1-184 of the Uniform Vehicle Code. This section includes bicycles in the definition of vehicles.

Larry said some question had come up of whether this section would somehow take bicycle out of homeowners-renters coverage. I have collected several hundred bicycle cases in a manuscript which will be published this spring or summer. Very few deal with homeowners coverage. These few, from my recollection, do not mention the status of bicycles at all under statutory law. The only question is the language in the homeowners policy. I do not have a homeowners policy handy, but I believe that they exclude liability coverage arising out of use of the insured's motor vehicles. Here are a few cases. I do not have time to check specific state statutory law, but I would assume that some of these states have enacted sec. 1-184.

Vanguard Ins. v. Hartford Ins., 88 Cal. Rptr. 628. Child bicyclist hit another bicyclist, fatal injury, homeowners policy paid off to the parents under liability.

Mattson v. Stone, 648 P.2d 929 (1982). Washington case, child cyclist carrying another, ran red light, hit car, passenger injured, cyclist's homeowners policy paid \$50,000 to passenger, plus car damage to driver.

Mutual of Enumclaw v. State Farm, 682 P.2d 317(Wash. App. 1982.) Girl bicyclist, jerk in passing car reached out to pat her, causing fall, jerk's homeowners policy paid off, contribution also from driver's auto policy.

MFA Mutual v. Nye, 612 S.W.2d 2 (Mo. App. 1980) Youth using power mower on lawn, mowed off foot of child cyclist of homeowner, youth's homeowners policy paid off and host premises' homeowners also directed to provide coverage because youth was employed to mow the grass there.

As these cases show, homeowners liability coverage applies whether the accident is on a public way or on private property.

I hope this is of some help to you.

Sincerely,

Paul F. Hill

Bicycling law— state-by-state

by Myrna Johnson
Government Relations Assistant

Although most rules of the road are comparable from state to state, some that regulate bicyclists vary. The chart on the next page lists several of the more common rules and shows how each state stands on them. The information for this chart was compiled from *Traffic Laws Annotated*. It reflects the state laws through the end of 1982, and major BICYCLE USA-sponsored changes in the last three years. For more information on the nuances of traffic law in your state or a state you plan to visit, contact the Department of Transportation, Highways, or Highway Safety.

Column 1 X= Bicycles required to ride on sidepaths when they exist.
* = The law reads "bike lane" rather than side path.

**= Mandatory sidepath rules apply only where required by local governments.

Column 2 X- Bicycles are expressly prohibited from interstates. Many other states allow local authorities to post the prohibition.

Column 3 P= Comparable to the Uniform Vehicle Code prior to 1979, which reads a bicyclist "shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction." So that the law would be applied uniformly, the UVC was changed to define "practicable." These qualifications are indicated on the chart as follows:

Q1= when passing
Q2= when making a left turn
Q3= when avoiding conditions
Q4= on one way roadways, ride as near to the right or left as possible

Q5= on one way, multiple-laned roadways

Column 4 X- Signalling right turns with the right arm extended is allowed.

Column 5 X- Bicycling with headphones or earplugs on both ears is prohibited.

Column 6 X- State law specifically states bicyclists must ride single file.

XX= Bicyclists must ride single file, except on unmarked and unlaned roadways in incorporated areas.

Column 7 V
R= Bicyclists are given the rights and duties given the drivers of other vehicles.

Column 8 wl - white front light
rr - rear red reflector
sr= side reflector
pr= pedal reflector
fr= front reflector
rl= rear red light

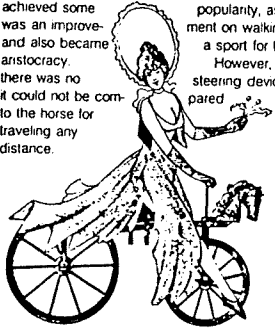
It should also be noted that the distance that these lighting devices must be visible varies from state to state.

	1 Mandatory Sidepath Law	2 Bicycles Prohibited from Interstate	3 Roadway Position	4 Right Arm Right Turn Signal	5 Headphones Prohibited	6 Single File Riding	7 Legal Status of Bicycles	8 Night Lighting Requirements
Ala.	X		P				V, R	wl, rr
Alaska			P				V, R	wl, rr
Ariz.	X		P				R	wl, rr
Ark.							R	wl, rr
Calif.	*		Q1, Q2, Q3, Q4	X			R	wl, rr
Colo.	X		P				R	wl, rr
Conn.		X	P	X			R	wl, rr, sr
Del.	X	X					R	wl, rr
Fla.	X	X	Q1, Q2, Q3, Q4	X	X		V, R	wl, rr
Ga.	X		P				V, R	wl, rr
Hawaii	*		Q2, Q3, Q4				V, R	wl, rr, sr, pr, fr
Idaho			Q1, Q2, Q3, Q4				V, R	wl, rr
Ill.	X		Q1, Q2, Q3, Q4				R	wl, rr
Ind.							R	wl, rr
Iowa							R	wl, rr
Kan.	X		P				R	wl, rr
Ky.							R	wl, rr
La.	X	X	P				V, R	wl, rr
Maine			P				R	wl, rr, pr
Md.	*		Q1, Q2, Q5	X	X		V, R	wl, rr
Mass.				X		X	V, R	wl, rr
Mich.	X	X	P				R	wl, rr
Minn.			Q1, Q2, Q3	X			V, R	wl, rr, pr
Miss.							R	wl, rr
Mo.	X		P				R	wl, rr, pr, fr
Mont.	X		P			X	R	wl, rr, pr, fr, sr
Neb.	X		P				R	wl, rr
Nev.	X		P				R	wl, rr
N.H.			P				V, R	wl, rr
N.J.			Q1, Q2, Q3, Q4				R	wl, rr, rl
N.M.	X		P				R	wl, rr
N.Y.	X	X	P				R	wl, rr
N.C.							V, R	wl, rr
N.D.	X		P				R	wl, rr
Ohio		X	P				V, R	wl, rr
Okla.	X	X	P				R	wl, rr
Ore.	X		Q4	X	X		R	wl, rr
Pa.	X		Q4		X		V, R	wl, rr
R.I.			P				V, R	wl, rr, sr
S.C.	X		P				R	wl, rr
S.D.			Q1, Q2, Q3				V, R	wl, rr
Tenn.	X		Q1, Q2, Q3				V, R	wl, rr
Texas			P				V, R	wl, rr
Utah	X		P					wl, rr
Vt.	X		P				R	wl, rr, sr
Va.	**		Q1, Q2, Q3, Q4				V, R	wl, rr
Wash.	X		Q1, Q2, Q3		X		R	wl, rr
W.Va.	X		P				R	wl, rr
Wis.		X	Q4			XX	V, R	wl, rr
Wyo.	X		P				R	wl, rr
Wash., D.C.							V, R	wl, rr

2 Centuries of Bicycles.

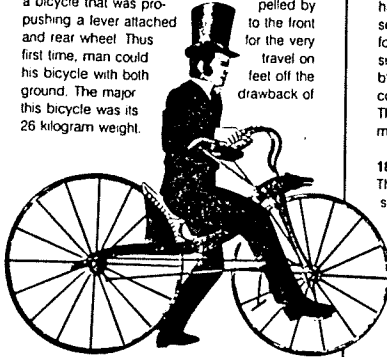
1793: Vélocifère

The Céléritère of the Comte de St Bourac changed to the Vélocifère. The Vélocifère achieved some popularity, as it was an improvement on walking, and also became a sport for the aristocracy. However, as there was no steering device, it could not be compared to the horse for traveling any distance.



1839: MacMillan

MacMillan, a Scottish blacksmith, developed a bicycle that was propelled by a lever attached to the front and rear wheel. This first time, man could travel on both ground. The major drawback of this bicycle was its 26 kilogram weight.

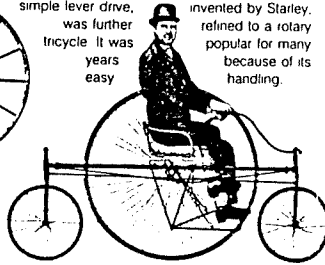


1876: The Ordinary

This bicycle, brought out by James Starley, had one large wheel in front, and one much smaller wheel behind. Another popular name for this bicycle was the Penny Farthing, since the two different sized wheels resembled the penny piece and the farthing, two coins of the realm in England at that time. There were to be many variations of this model later.

1876: Coventry Tricycle

This tricycle (a three wheeled cycle), with a simple lever drive, was further refined to a rotary tricycle. It was popular for many years because of its easy handling.

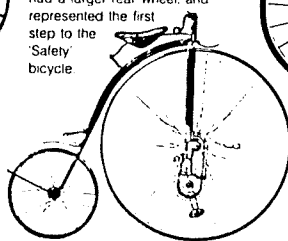


1878: First Cycling Club

The B.T.C., the first cycling club was founded in England.

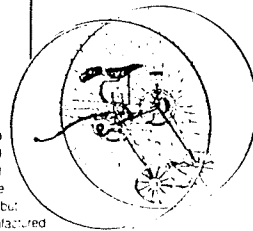
1878: Kangaroo

These bicycles were introduced by Otto and Wallace, with the improved model having gears. This bicycle had a larger rear wheel, and represented the first step to the 'Safety' bicycle.



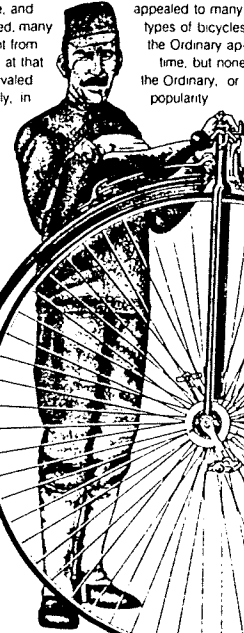
1881: Otto Bicycle

This cycle appeared to be much safer than the Ordinary, because of its parallel wheel design. Created by Otto, an Englishman and named because of its two wheels, this cycle caused a sensation when it was introduced, but sold poorly—only about 1,000 were ever manufactured.



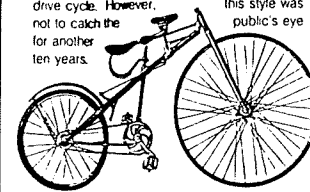
1883: The Matchless

The Matchless became the most fashionable Ordinary bicycle of the 1880's. The weight of the bicycle was reduced, the acceleration improved, and it also became more comfortable, and appealed to many types of bicycles. As noted, many different from the Ordinary, but none really rivaled its family, in time, but none in popularity.



1879: Bicycleette

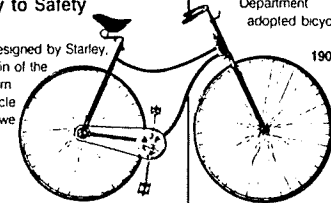
Invented in England by Harry Lawson, the Bicycleette was the first cross frame and chain drive cycle. However, this style was not to catch the public's eye for another ten years.



From Ordinary to Safety

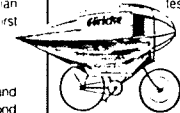
1885: Rover

The Rover, designed by Starley, is the origin of the modern bicycle as we know it today.



Features of the Rover were its greater safety, and its light weight (only 17 Kilograms).

1888: Pneumatic Tyre
The English veterinarian Dunlop invented the first non-solid, air inflated tyre.



1890: Diamond Frame

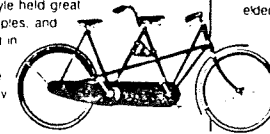
The Humber company of England designed, and introduced a diamond frame bicycle.

1893: The First World Cycling Championships Held in U.S.A.

Held in Chicago in 1893 these championships attracted a great deal of interest among the general public.

1896: Tandem

This bicycle for two was originally designed so that the lady could ride in front, and enjoy cycling. This cycle held great attraction for couples, and was immortalised in the Music Hall at that time with the song Daisy Daisy.



1899: Ladies Bicycles

Cycling had become popular among ladies in the mid 1890's, and this resulted in specially designed ladies bicycles. Since ladies were eager to cycle, the world of fashion obliged by introducing shorter and more sporty looking skirts, and new 'cycling lines'.



1899: Bicycles for Police Patrol

The New York Police Department adopted bicycles for patrolling.

1903: Tour De France

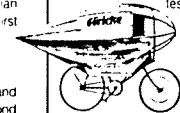
This year heralded the start of the now world famous Tour de France. Its popularity today would have astounded its originators.

In Pursuit of Speed

Armed with the basic bicycle, manufacturers tried to improve the design, the mechanics, and the accessories to make cycling as up to date as possible.

1914: Shutebriek (Germany)

Shutebriek invented a covered bicycle, and tested safety by wiring the body.



