

Interpretation of NC's Stay-Right Law

BikeWalk NC



NC § 20-146

(b) Upon all highways any vehicle proceeding at less than the legal maximum speed limit shall be driven in the right-hand lane then available for thru traffic, or as close as practicable to the right-hand curb or edge of the highway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn.



Historical Summary of Stay-Right Laws

- **1926 UVC: Combination right-half and slow-vehicle rule**
- **1930 UVC: Separate rules for roads with and without lane markings**
- **1948 UVC: Combined slow-vehicle rules, separated right-half rule**
- 1944 UVC: First bicycle-specific stay-right rule appears
- 1963: CHP lobbies California to adopt bicycle-specific stay-right rule
- 1975: NCUTLO Panel on Bicycle Laws recommends complete repeal of bicycle-specific rule
- 1976, 1979: Exception added for “a lane that is too narrow for a bicycle and a vehicle to travel safely side by side within the lane”
- 2013: BMUFL signs included in MUTCD



1926 UVC



Lowndes County

1926 UVC: Drive on Right Side of Highway

Section 10. Drive on Right Side of Highway.

Upon all highways of sufficient width, except upon one way streets, the driver of a vehicle shall drive the same upon the **right half of the highway and shall drive a slow moving vehicle as closely as possible to the right-hand edge or curb of such highway, unless it is impracticable to travel on such side of the highway** and except when overtaking and passing another vehicle subject to the limitations applicable in overtaking and passing set forth in Sections 13 and 14 of this act.



1937 NC Stay-Right Law (Exact Copy of 1926 UVC)

Sec 108. Drive on Right Side of Highway.

Upon all highways of sufficient width, except upon one-way streets, the driver of a vehicle shall drive the same upon the **right half of the highway, and shall drive a slow-moving vehicle as closely as possible to the right-hand edge or curb of such high-way, unless it is impracticable to travel on such side of the high-way** and except when overtaking and passing another vehicle subject to the limitations applicable in overtaking and passing, set forth in sections one hundred and eleven and one hundred and twelve of this Act.





1930 UVC: Added a Section for Marked Lanes

- Separate slower-vehicle rules for laned and unlaned roadways!



1930 UVC: Drive on Right Side of Highway

Section 26. Drive on Right Side of Highway

(a) Upon all highways of sufficient width, other than one-way highways [except upon one way streets], **the driver of a vehicle shall drive the same upon the right half of the highway [and shall drive a slow moving vehicle as closely as possible to the right-hand edge or curb of such highway,]** except when the right half is out of repair and for such reason impassable [unless it is impracticable to travel on such side of the highway] or when overtaking and passing another vehicle subject to the limitations [applicable in overtaking and passing] set forth in Section 30 [Sections 13 and 14].

(b) In driving upon the right half of the highway the **driver shall drive as closely as practicable to the right hand edge or curb of the highway** except when overtaking or passing another vehicle, or when placing a vehicle in position to make a left turn.



1930 UVC: Streets and Highways Laned for Traffic

Section 27. Special Regulations Applicable on Streets and Highways Laned for Traffic.

Whenever any street or highway has been divided into **clearly marked lanes** for traffic drivers of vehicles shall obey the following regulations:

(a) A vehicle shall normally be driven **in the lane nearest the right hand edge** or curb of the highway when said lane is available for travel except when overtaking another vehicle or in preparation for a left turn....



Marked Lane Use

§ 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 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.



1948 UVC Cleaned Up Stay-Right Rules

- ***Separated*** the right-half-of-the-roadway rule from slower vehicle rules
- ***Combined*** the slower vehicle rules for laned and unlaned roadways into one subsection



1948 UVC : Slower Vehicles Rule

11-301 Drive on Right Side of Roadway – Exceptions

...

(b) Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and the conditions then existing shall be driven **in the right lane then available for traffic, or as close as practicable to the right hand curb or edge of the roadway**, except 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.



1965 NC Slower Vehicles Rule

§ 20-146. Drive on Right Side of Roadway; Exceptions

...

(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 thru 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.



1979 UVC : Slower Vehicles Rule

11-301 Drive on Right Side of Roadway – Exceptions

...

(b) Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and the conditions then existing shall be driven in the right lane then available for traffic, Or as close as practicable to the right hand curb or edge of the roadway, except 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, alley or driveway. **The intent of this subsection is to facilitate the overtaking of slowly moving vehicles by faster moving vehicles.**



TODAY NC Slower Vehicles Law

§ 20-146. Drive on Right Side of Roadway; Exceptions

...

(b) Upon all highways any vehicle proceeding at less than **the legal maximum speed limit** shall be **driven in the right-hand lane then available for thru traffic, or as close as practicable to the right-hand curb or edge of the highway**, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn.



