

Some Laws of Interest to Tennessee Cyclist

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(--- from TN Code. Copied from Judicial link of TN web site 5-2-98 ----)

MISC LAW

TN Code

TN Code: Operation of bicycles

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(Editors note: most of the verbage that follows is not unique to the State of Tennessee, and can be found verbatim in the bicycle codes of some other states.)

- (c) These regulations applicable to bicycles shall apply when ever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated herein.

History

[Acts 1955, ch. 329, § 71; T.C.A., § 59-872; Acts 1989, ch. 591, § 113.]
55-8-172. **Traffic laws apply to persons riding bicycles** - Penalty.

Statute text

- (a) **Every person riding a bicycle upon a roadway is granted all of the rights and is subject to all of the duties applicable to the driver of a vehicle by this chapter and chapter 10, parts 1-5 of this title, except as to special regulations in §§ 55-8-171 - 55-8-177, and except as to those provisions of this chapter and chapter 10, parts 1-5 of this title which by their nature can have no application.**
- (b) A violation of this section is a Class C misdemeanor.

History

[Acts 1955, ch. 329, § 72; T.C.A., § 59-873; Acts 1989, ch. 591, § 113.]
55-8-173. **Riding on bicycles - Playing and use of play vehicles - Penalties.**

Statute text

- (a) A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached there to, except for a certified police cyclist who is performing duties that require riding in a side dismounting position.
- (b) No bicycle shall be used to carry more persons at one (1) time than the number for which it is designed or equipped.
- (c) No person shall play on a highway other than upon the sidewalk thereof, within a city or town, or in any part of a highway outside the limits of a city or town, or use thereon roller skates, coasters or any similar vehicle or toy or article on wheels or a runner, except in such areas as may be specially designated for that purpose by local authorities.
- (d) A violation of this section is a Class C misdemeanor.

History

[Acts 1955, ch. 329, § 73; T.C.A., § 59-874; Acts 1985, ch. 138, § 3; 1989, ch. 591, § 113; 1995, ch. 140, § 4.]

55-8-174. Clinging to vehicles - Penalty.

Statute text

- (a) No person riding upon any bicycle, roller skates, sled or toy vehicle shall attach such bicycle, roller skates, sled or toy vehicle, or such person's own body, to any streetcar or vehicle upon a roadway.
- (b) The provisions of this section shall not be construed to prohibit the attachment of a bicycle trailer or bicycle semitrailer to a bicycle if such trailer or semitrailer is designed specifically for such purpose.
- (c) A violation of this section is a Class C misdemeanor.

History

[Acts 1955, ch. 329, § 74; T.C.A., § 59-875; Acts 1985, ch. 138, § 4; 1989, ch. 591, § 113.]

55-8-175. Riding on roadways and bicycle paths - Penalty.

Statute text

- (a) (1) **Any person operating a bicycle 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:**
 - (A) When overtaking and **passing** another vehicle proceeding in the same direction;
 - (B) When preparing for a **left turn** at an intersection or into a private road or driveway; or
 - (C) When reasonably necessary to avoid **conditions including, but not limited to, fixed or moving objects, parked or moving vehicles, 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, "substandard width lane" means a lane that is too narrow for a bicycle and another vehicle to travel safely side by side within the lane.**
- (2) This subsection does not apply to a certified police cyclist engaged in the lawful performance of duty relating to traffic control.
- (b) (1) **Persons riding bicycles upon a roadway shall not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. Persons riding two (2) abreast shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane.**
- (2) This subsection does not apply to a certified police

cyclist engaged in the lawful performance of duty relating to traffic control or in pursuit of an actual or suspected violator of the law.

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

History

[Acts 1955, ch. 329, § 75; T.C.A., § 59-876; Acts 1985, ch. 138, § 5; 1989, ch. 591, § 113; 1995, ch. 140, §§ 5, 6.]
55-8-176. Carrying articles on bicycles - Penalty.