1933: Aluminium Frame

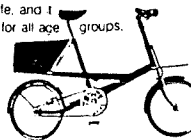
An aluminium alloy frame bicycle, with three gears and a carrier was introduced in France.

1955: Ten Gear Bicycle

Bicycle with ten gears (later 15) was designed in the U.S.A.

1962: Moulton Mini

Invented by Alex Moulton (England) this bicycle was a perfect forerunner to the small wheel boom that swept the world. Its low frame made it safe, and it became popular for all age groups, from children to elderly riders.

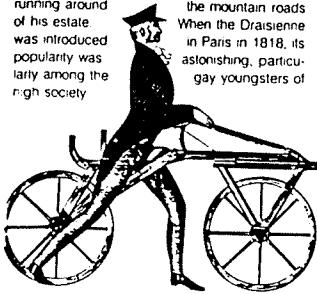


1972: Bicycle Boom

Bicycle Boom started in the U.S.A.

1813: Draisienne

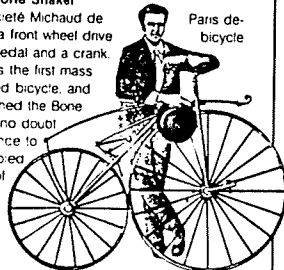
This was the first bicycle to resemble today's bicycle. Made of wood, the Draisienne had a handle to facilitate changes in direction. This was the creation of Baron Drais of Germany, and it was found to be extremely practical for running around of his estate. When the Draisienne was introduced in Paris in 1818, its popularity was particularly among the high society.



At Last - Pedals!

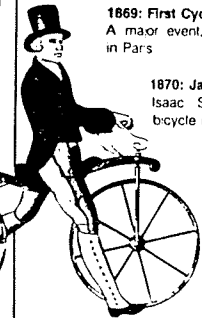
1863: Bone Shaker

The Societé Michaud designed a front wheel drive with a pedal and a crank. Paris designed a bicycle with a pedal and a crank. This was the first mass produced bicycle, and was named the Bone Shaker, no doubt a reference to the cobbled streets of Paris.



1869: First Cycle Show

A major event, held in Pre Catalan, in Paris.

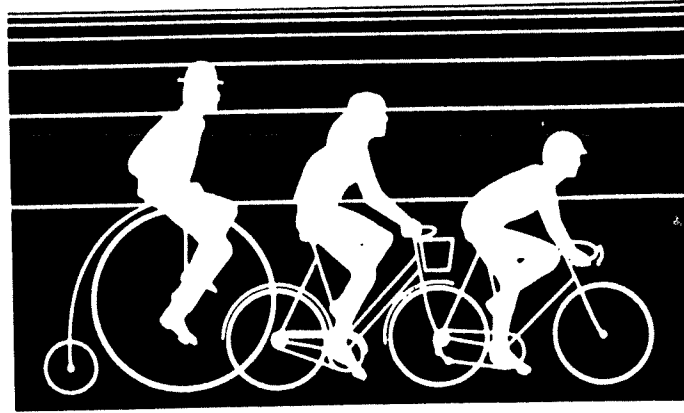


1870: Japan

Isaac Sato bought the first bicycle in Japan.

1818: The Hobby Horse

The Hobby Horse, or Dandy Horse, was the name given to the Draisienne when it became popular in England. It was particularly interesting to novelty hunters, and soon Hobby Horse schools thrived in England, Germany and France. In 1830, the French Government began utilizing an improved version of the Hobby Horse for its Postal Service employees.



Bicycle-Related Portions of the *Uniform Vehicle Code*

Includes selected sections from the following chapters, with 1984 revisions:

- Chapter 1: Words and Phrases Defined
- Chapter 7: Financial Responsibility
- Chapter 11: Rules of the Road
- Chapter 12: Equipment of Vehicles
- Chapter 15: Respective Powers of State and Local Authorities
- Chapter 17: Post Conviction Remedies

Distributed by: BICYCLE USA, the National Organization of Bicyclists
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Bicycle-Related Portions of
the Uniform Vehicle Code
(Including 1984 Revisions)

The Uniform Vehicle Code is a specimen set of motor vehicle and traffic laws designed and advanced as a national comprehensive guide or standard. The UVC is used extensively by states and local authorities as vehicle and traffic codes are revised and updated. The purpose of the UVC is "to insure, as far as this can be done by law and its application, that traffic shall move smoothly, expeditiously and safely; that no legitimate user of the highway, whether in a vehicle or on foot, shall be killed, injured or frustrated in such use by the improper behavior of others."

BICYCLE USA/League of American Wheelmen has been active in the development of the UVC since the early 1970's. As a member of the National Committee on Uniform Traffic Laws and Ordinances, BICYCLE USA has assured consideration of bicyclists' rights and concerns as the UVC was updated and revised. The most recent meeting of the National Committee was held in November 1984. At that time, four important bicycle proposals were adopted. Foremost among those was the deletion of the mandatory sidepath rule (Section 11-1205.1 (b)).

Listed below are selected sections from the UVC (Revised-1968, Supplement IV, 1984) which effect the operation of bicycles. Two articles are devoted especially to bicycles: Chapter 11 Article XII on operation and Chapter 12 Article VII on equipment. In addition, an overview of those general sections of the UVC which apply to all vehicle drivers is included. These sections cover such topics as rules-of-the-road, turns, speed restrictions, and penalties, among others. Some sections mention bicycles specifically; others apply to bicycles under the general category of vehicles.

In general, BICYCLE USA recommends the UVC, as revised in 1984, as a standard for bicycle-related traffic law. BICYCLE USA endorses the UVC's goal of comprehensive traffic law. Passage of uniform vehicle legislation by the states will help assure fair and equitable treatment of bicyclists and other road users throughout the nation. To compare your state code to the UVC, request a copy from the state department of transportation or check the reference desk at your public library. (Section numbers may differ between the UVC and your state's laws.) For information on how to revise your state's code to reflect the standards offered by the UVC, please contact the BICYCLE USA Government Relations Program, Suite 209, 6707 Whitestone Road, Baltimore, MD 21207, Telephone: 301/944-3399.

This pamphlet is distributed by BICYCLE USA/League of American Wheelmen. Single copies are free to members; non-members and additional copies are \$3.00 each. Send check or money order to BICYCLE USA, Suite 209, 6707 Whitestone Rd., Baltimore, MD 21207.

CHAPTER 1

Words and Phrases Defined

1-105--Bicycle. Every vehicle propelled solely by human power upon which any person may ride, having two tandem wheels, except scooters and similar devices. (Revised, 1975, 1979, & 1984.)

1-111--Crosswalk. (a) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; and in the absence of a sidewalk on one side of the roadway, that part of a roadway included within the extension of the lateral lines of the existing sidewalk at right angles to the centerline. (Revised, 1975.)

1-114--Driver. Every person who drives or is in actual physical control of a vehicle.

1-122--Highway. The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

1-123.1--Human powered vehicle. Every vehicle designed to be moved solely by human power. (New, 1979.)

1-133.1--Moped. A motor-driven cycle both with pedals to permit propulsion by human power and with a motor which produces not to exceed two brake horsepower and which is not capable of propelling the vehicle at a speed in excess of 30 mph on level ground. If an internal combustion engine is used, the displacement shall not exceed 50 cubic centimeters and the moped shall have a power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged. (New, 1979.)

1-134--Motor vehicle. Every vehicle which is self-propelled, and every vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails, except vehicles moved solely by human power and motorized wheelchairs. (Revised, 1975 & 1984.)

1-139--Official traffic-control devices. All signs, signals, markings, and devices not inconsistent with this act placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

1-141--Park or parking. Means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers. (Revised, 1971.)

1-143--Pedestrian. Any person afoot.

1-156--Right of way. The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grant precedence to the other. (Revised, 1962.)

1-158--Roadway. That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the sidewalk, berm or shoulder even though such sidewalk, berm or shoulder is used by persons riding bicycles or other human powered vehicles. In the event a highway includes two or more separate roadways the term "roadway" as used herein shall refer to any such roadway, separately but not to all such roadways collectively. (Revised, 1975.)

1-164--Sidewalk. That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use by pedestrians.

1-177--Traffic. Pedestrians, ridden or herded animals, vehicles, streetcars and other conveyances either singly or together while using any highway for purposes of travel.

1-184--Vehicle. Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks. (Revised, 1975.)

CHAPTER 7

Financial Responsibility (Revised, 1968.)

Article I--Compulsory Insurance (New, 1971.)

7-101--Vehicles must be insured

(a) An owner shall not permit the operation of an uninsured vehicle upon a highway or upon property open to use by the public unless hereinafter expressly exempted.

(b) A person shall not knowingly drive an uninsured vehicle upon a highway or upon property open to use by the public unless hereinafter expressly exempted.

(c) For the purposes of this article, "uninsured vehicle" shall mean a vehicle for which a vehicle insurance policy meeting requirements of the laws of this State and of the (Commissioner of insurance) is not in effect. (New Section, 1971.)

7-103--Exempt vehicles

The following vehicles and their drivers are exempt from this article:

7. A vehicle moved solely by human or animal power. (New, 1975.)

CHAPTER 10

Accidents and Accident Reports

10-101--Provisions of chapter apply throughout State

The provisions of this chapter shall apply upon highways and elsewhere throughout the State.

10-102--Accidents involving death or personal injury

(a) The driver of any vehicle involved in an accident resulting in injury to or death of any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall then forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of 10-104. Every such stop shall be made without obstructing traffic more than is necessary.

(b) Any person failing to stop or to comply with said requirements under such circumstances shall, upon conviction, be punished by imprisonment for not less than 30 days nor more than one year or by fine of not less than \$100 nor more than \$5,000, or by both such fine and imprisonment.

10-103--Accidents involving damage to vehicle or property

The driver of any vehicle involved in an accident resulting only in damage to a vehicle or other property which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible, but shall forthwith return to and in every event shall remain at the scene of such accident until he has fulfilled the requirements of 10-104. Every such stop shall be made without obstructing traffic more than is necessary. Any person failing to stop or comply with said requirements under such circumstances shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided in 17-101. (Revised, 1962.)

10-104--Duty to give information and render aid

(a) The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle or other property which is driven or attended by any person shall give his name, address and the registration number of the vehicle he is driving, and shall upon request and if available exhibit his license or permit to drive to any person injured in such accident or to the driver or occupant of or person attending any vehicle or other property damaged in such accident and shall give such information and upon request exhibit such license or permit to any police officer at the scene of the accident or who is investigating the accident and shall render to any person injured in such accident reasonable assistance, including the carrying, or the making of arrangements for the carrying, of such person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that such treatment is necessary, or if such carrying is requested by the injured person.

(b) In the event that none of the persons specified are in condition to receive the information to which they otherwise would be entitled under subdivision (a) of this section, and no police officer is present, the driver of any vehicle involved in such accident after fulfilling all other requirements of 10-102 and subdivision (a) of this section, insofar as possible on his part to be performed, shall forthwith report such accident to the nearest office of a duly authorized police authority and submit thereto the information specified in subdivision (a) of this section. (Section Revised 1962.)

10-105--Duty upon damaging unattended vehicle or other property

The driver of any vehicle which collides with or is involved in an accident with any vehicle or other property which is unattended resulting in any damage to such other vehicle or property shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle or other property of his name, address and the registration number of the vehicle he is driving or shall attach securely in a conspicuous place in or on such vehicle or other property a written notice giving his name, address and the registration number of the vehicle he is driving and shall without unnecessary delay notify the nearest office of a duly authorized police authority. Every such stop shall be made without obstructing traffic more than is necessary. (Revised, 1968.)

10-106--Immediate notice of accident

(a) The driver of a vehicle involved in an accident resulting in injury to or death of any person or in any vehicle becoming so disabled as to prevent its normal and safe operation shall immediately by the quickest means of communication give notice of such accident to the nearest office of a duly authorized police authority. For purposes of this section, a disabled vehicle shall not include a bicycle or any other vehicle moved by human power. (Revised, 1975.)

(b) Whenever the driver of a vehicle is physically incapable of giving an immediate notice of an accident as required in subsection (a) and there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant shall make or cause to be given the notice not given by the driver. (Revised, 1962.)

CHAPTER 11

Rules of the Road

Article I--Obedience to and Effect of Traffic Laws

11-101--Provisions of chapter refer to vehicles upon the highways--exceptions

The provisions of this chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except:

1. Where a different place is specifically referred to in a given section.
2. The provisions of article IX (and chapter 10) shall apply upon highways and elsewhere throughout the State. (Revised, 1971.)