Our Interpretation of § 20-146/UVC 11-301(b)

- If lanes are marked,
slower drivers shall use the right hand lane.
- If no lanes are marked,
slower drivers shall drive as far right as practicable (safe and practical).
- This interpretation is common among bicycle law experts across the US
- NCUTLO Panel on Bicycle Laws made same interpretation in 1975



Shea Denning

Professor at University of North Carolina School of Law

“G.S. 20-146(b) requires any vehicle proceeding at less than the speed limit to be driven in the right-hand lane available for thru traffic, or as close as practicable to the right-hand curb or edge of the highway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn. **The “or” seems to render the second clause inapplicable to cyclists riding in the right lane of a road divided into lanes**, regardless of whether they are passing another vehicle or preparing for a left turn.”

<https://nccriminallaw.sog.unc.edu/figuring-out-how-to-best-share-the-road/>

“Shea Denning joined the School of Government in 2003. Shea specializes in motor vehicle law and the criminal laws and procedures associated with this subject area, including the law of search and seizure and the rules of evidence.”

<https://www.sog.unc.edu/about/faculty-and-staff/shea-riggsbee-denning>



Other US States without Bicycle-Specific Stay-Right Laws

- Arkansas, Massachusetts, Pennsylvania, Indiana, and Iowa also have only generic stay-right laws (no bicycle-specific stay-right laws).
- AK, MA, PA, IN, and IA have deployed BMUFL signs. They interpret their generic stay-right laws as allowing bicyclists to use the lane normally and do not require bicyclists to stay right within the lane



Arkansas

“When You Should Take a Lane

If there is no shoulder or bike lane, and the travel lane is narrow, ride closer to the center of the lane. This will prevent motorists from passing you when there isn't room.”

<https://www.arkansashighways.com/publications/Bike%20safety-doc12a.pdf>



Massachusetts

Laws for Bicyclists and Motorists in the Presence of Bicyclists (as amended by Chapter 525 of the Acts of 2008)

Bicyclists have the right to use all public ways in this state except limited access or express state highways where signs specifically prohibiting bicycles have been posted. When riding on public ways, bicyclists must obey the same basic traffic laws and regulations that apply to motor vehicle operators. The rules for bicycles (including amendments) are listed here.

As a bicyclist: (from Chap. 85, Section 11B)

- You can use the **full lane** anywhere, anytime, and on any street (except limited access or express state highways where signs specifically prohibiting bicycles have been posted), even if there is a bike lane.
- You must bike in the same direction as traffic unless otherwise indicated by signs or markings.
- You must stop at red lights and stop signs.

https://www.mass.gov/files/documents/2017/09/29/Drivers_Manual.pdf



Pennsylvania

“RIDING ON THE ROADWAY

Bikes may be ridden on the shoulder of the road (in the same direction as the flow of traffic) but are not required to do so.

Bikes may also ride on the right half of the roadway as follows:

On a multilane roadway, bikes may be ridden in the right-most travel lane.

On a two-lane roadway, a bike may be ridden in the right lane.

On a roadway with no center line, a bike may be ridden anywhere on the right side of the roadway.

“

<http://www.penndot.gov/TravelInPA/RideaBike/Pages/Bicycle-Safety-and-Pennsylvania-Laws.aspx>



Iowa

“...a bicyclist is allowed to use the travel lane of a roadway and may use the full lane if they feel that the right edge of the road way is unsafe in any way....”

http://www.cedar-rapids.org/local_government/departments_g_-_v/police/bicycle_laws.php

“Give bicycle riders the room they deserve and need for safety. **When passing a bicycle rider, pass as if the cyclist were a vehicle and move into the other lane.** On narrow, two-way roads, wait for a break in traffic before passing. Do not pass if oncoming traffic is near. After passing, cautiously return to your lane - a bicyclist could be in your blind spot. Do not honk your horn or flash your headlights at bicyclists. They may be startled and lose control. Bicycles often travel nearer the right edge of a traffic lane. However, they may swerve to avoid road hazards such as potholes, glass debris, drainage grates, or a strong crosswind.”

<https://www.iowadot.gov/mvd/ods/dlmanual/dlmanual.pdf>



Indiana

"According to the letter of the law, a cyclist can be in the middle of the road in his lane cycling, as long as he's following the rules of the road," says Lance Worland, a personal injury lawyer with Caress Law Group. "I think drivers a lot of times aren't aware of that, and don't realize the cyclist has a right to be there."