Statute text

- (a) No person operating a bicycle shall carry any package, bundle or article which prevents the driver from keeping at least one (1) hand upon the handlebars.
- (b) A violation of this section is a Class C misdemeanor.

History

[Acts 1955, ch. 329, § 76; T.C.A., § 59-877; Acts 1989, ch. 591, § 113.]
55-8-177. Bicycle lamps and brakes - Penalties.

Statute text

- (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 (500') to the front and with a red reflector on the rear of a type approved by the department of safety which shall be visible from all distances from fifty feet (50') to three hundred feet (300') to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred feet (500') to the rear may be used in addition to the red reflector.**
- (b) Every bicycle shall be equipped with a brake or brakes which will enable its driver to stop the bicycle within twenty-five feet (25') from a speed of ten miles per hour (10 mph) on dry, level, clean pavement.
- (c) A violation of this section is a Class C misdemeanor.

History

[Acts 1955, ch. 329, § 77; T.C.A., § 59-878; Acts 1985, ch. 138, § 6; 1989, ch. 591, § 113.]

55-8-178. Regulations governing **nonmotor vehicles** and animals - Penalty.

Statute text

- (a) Every driver or person having charge of any nonmotor vehicle, on any of the public roads in or of this state, on meeting and passing another vehicle, shall give one half (1/2) of the road by turning to the right, so as not to interfere in passing.
(ed. note: this same verbage in one other state code is clarified as meaning simply to ride on the right -side- of the road)

(b) When nonmotor vehicles on such roads are traveling in the same direction, and the driver of the hindmost desires to pass the foremost, each driver shall give one half (1/2) of the road, the foremost by turning to the right, and the hindmost to the left.

(c) (1) No driver shall stop a nonmotor vehicle on any of the public roads, for any cause or pretense whatever, without turning so far to the right as to leave at least one half (1/2) of the road free, open, and unobstructed for other travelers and vehicles.

(2) This subsection does not apply to a certified police cyclist engaged in the lawful performance of duty relating to traffic control.

(d) Drivers of nonmotor vehicles on public roads shall pass each other in a quiet, orderly, and peaceable manner, and shall not make any noise intended to disturb or frighten the driver or the animals drawing nonmotor vehicles.

(e) No person shall willfully, by noise, gesture or by other means, on or near public roads, disturb or frighten the driver or rider or the animals ridden or drawing vehicles thereon.

(f) (1) An intentional or careless violation of this section is a Class C misdemeanor.

(2) A willful or malicious violation of this section, whereby the death of any person is occasioned, is a Class E felony.

55-8-117. 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:

(1) 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: and

(2) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of the overtaken vehicle until completely passed by the overtaking vehicle [Acts 1955, ch. 329, && T.C.A., § 59-817.]

55-8-119, 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 from oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of

any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to the right-hand side of the roadway before coming within one hundred feet (100') of any vehicle approaching from the opposite direction. [Acts 1955, ch. 329, § 18; T.C.A., B 59-819.]

55-52-105. Child bicycle safety rules and regulations.

55-52-106. Penalty - Defense - Inadmissibility as evidence in civil action.

55-52-101. Short title.

Statute text

This chapter is and may be cited as the "Child Bicycle Safety Act."

History

[Acts 1993, ch. 399, § 2.]

55-52-102. Legislative findings and declarations.

Statute text

The general assembly hereby finds and declares that:

- (1) Disability and death of children resulting from injuries sustained in bicycling accidents are a serious threat to the public health, welfare, and safety of the people of Tennessee, and the prevention of such disability and death is a goal of such people;
- (2) Head injuries are the leading cause of disability and death from bicycling accidents;
- (3) The risk of head injury from bicycling accidents is significantly reduced for bicyclists who wear proper protective bicycle helmets; yet helmets are worn by fewer than five percent (5%) of child bicyclists nationwide; and
- (4) The risk of head injury or of any other injury to a small child who is a passenger on a bicycle operated by another person would be significantly reduced if any such child-passenger sat in a separate restraining seat.