11-102--Required obedience to traffic laws

(a) It is unlawful and, unless otherwise declared in this chapter with respect to particular offenses, it is a (misdemeanor) (violation) for any person to do any act forbidden or fail to perform any act required in this chapter. (Revised, 1979.)

OPTIONAL (b) Any person who violates section 11-108, 11-901, 11-902, 11-903 or 11-904 shall be guilty of a misdemeanor.² (New, 1979.)

OPTIONAL (c) Any person who violates any other section in this chapter shall be guilty of an infraction.² (New, 1979.)

11-103--Obedience to authorized persons directing traffic

(a) No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer, fire fighter, flagger at highway construction or maintenance site, or uniformed adult school crossing guard invested by law with authority to

direct, control or regulate traffic. (Revised, 1971, 1975, & 1984.)

Article II--Traffic Control Devices

11-201--Obedience to and required traffic-control devices

(a) The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed or held in accordance with the provisions of this act, unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this act. (Revised, 1975.)

Article III--Driving on Right Side of Roadway--
Overtaking and Passing--Use of Roadway

11-301--Drive on right side of roadway--exceptions

(a) Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:

1. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;
2. When an obstruction exists making it necessary to drive to the left of the center of the highway; provided, any person so doing shall yield the right of way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard; (Revised, 1962.)
3. Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon; or
4. Upon a roadway restricted to one-way traffic. (Revised, 1968.)

(b) Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

11-303--Overtaking a vehicle on the left

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:

- (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.
- (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.

11-304--When passing on the right is permitted

(a) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

1. When the vehicle overtaken is making or about to make a left turn;
2. Upon a roadway with unobstructed pavement of sufficient width for two or more lines of vehicles moving lawfully in the direction being traveled by the overtaking vehicle.

(b) 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 Revised, 1971.)

11-305--Limitations on overtaking on the left

No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such 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 operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable and in the event the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within 200 feet of any approaching vehicle. (Revised, 1971.)

11-307--No passing zones

(a) The (State highway commission) and local authorities are hereby authorized to determine those portions of any highway under their respective jurisdictions where overtaking and passing or driving on the left side of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the beginning and end of such zones and when such signs or markings are in place and clearly visible to an ordinarily observant person every driver of a vehicle shall obey the directions thereof. (Revised, 1971.)

11-309--Driving on roadways laned for traffic

Whenever any roadway has been divided into two or more clearly marked lanes for traffic the following rules in addition to all others consistent herewith shall apply.

- (a) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.
- (b) Upon a roadway which is divided into three lanes and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction when such center lane is clear of traffic within a safe distance, or in preparation for making or completing a left turn or where such center lane is at the time allocated exclusively to traffic moving in the same direction that the vehicle is proceeding and such allocation is designated by official traffic-control devices. (Revised, 1975.)

310--Following too closely

(a) The driver of a vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway. (Revised, 1975.)

(b) The driver of any truck or motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residence district and which is following another truck or motor vehicle drawing another vehicle shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger, except that this shall not prevent a truck or motor vehicle drawing another vehicle from overtaking and passing any vehicle or combination of vehicles. (Revised, 1971.)

11-313--Restrictions on use of controlled-access roadway

(a) The (State highway commission) by resolution or order entered in its minutes, and local authorities by ordinance, may regulate or prohibit the use of any controlled-access roadway (or highway) within their respective jurisdictions by any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic.

(b) The (State highway commission) or the local authority adopting any such prohibition shall erect and maintain official traffic-control devices on the controlled-access highway on which such prohibitions are applicable and when in place no person shall disobey the restrictions stated on such devices. (Section Revised, 1968.)

Article IV--Right of Way

11-401--Vehicle approaching or entering intersection

(a) When two vehicles approach or enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right of way to the vehicle on the right.

(b) The right of way rule declared in paragraph (a) is modified at through highways and otherwise as stated in this chapter. (Section Revised, 1968.)

11-403--Stop signs and yield signs

(a) Preferential right of way may be indicated by stop signs or yield signs as authorized in 15-109 of this act. (Revised, 1971.)

(b) Except when directed to proceed by a police officer, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After having stopped, the driver shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time when such driver is moving across or within the intersection or junction of roadways. Such driver shall yield the right of way to pedestrians within an adjacent crosswalk. (Revised, 1971 & 1979.)

(c) The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After slowing or stopping, the driver shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection or junction of roadways. Such driver shall yield the right of way to pedestrians within an adjacent crosswalk. Provided, however, that if such a driver is involved in a collision with a vehicle in the intersection or junction of roadways or with a pedestrian in an adjacent crosswalk, after driving past a yield sign, such collision shall be deemed prima facie evidence of his failure to yield right of way. (Revised, 1971 & 1979.)

11-404--Vehicle entering roadway

The driver of a vehicle about to enter or cross a roadway from any place other than another roadway shall yield the right of way to all vehicles approaching on the roadway to be entered or crossed. (Revised, 1971.)

Article V--Pedestrians' Rights and Duties

11-502--Pedestrians' right of way in crosswalks

(a) When traffic-control signals are not in place or not in operation the driver of a vehicle shall yield the right of way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

(b) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute an immediate hazard. (Revised, 1971.)

11-504--Drivers to exercise due care

Notwithstanding other 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. (Revised, 1971 & 1975.)

11-509--Pedestrians' right of way on sidewalks

The driver of a vehicle crossing a sidewalk shall yield the right of way to any pedestrian and all other traffic on the sidewalk. (Revised, 1971 & 1975.)

Article VI--Turning and Starting and Signals on Stopping and Turning

11-601--Required position and method of turning

The driver of a vehicle intending to turn shall do so as follows:

(a) Right turns.--Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand

curb or edge of the roadway.

(b) Left turns.--The driver of a vehicle intending to turn left shall approach the turn in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle. Whenever practicable the left turn shall be made to the left of the center of the intersection and so as to leave the intersection or other location in the extreme left-hand lane lawfully available to traffic moving in the same direction as such vehicle on the roadway being entered.

(c) The state highway commission and local authorities in their respective jurisdictions may cause official traffic-control devices to be placed and thereby require and direct that a different course from that specified in this section be traveled by turning vehicles and when such devices are so placed no driver shall turn a vehicle other than as directed and required by such devices. (Section Revised, 1971.)

(d) Two-way left turn lanes.--Where a special lane for making left turns by drivers proceeding in opposite directions has been indicated by official traffic-control devices:

- (1) A left turn shall not be made from any other lane.
- (2) A vehicle shall not be driven in the lane except when preparing for or making a left turn from or into the roadway or when preparing for or making a U turn when otherwise permitted by law. (New, 1975.)

11-604--Turning movements and required signals

(a) 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 nor without giving an appropriate signal in the manner herein-after provided.

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

(c) 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.

11-606--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:

- 1. Left turn.--Hand and arm extended horizontally.
- 2. Right turn.--Hand and arm extended upward.
- 3. Stop or decrease speed.--Hand and arm extended downward.

Notwithstanding the foregoing provisions, a person operating a bicycle may give a right turn signal by extending the right hand and arm horizontally and to the right side of the bicycle. (Revised 1984.)

Article VIII--Speed Restrictions

11-801--Basic rule

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. Consistent with the foregoing, every person shall drive at a safe and appropriate

speed when approaching and crossing an intersection or railroad grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions. (Revised, 1968.)

11-804--Minimum speed regulation

(b) Whenever the (State highway commission) or local authorities within their respective jurisdictions determine on the basis of an engineering and traffic investigation that slow speeds on any highway or part of a highway impede the normal and reasonable movement of traffic, the (commission) or such local authority may determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law and that limit shall be effective when posted upon appropriate fixed or variable signs. (Revised, 1971.)

11-808--Racing on highways

(a) No person shall drive any vehicle in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making a speed record, and no person shall in any manner participate in any such race, competition, contest, test, or exhibition.

(b) Drag race is defined as the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other, or the operation of one or more vehicles over a common selected course, from the same point to the same point, for the purpose of comparing the relative speeds or power of acceleration of such vehicle or vehicles within a certain distance or time limit.

(c) Racing is defined as the use of one or more vehicles in an attempt to outgain, outdistance, or prevent another vehicle from passing, to arrive at a given destination ahead of another vehicle or vehicles, or to test the physical stamina or endurance of drivers over long distance driving routes.

(d) Any person convicted of violating this section shall be punished as provided in 17-101(c). (New Section, 1968.)

Article IX--Serious Traffic Offenses

11-901--Reckless driving

(b) Every person convicted of reckless driving shall be punished upon a first conviction by imprisonment for a period of not less than five days nor more than 90 days, or by a fine of not less than \$25 nor more than (\$500), or by both such fine and imprisonment, and on a second or subsequent conviction shall be punished by imprisonment for not less than 10 days nor more than six months, or by a fine of not less than \$50 nor more than (\$500) or by both such fine and imprisonment. (Revised, 1971.)

11-902--Driving while under the influence of alcohol or other drugs

(a) A person shall not drive or be in actual physical control of any vehicle while:
1. The alcohol concentration in his blood or breath is 0.08 or more based on the definition of blood and breath units in 11-902.1

3 (Revised, 1971; Revised, 1979.)

2. Under the influence of alcohol;⁴ (Revised, 1971.)

3. Under the influence of any drug or combination of drugs to a degree which renders him incapable of safely driving; or (Formerly 11-902.1; Revised, 1971 & 1979.)

4. Under the combined influence of alcohol and any other drug or drugs to a degree which renders him incapable of safely driving. (New, 1971 & 1979.)

(b) The fact that any person charged with violating this section is or has been legally entitled to use alcohol or other drug shall not constitute a defense against any charge of violating this section. (Formerly 11-902.1; Revised, 1971.)

(c) In addition to provisions of 11-902.2⁵ every person convicted of violating this section shall be punished by imprisonment for not less than 10 days nor more than one year, or by fine of not less than \$100 nor more than \$1,000, or by both such fine and imprisonment and, on a second or subsequent conviction, he shall be punished by imprisonment for not less than 90 days nor more than one year, and, in the discretion of the court, a fine of not more than \$1,000. (Formerly 11-902.2; Revised, 1971.)

Former subsections (b), (c), (d), (e), (f) and (g) have been moved to 11-902.1 on chemical tests, below.

Article XI--Miscellaneous Rules

11-1103--Driving upon sidewalk

No person shall drive any vehicle upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway. This section shall not apply to any vehicle moved exclusively by human power nor to any motorized wheelchair. (Revised, 1975 & 1984.)

11-1105--Opening and closing vehicle doors

No person shall open any door on a motor vehicle unless and until it is reasonably safe to do so and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on a side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers. (Revised, 1975.)

11-1111--Putting glass, etc., on highway prohibited

(a) No person shall throw or deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans or any other substance likely to injure any person, animal or vehicle upon such highway.

(b) Any person who drops, or permits to be dropped or thrown, upon any highway any destructive or injurious material shall immediately remove the same or cause it to be removed.

(c) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

Article XII--Operation of Bicycles, Other Human-Powered Vehicles, And Mopeds (Revised, 1979.)

11-1201--Effect of regulations

(a) It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this article.

(b) The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this act.

(c) Subsection(c) was deleted in 1975.

11-1202--Traffic laws apply to persons on bicycles and other human powered vehicles

Every person propelling a vehicle by human power or riding a bicycle shall have all of the rights and all of the duties applicable to the driver of any other vehicle under chapters 10 and 11, except as to special regulations in this article and except as to those provisions which by their nature can have no application. (Revised, 1975.)

11-1203--Riding on bicycles

(a) Deleted in 1975.

(b) No bicycle shall be used to carry more persons at one time than the number for which it is designed or equipped, except that an adult rider may carry a child securely attached to his person in a back pack or sling. (Revised, 1975.)

11-1204--Clinging to vehicles

(a) No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any (street-car or) vehicle upon a roadway. (Relettered, 1975.)

(b) This section shall not prohibit attaching a bicycle trailer or bicycle semitrailer to a bicycle if that trailer or semitrailer has been designed for such attachment. (New Subsection, 1975.)

11-1205--Position on roadway

(a) Any person operating a bicycle or a moped upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as close as practicable to the right-hand curb or edge of the roadway except under any of the following situations:

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

(2) When preparing for a left turn at an intersection or into a private road or driveway.

(3) When reasonably necessary to avoid conditions including, but not limited to, fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals, surface hazards, or sub-standard width lanes that make it unsafe to continue along the right-hand curb or edge. For purposes of this section, a "sub-standard width lane" is a lane that is too narrow for a bicycle and a vehicle to travel safely side by side within the lane.

(b) Any person operating a bicycle or a moped upon a one-way highway with two or more marked traffic lanes may ride as near the left-hand curb or edge of such roadway as practicable. (Revised, 1979.)