<https://www.indystar.com/story/news/2014/07/10/collision-course-confusing-laws-vex-indiana-drivers-cyclists/12489675/>



Part 2: Bicycle-Specific Law

UVC and Other States



1926 UVC : Bicycles Are Vehicles

“Vehicle.” Every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks; provided, that for the purposes of (Title II of) this act, a **bicycle** or a ridden animal **shall be deemed a vehicle**.





New York § 1262 VAT Title 7 Article 34

1234. Riding on roadways, shoulders, bicycle or in-line skate lanes and bicycle or in-line skate paths. (a) Upon all roadways, **any bicycle** or in-line skate shall be driven either on a usable bicycle or in-line skate lane or, if a usable bicycle or in-line skate lane has not been provided, **near the right-hand curb or edge of the roadway or upon a usable right-hand shoulder in such a manner as to prevent undue interference with the flow of traffic** except when preparing for a left turn or when reasonably necessary to avoid conditions that would make it unsafe to continue along near the right-hand curb or edge.



1944 UVC – First Bicycle-Specific Stay-Right Rule

UVC 11-1205 – Riding on roadways and bicycle paths

(a) Any person operating a bicycle upon a roadway shall ride as near to the right-hand side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

- *No evidence that bicycling orgs were ever consulted about rule*
- *California Highway Patrol lobbied legislature in 1963 to adopt the bicycles-stay-right law adopted*
- *Law never adopted into law by North Carolina, Massachusetts, Pennsylvania, Indiana, Iowa or Arkansas*



1975: NCUTLO Bicycle Panel Recommends Repeal

“NCUTLO Report of the Panel on Bicycle Laws

“Panel Recommendation: **Delete UVC § 11-1205(a)** and allow bicyclists to use the roadway under the same conditions as other drivers...

“The side of the road is a very dangerous place to ride...

“UVC § 11-301(b) ... will effectively require bicycles to stay in the right lane (although it will not require them to stay near the right edge of the roadway) when moving slower than other traffic. This is all that is needed.”



UVC 1979-2000: Exceptions Added to Bike Rule

11-1205 Position on roadway *[2000 version listed here]*

(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 substandard width lanes that make it unsafe to continue along the right-hand curb or edge. For purposes of this section, a “substandard width lane” is **a lane that is too narrow for a bicycle and a vehicle to travel safely side by side within the lane.**

....



1976 – Present: Promoting Lane Control

- *All adult bicycling education programs in North America and Britain (LAB Traffic Skills 101, CyclingSavvy, IPMBA, CAN-BIKE, and British Cycling Bikeability) teach lane control to deter passing in narrow lanes*
- *NCUTCD adds R4-11 Bicycles May Use Full Lane sign to 2009 MUTCD*



2013 ITE Traffic Control Devices Handbook

Chapter 14, "Narrow Lanes

"In locations where the outside travel lane is less than 14 ft. (4.3 m), there is insufficient lateral room for a bicyclist and a motor vehicle to travel side by side in the same lane with adequate separation distance between two vehicles. In this situation, the "as far right as practicable" requirement, found in section 11-1205(a) of the UVC and the traffic laws of most states, is waived, and bicyclists are legally permitted to position themselves laterally on the roadway in a manner that discourages too-close passing or being squeezed to the curb or roadway edge by passing traffic. However, many bicyclists and other road users may not be aware of this law, and may incorrectly assume they must always stay to the far right of the roadway. "



2013 ITE Traffic Control Devices Handbook

“...In locations with narrow travel lanes where operational problems (such as high incidences of sidewalk riding) have been observed, the use of shared lane markings or BICYCLES MAY USE FULL LANE (R4-11) signs may be beneficial in encouraging appropriate and legal use of the lane by bicyclists.”



2013 ITE Traffic Control Devices Handbook

"Shared Lane Markings...Mid-Block Without Parking

"The bicyclist's lateral position should clearly indicate to following motorists whether passing is encouraged. To support this, some agencies increase the minimum right-side offset of the Shared Lane Marking when used in narrow lanes; for example, Florida DOT uses 5.5 ft. (1.7 m) for lanes narrower than 13 ft (4.0 m). Another approach is to center the marking in a lane that is too narrow to share. This clearly indicates a bicyclist is allowed full use of a narrow lane, and is likely to produce more consistent overtaking behavior, encouraging full lane changes into the adjacent travel lane on a multi-lane street, or crossing the centerline when an adequate gap is obtained on a street with only one lane in the bicyclist's direction."



2013 ITE Traffic Control Devices Handbook

"...many highways with higher speed limits are open to bicyclists, and many of these do not have shoulders suitable for bicycle travel. As such, some bicyclists will use the full width of a narrow lane to deter unsafe passing, especially if confident of their conspicuity to motorists approaching from behind."



End