History

[Acts 1993, ch. 399, § 3.]

55-52-103. Definitions.

Statute text

As used in this chapter, unless the context otherwise requires:

- (1) "Bicycle" means a human-powered vehicle with two (2) wheels in tandem designed to transport, by the action of pedaling, one (1) or more persons seated on one (1) or more saddle seats on its frame. "Bicycle" also includes a human-powered vehicle designed to transport by pedaling which has more than two (2) wheels where the vehicle is used on a public roadway, public bicycle path or other public right-of-way,

but does not include a tricycle.

- (2) "Operator" means a person who travels on a bicycle seated on a saddle seat from which that person is intended to and can pedal the bicycle.
- (3) "Other public right-of-way" means any right-of-way other than a public roadway or public bicycle path that is under the jurisdiction and control of the state or a local political subdivision thereof and is designed for use and used by vehicular and/or pedestrian traffic.
- (4) "Passenger" means any person who travels on a bicycle in any manner except as an operator.
- (5) "Protective bicycle helmet" means a piece of headgear which meets or exceeds the impact standards for protective bicycle helmets set by the American National Standards Institute (ANSI) or the Snell Memorial Foundation, or which is otherwise approved by the commissioner of safety.
- (6) "Public bicycle path" means a right-of-way under the jurisdiction and control of the state or a local political subdivision thereof for use primarily by bicycles and pedestrians.
- (7) "State roadway" means a right-of-way under the jurisdiction and control of the state for use primarily by motor vehicles.
- (8) "Restraining seat" means a seat separate from the saddle seat of the operator of the bicycle that is fastened securely to the frame of the bicycle and is adequately equipped to restrain the passenger in such seat and protect such passenger from the moving parts of the bicycle.
- (9) "Tricycle" means a three-wheeled human-powered vehicle.

History

[Acts 1993, ch. 399, § 4.]

55-52-104. Purpose.

Statute text

The purpose of this chapter is to reduce the incidence of disability and death resulting from injuries incurred in bicycling accidents by requiring that, while riding on a bicycle on state roadways, all bicycle operators and passengers under the age of twelve (12) years wear approved protective bicycle helmets; that all bicycle passengers who weigh less than forty pounds (40 lbs.) or are less than forty inches (40") in height be seated in separate restraining seats; and that no person who is unable to maintain an erect, seated position shall be a passenger in a bicycle restraining seat.

History

[Acts 1993, ch. 399, § 5.]

55-52-105. Child bicycle safety rules and regulations.

Statute text

With regard to any bicycle used on a state roadway, it is unlawful:

- (1) For any person under the age of twelve (12) to operate or be a passenger on a bicycle unless at all times when so engaged such person wears a protective bicycle helmet of good fit fastened securely upon the head with the straps of the helmet.
- (2) For any person to be a passenger on a bicycle unless, with respect to any person who weighs fewer than forty pounds (40 lbs.), or is less than forty inches (40") in height, the person can be and is properly seated in and adequately secured to a restraining seat.
- (3) For any parent or legal guardian of a person below the age of twelve (12) to knowingly permit such person to operate or be a passenger on a bicycle in violation of subdivision (1) or (2).
- (4) To rent or lease any bicycle to or for the use of any person under the age of twelve (12) unless:
 - (A) The person is in possession of a protective bicycle helmet of good fit at the time of such rental or lease; or
 - (B) The rental or lease includes a protective bicycle helmet of good fit, and the person intends to wear the helmet, as required by subdivision (1), at all times while operating or being a passenger on the bicycle.

History

[Acts 1993, ch. 399, § 6.]

55-52-106. Penalty - Defense - Inadmissibility as evidence in civil action.