11-1205.1--Riding two abreast and use of bicycle paths

(a) Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. Persons riding two abreast shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane. (Revised, 1975; Formerly 11-1205(b).)

(b) Subsection (b) was deleted in 1984.

11-1206--Carrying articles

No person operating a bicycle shall carry any package, bundle or article which prevents the use of both hands in the control and operation of the bicycle. A person operating a bicycle shall keep at least one hand on the handlebars at all times. (Revised, 1975.)

11-1207--Left turns

(a) A person riding a bicycle or a moped intending to turn left shall follow a course described in Sec. 11-601 or in subsection (b).

(b) A person riding a bicycle or a moped intending to turn left shall approach the turn as close as practicable to the right curb or edge of the roadway. After proceeding across the intersecting roadway to the far corner of the curb or intersection of the roadway edges, the bicyclist or moped driver shall stop, as much as practicable out of the way of traffic. After stopping, the bicyclist or moped driver shall yield to any traffic proceeding in either direction along the roadway the bicyclist has been using. After yielding, and complying with any official traffic control device or police officer regulating traffic on the highway along which he intends to proceed, the bicyclist or moped driver may proceed in the new direction.

(c) Notwithstanding the foregoing provisions, the state highway commission and local authorities in their respective jurisdictions may cause official traffic-control devices to be placed and thereby require and direct that specific course be traveled by turning bicycles or mopeds, and when such devices are so placed, no person shall turn a bicycle or a moped other than as directed and required by such devices. (Revised 1984.)

11-1208--Turn and stop signals

(a) Except as provided in this section, a person riding a bicycle shall comply with 11-604.

(b) 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 bicycle before turning, and shall be given while the bicycle is stopped waiting to turn. A signal by hand and arm need not be given continuously if the hand is needed in the control or operation of the bicycle.

11-1209--Bicycles and human powered vehicles on sidewalks

(a) A person propelling a bicycle upon and along a sidewalk, or across a roadway upon and along a crosswalk, shall yield the right of way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.

(b) A person shall not ride a bicycle upon and along a sidewalk, or across a roadway upon and along a crosswalk, where such use of bicycles is prohibited by official traffic-control devices.

(c) A person propelling a vehicle by human power upon and along a sidewalk, or across a roadway upon and along a crosswalk, shall have all the rights and duties applicable to a pedestrian under the same circumstances. (New Section, 1975.)

11-1210--Bicycle Parking

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

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

(c) A bicycle may be parked on the roadway at any angle to the curb or edge of the roadway at any location where parking is allowed.

(d) A bicycle may be parked on the roadway abreast of another bicycle or bicycles near the side of the roadway at any location where parking is allowed.

(e) 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.

(f) In all other respects, bicycles parked anywhere on a highway shall conform with the provisions of article 10 regulating the parking of vehicles. (New Section, 1975.)

11-1211--Bicycle racing

(a) Bicycle racing on the highways is prohibited by 11-808 except as authorized in this section.

(b) Bicycle racing on a highway shall not be unlawful when a racing event has been approved by state or local authorities on any highway under their respective jurisdictions. Approval of bicycle highway racing events shall be granted only under conditions which assure reasonable safety for all race participants, spectators and other highway users, and which prevent unreasonable interference with traffic flow which would seriously inconvenience other highway users.

(c) By agreement with the approving authority, participants in an approved bicycle highway racing event may be exempted from compliance with any traffic laws otherwise applicable thereto, provided that traffic control is adequate to assure the safety of all highway users. (New Section, 1975.)

11-1213--Mopeds in bicycle lanes

Upon any roadway where motor vehicles are permitted, a person may drive a moped in any lane designated for the use of bicycles. (New, 1979.)

CHAPTER 12
Equipment of Vehicles

ARTICLE I--Scope and Effect of Regulations;
Equipment Approval

12-101--Scope and effect of regulations

(a) It is a misdemeanor for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter or in regulations issued by the department, or which is equipped in any manner in violation of this chapter or those regulations or for any person to do any act forbidden or fail to perform any act required under this chapter or those regulations. (Revised, 1975.)

(b) Nothing in this chapter or regulations of the department shall prohibit equipment required by the United States Department of Transportation nor the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this chapter or those regulations. (Revised, 1975.)

(e) The provisions of this chapter and regulations of the department shall not apply to vehicles moved solely by human power, except as specifically made applicable. (New, 1975.)

Article II--Lamps and Other Lighting Equipment

12-201--When lighted lamps are required

Every vehicle upon a highway within this State at any time from a half hour after sunset to a half hour before sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 1,000 feet ahead shall display lighted head and other lamps and illuminating devices as respectively required for different classes of vehicles, subject to exceptions with respect to parked vehicles, and further that stop lights, turn signals and other signaling devices shall be lighted as prescribed for the use of such devices. (Revised, 1971 & 1975.)

ARTICLE IV--Other Equipment

12-415--Use of earplugs restricted

(a) A person shall not drive a vehicle or a bicycle with earplugs in both ears or while wearing a headset covering both ears.

(b) This section shall not apply to any person using a prosthetic device which aids the hard of hearing. (New, 1979.)

ARTICLE VII--Bicycles (New, 1975.)

12-701--Application of chapter to bicycles

No provision in this chapter shall apply to bicycles nor to equipment for use on bicycles except as to provisions in this article or unless a provision has been made specifically applicable to bicyclists, bicycles or their equipment. (New, 1975.)

12-702--Head lamp required at night

Every bicycle in use at the times described in 12-201 shall be equipped with a lamp on the front emitting a white light visible from a distance of at least 500 feet to the front. (Former Section 11-207 (a); Revised and Repositioned, 1975.)

12-703--Rear reflector required at all times

Every bicycle shall be equipped with a red reflector of a type approved by the department which shall be visible for 600 feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle. (Former Section 11-1207 (a); Revised and Repositioned, 1975.)

12-704--Side reflector or light required at night

Every bicycle when in use at the times described in 12-201 shall be equipped with reflective material of sufficient size and reflectivity to be visible from both sides for 600 feet when directly in front of lawful lower beams of head lamps on a motor vehicle, or, in lieu of such reflective material, with a lighted lamp visible from both sides from a distance of at least 500 feet. (New, 1975.)

12-705--Additional lights or reflectors authorized

A bicycle or its rider may be equipped with lights or reflectors in addition to those required by the foregoing sections. (New, 1975.)

-706--Brake required

Every bicycle shall be equipped with a brake or brakes which will enable its driver to stop the bicycle within 25 feet from a speed of 10 miles per hour on dry, level, clean pavement. (Former Section 11-1207 (c); Revised and Repositioned, 1975.)

12-707--Sirens and whistles prohibited

A bicycle shall not be equipped with, nor shall any person use upon a bicycle, any siren or whistle. (Former section 11-1207 (b); Revised and Repositioned, 1975.)

12-708--Bicycle identifying number

A person engaged in the business of selling bicycles at retail shall not sell any bicycle unless the bicycle has an identifying number permanently stamped or cast on its frame. (New, 1975.)

12-709--Inspecting bicycles

A uniformed police officer may at any time upon reasonable cause to believe that a bicycle is unsafe or not equipped as required by law, or that its equipment is not in proper adjustment or repair, require the person riding the bicycle to stop and submit the bicycle to an inspection and such test with reference thereto as may be appropriate. (New, 1975.)

CHAPTER 15

Respective Powers of State and Local Authorities

15-101--Provisions uniform throughout State

The provisions of this act shall be applicable and uniform throughout this State and in all political subdivisions and municipalities therein and no local authority shall enact or enforce any ordinance on a matter covered by the provisions of this act unless expressly authorized. (Revised, 1971.)

15-102--Powers of local authorities

(a) The provisions of this act shall not be deemed to prevent local authorities with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power from:

1. Regulating or prohibiting stopping, standing or parking;
2. Regulating traffic by means of police officers or official traffic-control devices;
3. Regulating or prohibiting processions or assemblages on the highways;
4. Designating particular highways or roadways for use by traffic moving in one direction as authorized in 11-308;
5. Establishing speed limits for vehicles in public parks notwithstanding the provisions of 11-803(a)3;
6. Designating any highway as a through highway or designating any intersection or junction of roadways as a stop or yield intersection or junction; (Revised, 1971.)
7. Restricting the use of highways as authorized in 14-113;
8. Regulating the operation of bicycles and requiring the registration and inspection of same, including the requirement of a registration fee;
9. Regulating or prohibiting the turning of vehicles or specified types of vehicles;
10. Altering or establishing speed limits as authorized in 11-803;
11. Requiring written accident reports as authorized in 10-115;
12. Designating no-passing zones as authorized in 11-307,
13. Prohibiting or regulating the use of controlled-access roadways by any class or kind of traffic as authorized in 11-313;

14. Prohibiting or regulating the use of heavily traveled streets by any class or kind of traffic found to be incompatible with the normal and safe movement of traffic;

15. Establishing minimum speed limits as authorized in 11-804(b);

16. Deleted in 1975.

17. Designating and regulating traffic on play streets;

18. Prohibiting pedestrians from crossing a roadway in a business district or any designated highway except in a cross-walk as authorized in 15-107;

19. Restricting pedestrian crossings at unmarked crosswalks as authorized in 15-108;

20. Regulating persons propelling push carts;

21. Regulating persons upon skates, coasters, sleds and other toy vehicles;

22. Adopting and enforcing such temporary or experimental regulations as may be necessary to cover emergencies or special conditions;

23. Prohibiting drivers of ambulances from exceeding maximum speed limits; (New, 1975.)

24. Adopting such other traffic regulations as are specifically authorized by this act. (Renumbered, 1975.)

15-104--(State highway commission) to adopt sign manual

The (State highway commission) shall adopt a manual and specifications for a uniform system of traffic-control devices consistent with the provisions of this act for use upon highways within this State. Such uniform system shall correlate with and so far as possible conform to the system set forth in the most recent edition of the *Manual on Uniform Traffic Control Devices for Streets and Highways* and other standards issued or endorsed by the Federal Highway Administrator. (Revised, 1971.)

15-113--Removal of traffic hazards

(a) It shall be the duty of the owner of real property to remove from such property any tree, plant, shrub or other obstruction, or part thereof, which, by obstructing the view of any driver, constitutes a traffic hazard.

(b) When the (State highway commission) or any local authority determines upon the basis of an engineering and traffic investigation that such a traffic hazard exists, it shall notify the owner and order that the hazard be removed within 10 days.

(c) The failure of the owner to remove such traffic hazard within 10 days shall constitute an offense punishable by a penalty of _____ dollars and every day said owner shall fail to remove it shall be a separate and distinct offense. (New Section, 1968.)

15-116--Interference with driver's vision

No person shall place, maintain or display, upon or in view of any highway, any stationary sign or light which blinds, dazzles or impairs the vision of drivers upon the highway. (New, 1979.)

CHAPTER 17

Post Conviction Remedies (New, 1971.)

Article I--Misdemeanors (New, 1971.)

17-101--Penalties for misdemeanor

(a) It is a misdemeanor for any person to violate any of the provisions of this act unless such violation is by this act or other law of this State declared to be a felony (or an infraction).⁶

(Revised, 1979.)

(b) Every person convicted of a misdemeanor for a violation of any of the provisions of chapters 10, 11, 12, 13, or 14, for which another penalty is not provided, shall for a first conviction thereof be punished by a fine of not more than \$200; for conviction of a second offense committed within one year after the date of the first offense, such person shall be punished by a fine of not more than \$300; for conviction of a third or subsequent offense committed within one year after the date of the first offense, such person shall be punished by a fine of not more than \$500 or by imprisonment for not more than six months or by both such fine and imprisonment. (Revised, 1971 & 1975.)

Optional 17-101.1--Penalties for infraction⁷

Every person convicted of an infraction for a violation of any of the provisions of chapter 11 for which another penalty is not provided, shall for a first conviction thereof be punished by a fine of not more than \$200; for conviction of a second violation committed within one year after the date of the first violation, such a person shall be punished by a fine of not more than \$300; for conviction of a third or subsequent violation committed within one year after the date of the first violation, such a person shall be punished by a fine of not more than \$500. (New, 1979.)

Footnotes

¹The reference to infraction should be adopted by any state where most of the rules of the road violations are not misdemeanors. See 11-102, supra, and accompanying footnote. (New, 1979.)

²If the enacting state wishes to provide that most rules of the road violations are not misdemeanors, the word "violation" should be used in subsection (a) in place of the word "misdemeanor," and subsections (b) and (c) should be adopted. These states also should adopt OPTIONAL 17-101.1 to provide a penalty for violations that are infractions. If the enacting state prefers that all traffic law violations be misdemeanors, the word "misdemeanor" should be used in (a) and subsections (b) and (c) should not be adopted. (New Footnote, 1979.)

³11-902.1 concerns chemical and other tests.

⁴Enactment of subsection (a)2 is necessary to cover cases where no chemical test evidence is available to prosecute under subsection (a)1.

⁵11-902.2 concerns post conviction examinations and remedies.

⁶The reference to infraction should be adopted by any state where most of the rules of the road violations are not misdemeanors. See 11-102, supra, and accompanying footnote. (New, 1979.)

⁷This section should be adopted in states which adopt UVC 11-102(b) and (c) providing that most rules of the road violations are infractions and not misdemeanors.



The United Methodist Churches

OF
MERIDEN AND OZAWKIE, KANSAS

JOHN F. RICHTER, PASTOR
OFFICE PH: 1-913-484-2224

POST OFFICE BOX C
MERIDEN, KS. 66512

TO: Senate Transportation Committee
SUBJ: Testimony in Support of Senate Bill 2559
DATE: March 25, 1986
FROM: John F. Richter

1. Mr. Chairman, members of the Senate Transportation Committee, other witnesses and observers, I bring you greetings from the Outdoor Christian Education Committee of the Kansas East Conference of The United Methodist Church. I am a youth and adult camp director in our church's summer camping program. The camps I direct are unique in that they are what we refer to as off-site camps. In fact, the very reason that I am before you today is because they are bicycle touring camps.

2. I am in the bicycle camp touring business because of my motivation, first, to lead young people and adults from our churches in wholesome and inspirational outdoor Christian education experiences, and secondly, because of my own love of bicycling for exercise, sport and utility. In fact, I ride nearly 2,500 miles annually. Hence, my concern for updating our State's Uniform Vehicle Code to promote safe, efficient and responsible sharing of our public roadways.

3. I began bicycling as a youngster with my father in the small, rural Kansas town of Madison. When I first remember riding with him, his bicycle was his principle means of transportation to and from work. Early in my experience, the bicycle became essential to my own entrepreneurial interests as a paper boy. As an adult interested in fitness, I found my way back to bicycling as my principle form of exercise. Only later did a group of Boy Scouts from a church I was serving hook me into helping them with their bicycling merit badge. They insisted that I ride with them 25, then 50 miles at a time. Subsequently, I discovered the wonderful world of

ATT. (2)
S.T.U 3/25/86

bicycle touring that I had missed as a youth and young adult. Since then, I have been introducing it to others and making it possible for persons of all ages to enjoy its facination and adventure.

4. Thus, I come before you today in support of Senate Bill 2559 because of my years of riding both alone and with organized tour groups, directing bicycle touring camps, as well as training children, youth and adults in bicycle maintenance, safety and vehicular traffic law. My experience has raised several concerns about Kansas law governing the use of the bicycle upon public roadways. Whereas it is entirely correct and appropriate that such vehicle operators upon a public roadway "...shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle.." as the Kansas law already provides, why, then, should the bicycle be excluded from the statutory definition as a vehicle?

5. One observed consequence of this exclusion is to leave the definition of a bicycle confused as to whether it is to function as a vehicle or as a pedestrian when operating on the public roadway. When forced to operate a bicycle according to pedestrian rules rather than vehicle operator rules, the bicyclist is placed in a vague and compromising position that endangers both life and limb. Further, there is the question of liability and the loss not only of rights, but of legal status in the event of an accident resulting in personal injury or property damage. Liability questions and insurance definitions are also clearly involved in this issue. The purpose of my testamony in support of Senate Bill 2559 is not to shift liability nor responsibility to the motorist, I'm one of those too, but rather to clarify and share that responsibility more equitably.

6. A second consequence of our present vehicle laws as they pertain to the operation of bicycles upon public roadways is to force the trained and experienced cyclist into a "Catch 22" in which he or she is in violation of the law if nationally recognized safe bicycling practices are adopted and followed. This is true because Kansas Law lags behind the principles adopted by the National Uniform Vehicle Code,

other states and recognized organizations such as the League of American Wheelman. It is my understanding that Senate Bill 2559 would bring our state's code into such compliance and therefore help us begin to resolve these issues.

7. A frequently asked question is "How safe is bicycling?" National studies professionally done in the past twelve years by organizations such as Bike Centennial and The League of American Wheelman have exhaustively studied four categories of bicycle riders. The categories included children, college affiliated adults, members of The League of American Wheelman and cross country touring riders. The studies first demonstrated that children are in the highest risk group as bicycle riders as we might expect. Fortunately, not many, if any, children are riding on public thoroughfares or rural roads unsupervised. The studies then pointed out that untrained college affiliated adults were little safer than children for lack of appropriate training. It revealed that club trained riders are 80% less likely to be injured in a bicycle related accident than untrained adults operating bicycles. In fact, the studies revealed that trained riders enjoy a safety rate approximately equal to that of motorists per hundred thousand miles of exposure. Also, it was found that the trained biker is three times safer than a pedestrian. The cross country bicycle tourist has an even more enviable safety record as a group. Surprisingly, the studies also noted that only 20% of bicycle injury accidents involve a motor vehicle. Another 20% involved another bicycle, while over 50% are single bicycle accidents involving a small animal, an unsafe roadway, an obstacle, an improperly loaded bicycle, lack of rider skill, a rider suffering from fatigue, etc.

8. Another frequently raised question to consider is, "Why consider changing the law now?" Bicycling is clearly one of the fastest growing sports in the United States today. With the success of the USA Bicycle Team in the Olympics last year, we can expect more of our young people to pursue bicycling for sport, recreation and exercise. In light of this substantial trend, the data suggests the need for more emphasis upon training at an earlier age to help our children and youth

acquire respect of the bicycle as a vehicle and then to learn both basic riding skills and safety techniques. Studies show that well-planned training programs can reduce injury accidents as much as 80%. But the other side of the safety coin is that the motorist must also be made aware of the status and rights of the cyclist as well as having an idea of how to predict what a cyclist might do next. Defining the bicycle as a vehicle and bringing the Kansas code into conformity with other states will almost certainly clarify the matter for the motorist as well as the cyclist.

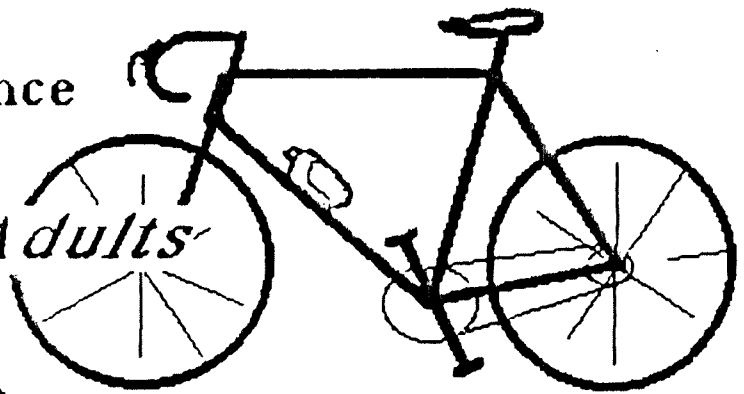
9. In conclusion, I submit to you that it is extremely urgent to amend the Kansas Uniform Traffic Code, first, by including the bicycle in the Code's definition of a vehicle, then, by prescribing the operation of the bicycle in a manner consistent with other vehicles to avoid the confusion of other vehicle operators as well as cyclists themselves, and finally, by securing the cyclists' legal rights and declaring their responsibility as co-users of public roadways. I, thus, urge your favorable consideration and recommendation of Senate Bill 2559 to the Kansas State Senate for passage during this session of the Kansas Legislature as a timely first step. I will be pleased to answer any questions that I can now or later. Thank you.

ATTACHMENTS:

1. Kansas East Conference Youth Bicycle Tour Promotional Brochure
2. Kansas East Conference Youth Bicycle Tour News Release

Kansas East Conference

***BICYCLE TOURS
for Youth and Adults
1986***



**"Come and Ride
With Us!"**

KEC Youth Bike Tour 350 / 1986

DEAR KEC BIKER:

Al Pope and I are planning KEC Bike Tours for both youth and adults this Spring and Summer. Since few youth would expect our Conference to plan such an event and therefore would not think to look for it in our KEC Outdoor Christian Education Catalog, we need your help in alerting your UMYF, counselors and church families to the following events:

BIKE TOUR ORIENTATION WORKSHOP, May 3rd.

This skill/safety workshop is required for youth and adults who plan to ride on either the 1986 KEC Adult Bike Tour 150 May 21-24 or the KEC Youth Bike Tour 350 June 22-28 and is open to those who might want to go in the future. The orientation will be held from 1-3 p.m. at Lowman United Methodist Church, 15th and Gage Blvd, Topeka.

CONFERENCE ADULT BIKE TOUR 150, MAY 21-24.

This "Bike Around KEC" event for adult bicyclists will average 50 miles per day with SAG vehicle support. The tour group will gather Wed. night for Thur. morning departure from Baldwin to Osage City to Shawnee Heights UMC and return to Baldwin on Saturday. Cost will be \$55. Registration deadline is May 3rd. Riders must attend Orientation Workshop above.

CONFERENCE YOUTH BIKE TOUR 350, JUNE 22-28.

This "Bike Across KEC" event for bicycle enthusiasts (grades eight through twelve) is of moderate difficulty. The tour, beginning at Baxter Springs and concluding at Marysville, will average 65 miles per day with SAG vehicle support. The group will explore area history, visit sites of interest and examine contemporary ministries. Cost will be \$110. Registration deadline is May 3rd. Riders must attend Orientation Workshop above.

For more information, contact John Richter, P.O. Box C, Meriden, KS 66512, 913-484-2224.

THANK YOU. John Richter & Al Pope, Co-Directors

TO: AREA NEWS MEDIA
SUBJ: KEC YOUTH BIKE TOUR 300
FROM: THE REV. JOHN RICHTER, CO-DIR., P.O. BOX C, MERIDEN, KS 66512

FOR IMMEDIATE RELEASE

Kansas East Conference United Methodist Youth visited _____ on June _____ continuing a 354 mile bicycle tour of across Eastern Kansas. The _____ youth and their six adult sponsors are exploring church heritage and ministries, Kansas history and Christian community as they pedal together during the seven day experience.

The ride began in Coffeyville, Kansas where the group assembled at Trinity United Methodist Church for a Sunday evening orientation on June 23rd. The riders and sponsors left Coffeyville at 7:30 a.m. on Monday morning accompanied by a SAG wagon to carry their baggage, bed rolls and other equipment. The group will stay in United Methodist Churches along their route from Coffeyville to Columbus and on to Ft. Scott, Osawatomie, Oskaloosa and Hiawatha.

Church groups will provide rest stops and brunches at towns along the way and host churches will prepare their evening meals. The youth themselves will share many housekeeping responsibilities enroute such as breakfast preparation, facility cleanup, SAG loading and unloading as well as contributing to morning and evening devotional experiences.

Leaders of the tour include three cycling United Methodist pastors, John Richter of Meriden-Ozawkie United Methodist Churches and Alton Pope of Roeland Park United Methodist Church in Roeland Park and George Chase of Otterbein United Methodist Church of Topeka. Other staff members include Mrs. Mary Richter and Miss Ruthy Richter both of Meriden, Kansas. Mr. John Mahin of Mirriam, Kansas is also accompanying the group as an interested parent.

The KEC Youth Bike Tour 300 participants come from cities and towns scattered throughout Eastern Kansas. They range in age from 13-18 and vary in riding skills and experience. Bicycle safety is a daily theme throughout the tour. The one thing the youth and adults have in common is their love of bicycling and perhaps a fantasy of bicycle touring that is quickly being tested and shaped by the reality of first-hand experience.

The riding event is part of the Kansas East Conference Outdoor Christian Education Program directed by the Rev. Jerry Grabber of Topeka.



JCBC

Box 66203
Shawnee Mission
Kansas 66201

To the members of the Senate Transportation and Utilities Committee:

We, the undersigned officers and members of the Johnson County Bicycle Club, applaud the action taken recently by the Kansas House of Representatives when they voted in favor of House Bill 2559. As a group concerned with promoting safe cycling in this state, we urge you to consider recommending House Bill 2559 for passage in the Senate during the current session of the Legislature.

The Johnson County Bicycle Club is an organization of approximately 400 recreational cyclists living for the most part in Johnson and Wyandotte Counties. In addition to our membership, there is a significantly large non-member group of serious cyclists in the area. Many of our members are long-distance riders who ride 5,000 or more miles a year on bicycles and have had first-hand experience with the kind of confusion on the road that is possible under the current Kansas Uniform Vehicle Code. We feel that House Bill 2559, with its specific changes regarding cyclists on the road, could go a long way toward correcting this confusion by clarifying acceptable roadway practices for motorists and cyclists alike. The resulting changes in the Vehicle Code could make the State of Kansas a safer place in which to ride a bicycle and drive a car by making the behavior of cyclists in traffic much more predictable by virtue of the fact that House Bill 2559 clearly states what that behavior should be.