Statute text

- (a) Except as provided in subsection (b) below, any adult person violating any requirement set forth in § 55-52-105 shall be guilty of a violation and upon conviction sentenced to pay a fine of two dollars (\$2) and court costs.
- (b) Upon commission of the first offense within a twelve-month period under § 55-52-105(3), it shall be a defense that the accused has since the date of the violation purchased or provided a protective bicycle helmet or a restraining seat, and uses and intends to use or causes to be used or intends to cause to be used the same as the law requires.

(c) In no event shall failure to wear a protective bicycle helmet or to secure a passenger to a restraining seat be admissible as evidence in a trial of any civil action.

History

[Acts 1993, ch. 399, §§ 7, 8.]

44-8-408. Dogs not allowed at large - Exception.

Statute text

It is unlawful for any person to allow a dog belonging to or under the control of such person, or that may be habitually found on premises occupied by the person, or immediately under the control of such person, **to go upon the premises of another, or upon a highway or upon a public road or street**; provided, that this section and § 44-8-409 shall not apply to a dog on a hunt or chase, or on the way to or from a hunt or chase, nor to a dog guarding or driving stock, or on the way for that purpose, nor to a dog being moved from one (1) place to another, by a person owning or controlling a dog; provided, however, that the foregoing exemptions shall not apply unless all damages done by dogs therein exempted, to the person or property of another, shall be paid or tendered to the person so damaged, or to the person's agent, within thirty (30) days after the damage is done.

History

[Acts 1901, ch. 50, § 1; 1903, ch. 419, § 1; Shan., § 2853a4; Code 1932, § 5086; T.C.A. (orig. ed.), §§ 44-1408, 44-8-108.]

44-8-409. Violation of § 44-8-408 a misdemeanor.

Statute text

A violation of § 44-8-408 is a Class C misdemeanor.

History

[Acts 1901, ch. 50, § 3; Shan., § 2853a5; Code 1932, § 5087; T.C.A. (orig. ed.), §§ 44-1409, 44-8-109; Acts 1989, ch. 591, § 113.]

[Acts 1989, ch. 591, § 1.]

39-14-205. Intentional killing of animal.

Statute text

(a) (1) A person who intentionally or knowingly unlawfully kills the animal of another, with the intent to deprive the owner of the right to the animal's life and without the owner's effective consent commits theft of that animal and shall be punished under § 39-14-105.

(b) A person is justified in killing the animal of another if such person acted under a reasonable belief that the animal was creating an imminent danger of death or serious bodily

injury to such person or another or an imminent danger of death to an animal owned by such person. A person is not justified in killing the animal of another if at the time of the killing such person is trespassing upon the property of the owner of such animal.

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Kingsport City Ordenances Nov. 15, 1994. From web site.
[FULL MUNICIPAL CODE](#)

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Code 1981, 14-125 sec 102-106
No person shall drive any VEHICLE upon a sidewalk...

Code 1981, 14-281 sec 102-262
No person shall stop, stand or park a VEHICLE on a sidewalk.
(TN Code allows bicycles to be parked on a sidewalk IF it does not impede the normal and reasonable movement of pedestridans or other traffic or such parking is not prohibited by ordinance.)

Code 1981 14-211 sec 102-464
b) No VEHICLE shall be equipt with nor shall any person use upon a vehicle any siren, whistle or BELL, except authorized emergency vehicles.

Dogs
Article II Section 14-36
Dogs are not permitted to run at large except on owners premises.

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End of Laws Section

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Excerpt
(--- from Tennessee Drivers Manual, pages 84-86, June 1996 ---)

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SHARING THE ROAD WITH BICYCLES AND MOTORCYCLES
Many drivers have trouble adjusting to bicycles and motorcycles operating on our streets and highways. Cyclist have the same rights and responsibilities on public roadways as other drivers.

Lane Positions
Both bicycles and motorcycles are required to travel on the right hand side of the road with other traffic. Bicycles are not allowed to travel facing traffic, since this is far less safe. They must ride as near to the right hand side of the road as practical, while avoiding road hazards that could cause them to swerve into traffic.