This letter is intended to make you aware of our support for the bill. Thank you very much for your attention.

Sincerely,

S. 7443/25/86
ATT. ③

Richard J. Call
President JCBC

Peter J. Hyston
Vice President JCBC

Christine Rowe
Secretary

Andy Rowe, Chairman of Board

Lee Holmes Edward W. Nicholas
David M. Smalley Tracy McFar
John McFarland Housing Chairman
Cheryl A. Moore
Treasurer

Lupus victims carry burden

By Nancy Haney
staff writer

Some victims of lupus erythematosus don't mind the attention currently being given to such diseases as AIDS and cancer.

They hope research into those diseases eventually will help combat lupus, a lesser-known disease of the immune system.

But they also are trying to tell the public about their disease—besides their physical problems, victims of lupus believe they carry an additional burden because their disease is so little understood.

The Kansas City chapter of the Lupus Foundation of America Inc. has been promoting its 24-hour hot line and distributing literature in area libraries to educate the public.

The hot line was started three years ago to answer the questions of newly diagnosed victims. The hot line, 454-1303, is staffed by lupus victims.

"Most of the time it just helps to talk to someone who understands firsthand about what you are going through," said Dee Benjamin of Overland Park, who has had lupus eight years.

The disease, which usually affects women between the ages of 20 and 30, is difficult to diagnose because it can attack any organ in the body and display as many as 14 different symptoms. Symptoms often include kidney disorders, short-term paralysis and lethargy.

There is no cure, but the disease can be controlled fairly well with medication.

The cause of lupus is unknown, although it is known a victim's body makes large quantities of antibodies that react against normal tissue.

Victims often have problems deal-

"Most of the time it just helps to talk to someone who understands firsthand about what you are going through."

—Dee Benjamin
of Overland Park

ing with such a mysterious and incurable illness.

"We live in an instant-cure society," said Diana Hallgrimson of Lenexa, a lupus victim for nine years. "I felt so much anger because my disease could not be cured."

Friends and family members sometimes find it hard to believe a lupus victim is suffering because the victim looks fine, Mrs. Benjamin said.

"When I'm feeling bad and someone tells me, 'But, you look great,' I just want to throw something at them," she said.

At other times, looking at lupus victims may be the only way to tell they are sick. If a victim with discoid lupus erythematosus stays in the sun too long, for example, he can develop patchy red blotches on his skin and become overly tired.

For some victims of discoid lupus, the most common form of the disease, that may be the worst part about the illness. Dale Roberts, 33, of Kearney, Mo., was diagnosed when he was in college at Central Missouri State University in Warrensburg.

"I loved the outdoors when I was in college," he said. "If I didn't have

lupus I probably would have been a greenskeeper or something. Fourteen years later, I'm staying in the shade."

Mr. Roberts is now a supervisor for the board of probation and parole in Missouri.

Pearle Cohn of Prairie Village was diagnosed with discoid lupus 24 years ago. She said she had to give up some of her favorite activities such as golfing, swimming and sun-tanning.

Before Mrs. Benjamin was diagnosed she had become accustomed to spending time outside. During one trip to Florida the lure of the sun proved to be too much.

"After 30 minutes, I just felt drained. I had to go back to the hotel and rest in bed for the next three days," she said.

Another form of the disease—systematic lupus, which affects about 20 percent of the victims—can affect the central nervous system.

Mrs. Hallgrimson, 48, said that before she knew she had the disease, her family was worried about her forgetfulness.

Personality change, depression or loss of concentration also may indicate this form of lupus.

Sometimes the victim can be feeling fine and then have a "flare-up" of the disease without much warning. Max Benjamin, husband of Dee Benjamin, said he remembered one trip he and his wife took.

"We were in Joplin, Mo., and one morning she just couldn't get out of bed. It was a funny feeling not knowing what to do for her," Mr. Benjamin said.

Mr. Benjamin also is the chapter president. A leg amputation in 1983 forced him to retire from his job as a

See Lupus, pg. 4Tech, col. 1

Lupus

continued from pg. 1Tech

traveling jewelry salesman, and he decided to devote his energies to the foundation.

Mr. Benjamin said he would like the chapter to become a bigger resource for victims who find it difficult to pay medical bills.

The hot line initially was a vehicle to tell victims of ways to save on medical bills and refer them to doctors and clinics, he said.

Even a common cold can be expensive to a lupus victim, Mr. Benjamin said. A doctor may prescribe plenty of antibiotics to make sure the cold does not work itself into a more complicated disease.

Because there are so many symptoms, it may take months of expensive tests before a proper diagnosis of lupus is made, Mr. Benjamin said.

The quality of literature available about the disease is another problem, Mrs. Benjamin said. When she was first diagnosed, she said, her daughter read a pamphlet in the public library that said most lupus victims die. Mrs. Benjamin's doctor had told her the disease had a 1 percent death rate.

"The literature in the library was so out-of-date and my daughter didn't know what to believe," she said.

The Kansas City chapter has recently put new pamphlets about the disease in most of the area's public libraries.

Attach. 4
S. Tech 3/25/86

HTT
(4)

Information on lupus is clarified

By Cathy Karlin Zahner

The Star's medical writer

A story that appeared in *The Kansas City Star* last week about a little-understood disease, lupus, may have left some misunderstanding in some areas.

Lupus is an inflammatory disease that affects different organs of the body, such as the kidney, brain and blood vessels, said Dr. Nabih Abdou, professor of medicine at the University of Kansas Medical Center and director of its lupus clinic. Patients' bodies create antibodies that can attack or inflame their organs.

Two common forms of the disease are systemic lupus and discoid lupus.

Discoid lupus primarily affects the skin and can cause rashes and lesions, Dr. Abdou said.

About one-fifth of patients with discoid lupus may later develop systemic lupus, a more extensive form of the disease that occurs in about 20 percent of lupus patients and can affect the central nervous system, he said. It can cause fever, weakness, fatigue, muscle and joint aches, behavior changes and other problems, he said.

However, the majority of people with systemic lupus have not previously had discoid lupus, Dr. Abdou said.

Lupus is caused by multiple factors, including genetic make-up, an abnormal immune system and reaction to environmental factors such as the sun's ultraviolet rays, Dr. Abdou said.

There is no known cure and the disease can be fatal. However, improved tests and medication can help keep lupus under control, he said.

The Kansas City chapter of the Lupus Foundation of America Inc. has a 24-hour hot line that provides emotional support, as well as information about the disease and association activities, to lupus patients. The telephone line, 454-1303, is staffed by volunteers.

LUPUS ERYTHEMATOSUS *

INTENSIFIED MEDICAL RESEARCH IS BEGINNING

TO CAST LIGHT ON THIS BAFFLING ILLNESS

Although it was first recognized in the 19th Century by doctors who treated skin diseases, the web of mystery surrounding this illness known as LUPUS ERYTHEMATOSUS, or LE, still challenges the medical profession. Its origin is unknown, its symptoms are extremely varied and often dismayingly like the symptoms of many other diseases. While research has been done in the control of Lupus Erythematosus, there is, at the present time, no known cure.

Some sufferers are extremely sensitive to sunlight. Even minimum exposure to sun is often the trigger that initiates the first attack and subsequent flare-ups. The most conspicuous sign is a rash which spreads from the cheek across the bridge of the nose, to the other cheek. It has the shape of a butterfly, and is called the "butterfly rash." Sometimes it is referred to as "red wolf," which is the literal translation of Lupus Erythematosus. But even this mark lacks consistency because it is evident in only about half the victims.

Common symptoms of Lupus Erythematosus are generalized aching, weakness, malaise, fatigue, low-grade fever, and chills. Arthritic joint swelling and stiffness are also indicative. These symptoms, however, may suggest any one of a number of disorders including lupus. Other symptoms of Lupus include hair loss, pleurisy, finger and toe blanching in cold weather (Raynaud's), sores in the mouth, anemia, and seizures. Most patients have only some, but not all, of these features.

The most widely held belief as to the cause of LE is that it is a disorder in the body's production of antibodies, those special protein substances used by the body in its defense against bacteria and other foreign invaders. Something has gone wrong with the immune system so that the person becomes allergic to some part of his own tissue. There are many other theories concerning the causes of LE.

As long as the cause of LE remains an enigma, there is no specific and complete treatment. The disease varies from person to person, both in its symptoms and in its response to treatment. The drugs which are most effective against it may themselves create serious side effects. It is felt that among the general methods of supportive care are relief of pain, maintenance of good nutrition, and sufficient rest.

Steroids, the most famous being cortisone, are nearly always used in treating patients with severe Lupus Erythematosus. Their effect is to suppress inflammation. The disadvantage to these is that they are powerful drugs and often produce harmful side effects. Anti-malarial drugs have been found to be of great benefit. Aspirin is widely used to control fever and joint pain. At this time there are also a number of new drugs now being evaluated.

Over half a million Americans have LE, about fifty thousand more come down with it each year, and at least five thousand die from it each year.

The course of the disease is often erratic, with symptoms tending to come and go. The patient has periods of feeling much better, which we call being in "remission," but later the disease may flare up again, which is called a "LE flare." This cycle can be repeated many times. At intervals, attempts are made to decrease gradually the amount

of drugs that the patient requires. If this is accomplished successfully over a period of several months or years, the patient may eventually reach a point of requiring no further medication and still remain free from LE activity. These patients cannot be said to be cured, but they certainly can be considered to be under good control, and they require medical follow-up only at less frequent intervals. On rare occasions, some patients seem to enter a spontaneous remission during which they require no medication and show no LE activity.

Despite the baffling complexity of the illness and the discouraging frustrations faced by scientists in their struggle to penetrate the mystery surrounding its cause and cure, great strides have been made in the prevention of disability and the control of fatal complications. The outlook for the victim of LE is far from bleak. In the past few years we have witnessed an upsurge of interest and an intensification of research among scientists intent on finding the key to all collagen diseases, including rheumatoid arthritis and LE. Research and treatment centers are redoubling their efforts in seeking new methods of control.

There is a New Day for all of us, the Lupus victims.

Materials submitted to the Senate Transportation and Utilities Committee and to the House Transportation Committee of Kansas by Gila River Products, Inc. as it represents the position of AIMCAL, Martin Processing, Madico Inc., DTI Inc., the professional window film installers of Kansas and the consumers of Kansas who purchase window film from retail stores as well as the lupus patients of Kansas who seek relief from the present tinting law.

S. 744. 3/25/86
ATT. (5)

THE CONSUMER AND NONREFLECTIVE WINDOW FILM

THE BENEFITS OF WINDOW FILM

Automotive window film (nonreflective) has two major benefits that make it an increasingly popular and necessary aftermarket product.

SAFETY

Window film provides **increased safety** to prevent dangerous accidents and injuries. Film reduces the blinding glare of the sun off snow, sand, roads, and other vehicles. It allows greater visibility of intersecting highways during sunrise and sunset, times when accidents are greater due to the low angle and blinding effect of the sun. The reduction of light is generally no greater than that of the factory-tint along the top of the windshield. The second primary safety feature of film is its ability to provide **shatter-resistance** to standard automotive glass. Because the majority of American cars have safety glass on the windshield only, window film provides American drivers with the opportunity to install an aftermarket safety laminate that prevent glass sharding and splintering. Film reduces flying glass by bonding the glass together, an effect that can greatly reduce injuries to accident victims.

ECONOMY

Window film protects the consumer's investment while improving his driving comfort. Film protects expensive interior fabrics and upholstery and vinyl from cracking and fading by blocking virtually 99% of the sun's damaging ultra-violet rays. These rays affect the unstable dye molecules of fabrics the same way they do human skin tissue; film acts as a "sun screen" to reject these deteriorating rays. By acting as a type of insulation, the film helps control incoming solar heat as the vehicle is moving. This control provides relief to the driver by preventing sun-burns and drowsiness and it allows more efficient use of air-conditioning equipment for improved gas mileage. The net effect is less "wear and tear" on the car and increased protection of both driver and his investment.

CONSUMER FILM SALES FIGURES

Consumers apply nonreflective window film to their vehicles in one of two way: either through a do-it-yourself kit or roll, or through a trained professional film installer (car tinter). During the past decade, as the shade of tints has become lighter until the standard tints became acceptable to all age groups, car owners have found window film a necessary solution to the increasing uncomfortableness of newer, smaller cars. These cars have greater glass areas with smaller air conditioners and engines. Without some type of film, drivers find maintaining

interior comfort to be a complex task. That film works and works well as a safety-economy product is proved by the meteoric sales figures.

Consumers buy what is available through such national chains as Auto Shack, Western Auto, Pep Boys, Checker Auto, Chief Auto, K-Mart, Sears, J. C. Penny, Montgomery Wards, Home Depot, Ace Hardware, True-Value Hardware, Payless Cashways, and other auto, home center, and hardware stores. Exotic dark (5%) and light (70%) films are the exception and are available only through professional film installers, usually at great mark-ups. The common retail tint is a 35% light transmission film with less than 10% light reflectance; this combination has been accepted by consumers and law enforcement as the "best" film; consequently, it has become the common denominator of the film manufacturers and state film legislation.

1985 Sales Figures for Nonreflective Film in USA:

Total DIY film sold:	Dollars	\$33,412.050.00	(retail)
	Vehicles	2,561,590.50	(approx.)

Total Professionally installed film sold:

	Dollars	\$54,656,500.00	(estimat)
	Vehicles	546,565.00	(approx.)

Average consumer expense: \$20 for DIY, \$100 for Installed

Kansas DIY in 1985: 14,368.50 vehicles tinted
\$287,369.82 (estimat.) retail sales

LUPUS AND SKIN CANCER PATIENTS

As they study the benefits of nonreflective window film, physicians find scientific and medical justification for the claims made by the industry for the past decade. Members of state lupus associations are now turning to state legislators to permit the use of nonreflective tinting so that they can lead normal lives. Although the key for lupus victims is the percentage of ultraviolet rays rejected (usually 99%), the second important question is availability of the product. Due to the nationwide availability of 35% standard smoke film (primarily due to its virtual nationwide legality), lupus patients may obtain the film inexpensively at any major automotive parts store. One should consider that this film also provides a preventative value for people whose susceptibilities to ultraviolet rays have not yet reached the terminal stages.

LAW ENFORCEMENT AND NONREFLECTIVE FILM LAWS

THE ROLE OF VESC-20

In the late 1970's, members of the AAMVA and the film industry joined together to define certain aftermarket automotive equipment and to draft model legislation for those states without

any regulation or statute on such equipment. One of these committees drafted VESC-20, which referred to all types of window glazing products (including louvers, screens, and window film). At the time of this report, the standard automotive film was either highly reflective or excessively dark. Before altering its products, the film industry needed the direction that VESC-20 provided.

In summary, VESC-20 recommended that nonreflective tint be allowed on back side windows (dark as 5% light transmission, 35% light reflectance or less). Back windows could be tinted with nonreflective film as dark as 5% light transmission (35% light reflectance) so long as the vehicle had dual outside rearview mirrors (left and right). Screens could be used on a vehicle so long as the light transmission was 35% or more and the light reflectance was less than 35%. Immediately, film manufacturers who sold film to DIY consumers began adopting these guidelines; however, the industry responded to the intent of VESC-20 more effectively than necessary. Rather than sell 5% (the darkest recommended) film, the industry chose the lightest possibility--the 35% standard for screens--and began producing a new "standard smoke" film with 35% or lighter light transmission and less than 10% reflectance.

After evaluating the "new" film, many states quickly adopted the 35% standard in lieu of the 5% allowance of VESC-20. Law enforcement officers in many states realized the benefits of the new film versus the old dark and/or mirrored films and agreed to work with the industry to provide consistent and clearly defined percentages for more efficient and just enforcement procedures.

THE NEW RELATIONSHIP BETWEEN FILM INDUSTRY AND LAW ENFORCEMENT

Initially, states drafted language that referred to "nontransparent" or "excessively dark" materials; however, law enforcement officers soon found that vague language of this type produced more problems than it solved. Technically, "nontransparent" means that the material is opaque and that it prohibits two-way vision. With the advent of the new nonreflective films (those ranging from 20-35%), this definition no longer clearly identified films, for people using them did have two-way vision. Judges began overturning or rejecting citations due to (1) vague statutory language, (2) prejudicial or discretionary enforcement procedures, and (3) the inability of a citizen to know what he could and could not do to comply with the mysterious definitions of vague laws.

One of the first major industry-wide debates about the effectiveness of vague language began in Kansas in 1978. The debated language was found in Kansas Statute 8-1749a:

{Glazing materials are prohibited in rear and side windows}
"which prohibits or substantially impairs the ability to see into the vehicle but does not prohibit the ability to see out from inside the vehicle."

Clearly, this language directed itself against mirrored or highly reflective films that had been used by some people BEFORE the introduction of 20-35% films. As a result of important constitutionality questions ranging from federal preemption of the statute for exceeding Federal NHTSA standards for original equipment to the violation of citizens' Fourteenth Amendment rights to due process of law, the Kansas Highway Patrol modified its interpretation of this vague statute. Col. Allen Rush, Superintendent of the Kansas Highway Patrol, clarified the statute to prohibit "highly reflective-mirror-like" silver and gold window films and to allow "sun screen murals, tinted glass, smoked glass, etc." As a result, Kansas, in effect, joined the majority of states that recognized the necessity for clear definitions to help law enforcement officers enforce standards.

Similar actions followed in other states; however, most law enforcement communities learned from the Kansas situation and adopted clear language in statutory form. In conjunction with independent test data from Detroit Testing Laboratories, many states began evaluating the use of light transmission and reflectance percentages to hold the industry to an acceptable and enforceable standard. What evolved is called the "35%" position. It is the position currently adopted and approved by AIMCAL as it seeks to help bring uniformity and consistency to the nationwide enforcement of window tinting laws.

The attached map (Item I) shows the current position of the states:

- Solid--35% position (See AIMCAL document for details)
 - 35% film or lighter--front driver side windows
 - Any darker film--rear side windows
 - Any darker film--back window (dual mirrors)
- Lined--VESC-20 position (See discussion above)
 - No film on front side windows
 - Any nonreflective film--rear side windows
 - Any nonreflective film--back window (dual mirrors)
- Dots-- Unusual positions:
 - Minnesota allows 50% film on passenger windows with a special sticker; however, stickers are unavailable and 50% film is not readily available to DIY consumers.
- White--States that do not allow any aftermarket tint or are considering such a position for passenger vehicles.

The attached map (Item 2) shows the dates of the most recent laws passed concerning window tinting. Since 1980, the most frequently adopted position has been the 35% standard due to its proven enforceability.

OFFICER SAFETY AND WINDOW FILM

Contrary to unsubstantiated rumors, no documentation exists that would show or imply that any enforcement officer has ever been wounded, shot, or killed as a direct or consequential result of nonreflective window film. The industry has taken a highly

visible position so that it could be held accountable by law enforcement.

In addition, no suit has been brought against any member of the window film industry as a result of injuries or deaths caused directly or consequentially by nonreflective window film. With a track record of zero law suits in over eight years, the window film industry is proud to recommend proven language and enforcement policies to states without clear standards. In an age of excessive product liability suits and highly publicized claims, the window film industry maintains an enviable record of safety.

The attached chart (Item 3) is one list of law enforcement contacts used by only one of the members of the film industry. Each manufacturer relies upon its own personally developed contacts among the law enforcement communities of each state to maintain a "watch-dog" relationship together with officers. It is this working relationship that usually benefits law enforcement officers. For example, the officers in Washington, Georgia, North Carolina, Arizona, and Colorado turned to the film manufacturers for details about other states' laws, enforcement standards, film samples, test data, and recommendations.

A regional example of officer awareness is the development and implementation of one of the best window tinting laws written. Researched and drafted by Mr. Joe White, Chief Inspector, Inspection Division, Department of Motor Vehicles, the Texas window tinting regulation is a rule of, by, and for law enforcement. When AIMCAL sought the "best" examples of its model, Texas was at the top of the list. Certainly, a law enforcement officer of Mr. White's reputation would not allow a product on the highways that would endanger officers or drivers!

FEDERAL STANDARDS AND STATE LAWS FOR AFTERMARKET TINTING PRODUCTS

Federal NHTSA standards for OEM equipment allow tinting on windows not requisite for driving visibility. Such windows are those behind the front side windows of vans, trucks, pick-up trucks, blazers, off-road vehicles, buses, ambulances, and multi-purpose vehicles. The automobile manufacturers may tint these windows or block them totally, as proved by paneled trucks, vans, and cargo-carrying versions of such small vehicles as Vegas.

These federal standards do not apply to the consumer market of aftermarket window tinting products. States must pass their own standards for the enforcement of these aftermarket-installed products. No state may pass laws that are more strict than the federal standards or be preempted. For example, standard OEM tinted glass is 67% (+/- 3%) tint. A state may not pass a standard that prohibits that tint by establishing a lighter standard (ie. 80%).

On the other hand, states may (as clearly proved by all the existing laws, especially those passed since 1980) pass

standards for aftermarket (not OEM) tinting. Understanding that the Federal concern is safety and clear rearward visibility, most states adopt laws that allow tinting on passenger vehicles so long as those vehicles have dual rearward, outside mirrors. Such a position is consistent with the logic applied by the Federal standards to non-passenger vehicles. Certainly, the introduction of mini-vans that are designed to be both passenger and cargo carriers represents an important step toward eliminating some of the old distinctions between the types of vehicles.

CONSTITUTIONALITY AND CONSISTENCY

Vague laws are the bane of law enforcement agencies. Unless legislators adopt specific standards, officers are face the dilemma of nonenforcement or discretionary enforcement. They bare the burden unnecessarily.

When North Carolina adopted a restrictive film law (very similar in effect to the bill before the Kansas Senate/House Transportation Committees) in August 1985, officers began issuing tickets to people with OEM tinted glass darker than 70%. Within two weeks, Bob Hopper, head of the enforcement division of the North Carolina Department of Motor Vehicles, faced the dilemma of total public outrage and negative publicity. He turned to the film industry for help. The state attorney generals refused to issue an interpretation of the law, which they claimed off-the-record was both unenforceable and unconstitutional. As a result, by the end of August, the state officers of the DMV and Highway Patrol revised its enforcement of the new law and issued tickets only to vehicles with light tint on the front side windows. They did not disturb vehicles with nonreflective films on the rear sides or back window (if the vehicle had dual outside mirrors). The attorney general is currently working with AIMCAL to redraft the law to allow film on all vehicles; unfortunately, the people of North Carolina have been made to suffer needlessly due to the ill-advised actions of its legislature. Also, unfortunately, the Highway Patrol and DMV have appeared to be responsible simply because they enforce the law.

AIMCAL PROPOSAL

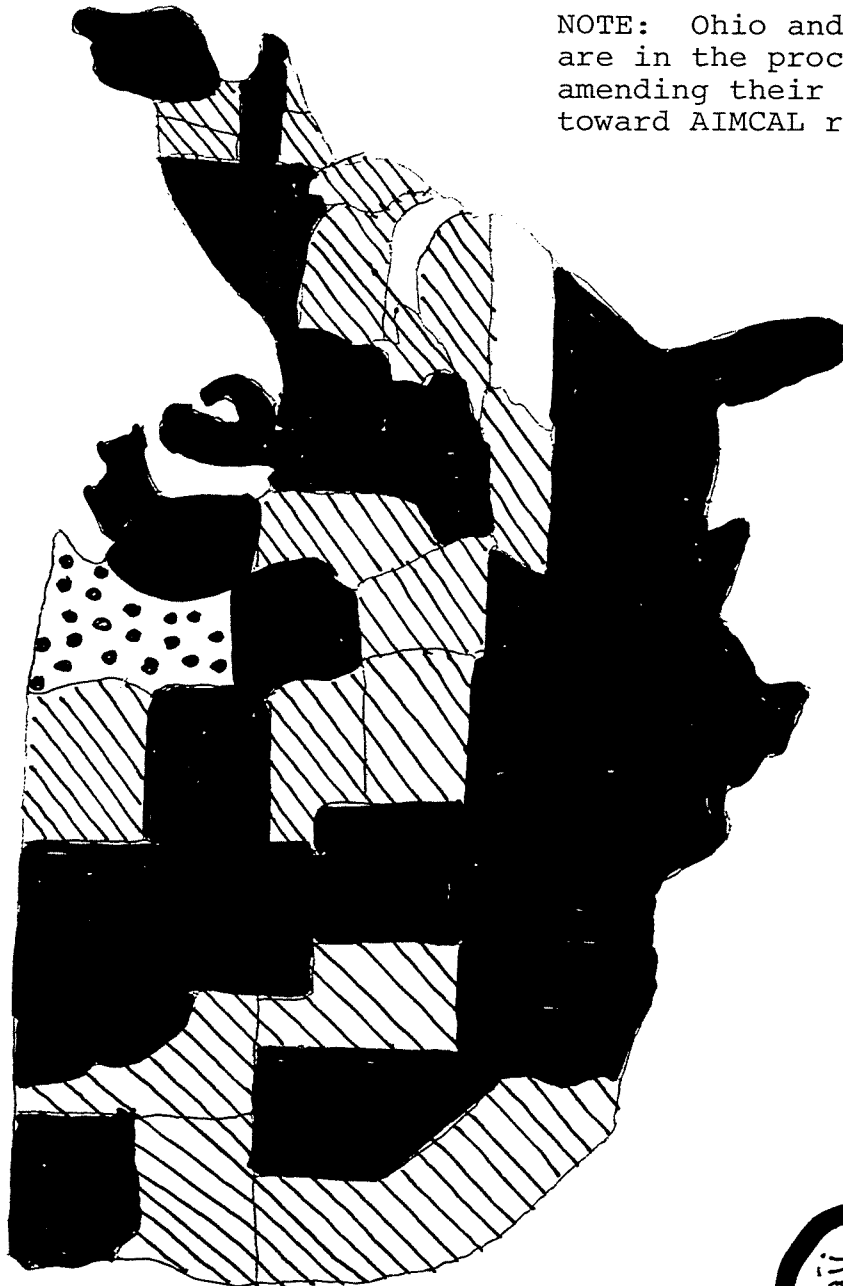
Concerned by the confusion and inconsistency created by such laws as passed by the North Carolina legislature in 1985, AIMCAL has organized the members of the window film industry--including Gila Rivers Products, Inc., Martin Processing, Inc., Madico, Inc., and DTI, Inc. (who collectively account for over 95% of all film sales)--to take a coordinated and uniform position to ensure credible enforcement positions in all states. (Item 4)

The AIMCAL members are ready to support this position in every aspect in Kansas.