To avoid gravel, debris, sewer grates and the like, experienced cyclist tend to pick a line on the road that is far enough on the right to avoid obstructing traffic, while not being so close to the shoulder or curb that they would have to swerve suddenly to avoid a hazard. Cyclist who are not on the extreme

right hand side of the lane are not being careless, but are in fact attempting to account for traffic conditions.

Similarly, when cyclist are traveling past parked cars, they tend to move away from the cars, toward the center of the lane. This is to avoid injuring, or being injured by, persons getting out of those cars. In such cases, the cyclist is operating the bicycle properly. If possible, give the cyclist the entire lane. When road conditions prevent this, pass the cyclist with caution.

Motorcycles need a full lane width like other vehicles. A skilled motorcyclist is constantly changing positions within a lane to increase his ability to see and be seen, and to avoid objects on the road. Never move into the same lane with a motorcycle, even if the lane is wide and the cyclist is riding to one side. It is not only illegal, it is extremely hazardous.

Special Conditions

Special conditions and situations may cause problems for cyclist, which drivers need to anticipate. Drivers should be aware of these problems, so they can help share the road safely with cyclist. Here are a few examples:

* The speed and distance of cyclists are not easily identified in traffic. Even when the drivers see them, many say it's difficult to judge how far away cyclists are or how fast they are traveling.

* This may be more of a problem for judging the speed of bicyclist. People know that motorcycles can keep up with automobiles, but the speeds of bicyclist vary greatly. With today's improved equipment, some bicyclist may be travelling 25 or 30 miles per hour, if not faster. Others will be travelling at much slower speeds. No cyclist's speed can be taken for granted.

* Cyclist riding at night create visibility problems. Cyclists are required to have proper illumination to ride at night, but motorists should be aware that cyclists are not easily seen.

* Children riding bicycles create special problems for motorists. Children are not capable of proper judgement in determining traffic conditions, therefore motorists should be alert to the possibility of erratic movement and sudden changes in direction when children on bicycles are present.

* Drivers turning left in front of oncoming cyclist cause a large percentage of car/cycle accidents. Drivers often fail to pick the cyclist out of the traffic scene, or inaccurately judge the speed of the oncoming cycle. Overtaking, then making a right turn in front of the cyclist is also a cause of many accidents. **LOOK ONCE, THEN AGAIN. MAKE SURE YOU SEE THE CYCLE AND KNOW ITS SPEED BEFORE YOU TURN.**

* Cyclists maintain eye contact with the drivers of the

automobiles around them, particularly when the cyclist or the automobile is making a turn. So too, before turning, a driver should attempt to gain and maintain eye contact with the cyclist.

*** Bad weather and slippery surfaces cause greater problems for cyclists than for cars. These conditions create stability problems for all vehicles. Allow more following distant for cyclist when the road surface is wet and slippery. Also be alert to the problem of glare that rain and wet surface create, especially at night.**

*** Strong cross winds can move a cycle out of its lane of travel. Areas where this can happen are wide open, long stretches of highways and bridges. Large, fast moving trucks sometimes create wind blasts which, under certain conditions, can move the cyclist out of his or her path of travel.**

*** Railroad grade crossings are a particular hazard to cyclists, and will usually cause them to slow down and possibly zigzag to cross the tracks head on.**

*** Metal or grated bridges cause a cycle to wobble much more than a car. An experienced cyclist slows down and moves to the center of the lane to allow room for handling the uneven surface. An inexperienced cyclist may become startled and try to quickly change directions. Be prepared for either reaction.**

*** Being aware of these situations and consciously looking for cyclists can help you share the road safely.**

To learn more specifically how to ride a bicycle safely, contact:

The League of American Wheelmen or, The Bicycle Federation of TN
Suite 209, 6707 Whitestone Road P.O. Box 2823
Baltimore, MD 21207-4106 Murfreesboro, TN 37133
301-944-3399

To learn about motorcycle safety, pick up a Tennessee Motorcycle Operator Manual at any Driver License Station.