Key: Solid--35% D/P, All behind
Stripes--VESC-20
Dots--Unusual variations
White--No film on passenger cars

Item 1: State laws and
enforcement
regulations

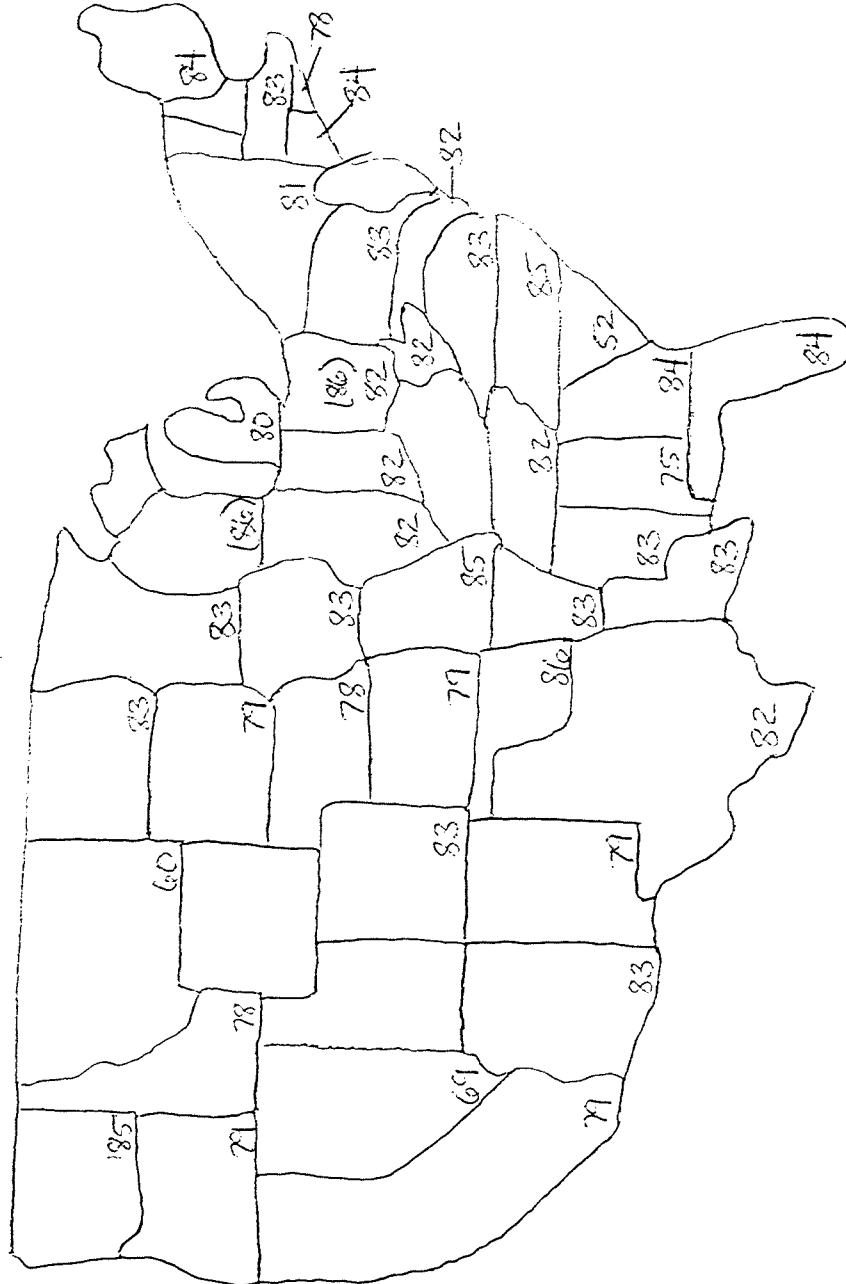
NOTE: Ohio and Wisconsin
are in the process of
amending their current laws
toward AIMCAL recommendations.



Alaska
35%

Hawaii
35%

Item 2: Dates of State Laws



Item 3

STATE LAW ENFORCEMENT CONTACTS

STATE	YEAR	CONTACT
Alaska	79	Trooper Steven, Bureau of Vehicle Enforcement
Alabama	75	Lt. Roy Smith, Sgt. Applin
Arkansas	83	Sgt. Gentry
Colorado	83	Officer Thurlow, Education Safety; Dept. of Motor Vehicles
Connecticut	84	Mr. Ed Karrol; Dept. of Motor Vehicles
Delaware	84	Mr. Nutter, Vehicle Inspection Lt. Staton, State Police
Florida	84	Major Oliver
Georgia	84	Capt. Nugent; Sgt. Miller; Sgt. Howell
Hawaii	83	Highway Patrol
Idaho	78	Lt. Chuck Fugh, Dist. Office
Illionis	82	Mr. Gregurich, Motor Vehicles; Mr. Bob Scott; Mr. Lee Kararo, DOT, Vehicle Inspection Dept.
Indiana	82	Sgt. Terry Snow
Iowa	83	Mr. Noel Schellhase, Motor Vehicle Inspection
Kansas	78	Capt. Pickero; Sgt. Jacobs
Kentucky	--	Major Larry Fentress, State Police
Louisiana	83	Capt. Gazardo
Maine	84	Trooper Tony Bran, State Police Traffic Division
Maryland	82	Lt. McAffey
Massachusetts	83	Officer Sabatino, Vehicle Inspection
Michigan	80	Lt. Snody, Capt. Reidsma, State Police
Minnesota	83	State Police
Mississippi	83	Charles Head, Legal Dept.; Ed Jusseley, Public Affairs
Missouri	84	Capt. Gaines, Mr. Kosck
Montana	--	Sgt. Ray Smith; Robert Griffith, Highway Patrol
Nebraska	78	Sgt. Robert Cumm, Traffic Division
Nevada	69	Sgt. Fourshey
New Hampshire	--	State Police Howard Hemeon, Motor Vehicle Safety
New Jersey	--	Sgt. Kavanaugh, State Patrol Asst. Chief of NJ DMV, Wm. Henn
New Mexico	79	Mr. Sandoval, Motor Vehicle Inspec.
New York	81	Sgt. S. L. Slurs, Traffic section Officer Holquist, NYC Police
North Carolina	85	Bob Hopper, DMV
North Dakota	83	Major Anagost Col. Berg, Capt. Evans, Highway Patrol
Ohio	83	Officer Hawkins, Highway Patrol
Oklahoma	86	Joe Wall, Vehicle Inspection

Oregon	79	Traffic Division
Pennsylvania	83	Trooper James, State Police
Rhode Island	78	Capt. Perry, Stanley Jonsaik
South Carolina	--	Lt. Peebles, State Police
South Dakota	79	Sgt. Hall, Sgt. Dravland
Tennessee	82	Melissa Fields, DOS Legal Dept.
		Lt. Smiley
Texas	82	Mr. Key, State Police;
		Inspector Joe White
Utah	--	Larry Lunnen, Commissioner
Vermont	--	Inspector Blough, DMV
Virginia	78	Inspector Massey, Capt. Terry
		Sgt. Quinley, Inspec. Division
Washington	85	Lt. G. R. Hallett, State Patrol
West Virginia	82	Capt. Bias, Traffic Research
Wisconsin	--	Inspector Walheim
Wyoming	56	Col Ayers

AIMCAL recommendation for automotive window tinting laws

Item 4

I. Glass coating material definitions. The following words and terms, when used in this section, shall have the following meanings unless the context clearly indicates otherwise.

A. Glass coating materials or sun screening devices--Materials or devices which are designed to be used in conjunction with approved vehicle glazing materials for the purpose of reducing the effects of the sun.

B. Light transmission--The ratio of the amount of total light, expressed in percentages, which is allowed to pass through the product or material, including the glazing, to the amount of total light falling on the product or material and the glazing.

C. Luminous reflectance--The ratio of the amount of total light, expressed in percentages, which is reflected outward by the product or material, to the amount of total light falling on the product or material.

D. Manufacturer means either--

1. A person who engages in the manufacturing or assembling of glass coating material, sun screening products, or materials designed to be used in conjunction with vehicle glazing materials. (Person means every natural person, firm, copartnership, association, or corporation.)

2. A person who fabricates, laminates, or tempers the glazing material incorporating the capacity to reflect or to reduce the transmittance of light during the manufacturing process.

II. Glass coating material on motor vehicles.

A. The following regulations establish standards and specifications for the use of glass coating material and sun screening devices.

1. Glass coating material or sun screening devices may be placed on the **windshield** above the AS-1 line so long as the material is not reflective or amber or red in color.

2. The **front side wing vents and windows** to the immediate right and left of the driver may be applied with glass coating material (sun screening devices--film materials), that has been approved by the state Department of Public Safety, when in conjunction with glazing (vehicle glass). The material has a light transmission of not less than 33% and a luminous reflectance of no more than 35%. All specifications in this rule shall be within normal manufacturer's tolerance, ie. +/- 3%. This section shall not apply to glass coating material located above a lateral extension of the AS1 line when, in conjunction with glazing, the material has a light transmission of not less than 20% and luminous reflectance of not more than 20%.

3. **Side windows** which are to the rear of the driver may be applied with glass coating material in conjunction with glazing (vehicle glass) so long as the luminous reflectance is no more than 35%.

4. **Rear window or windows** may be applied with glass coating material in conjunction with glazing (vehicle glass) if the motor vehicle is equipped with outside mirrors on both left and right-hand sides of the vehicle that are so located as to reflect to the driver a view of the highway through each mirror for a distance of at least 200 feet to the rear of the motor vehicle.

III. Placement of required certificates and use of window covers.

A. This rule does not permit or prohibit the use and placement of federal, state, or local certificates on any windows as are required or prohibited by applicable laws.

B. The use of curtains, blinds, drapes, or stick-on novelty designs in the rear window or windows is not prohibited.

C. Louvered materials, when installed, as designed, shall not reduce the area of driver visibility below 50% as measured on a horizontal plane. When such materials are used in conjunction with the rear window, the measurement shall be based upon the driver's view from the insider rear view mirror.

IV. Manufacturer requirements.

A. Each manufacturer shall certify to the director that the product or material he manufactures or assembles is in compliance with the reflectivity and transmission requirements of this section.

B. The provisions of this section shall not apply to the manufacturer's tinting or glazing of motor vehicle windows or windshields which is otherwise in compliance with or permitted by FMVSS 205 as promulgated in 49 C. F. R. 571.205.

V. Medical exemptions.--The director may, upon application from a person required for medical reasons to be shielded from the direct rays of the sun, supported by written attestation of such fact from a physician licensed pursuant to (appropriate statute), issue an exemption from the provision of this section for a motor vehicle belonging to such person or in which such person is an habitual passenger. Any person may operate a vehicle or alter the color or reduce the light transmitted through the side or rear windows of a vehicle in accordance with an exemption issued by the director.