

MAY 2014

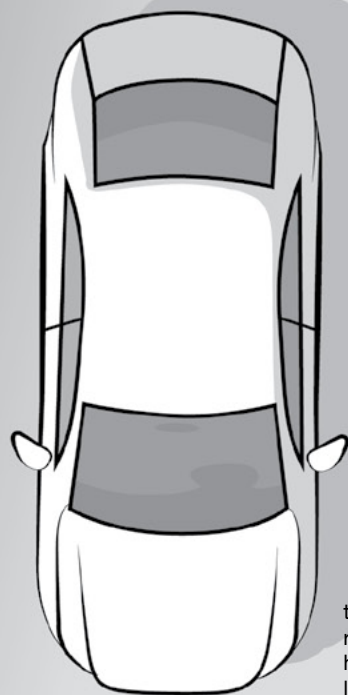
AMERICAN MOTORCYCLIST

Insurance
Discrimination:
Know Your
Risks, Know
Your Rights

Touring U.S.
Rt. 50: A Midlife
Odyssey

Photo: Duncan Kendall



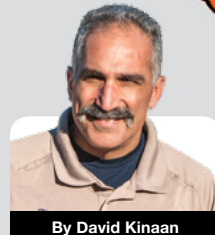


RULES OF LANE SPLITTING

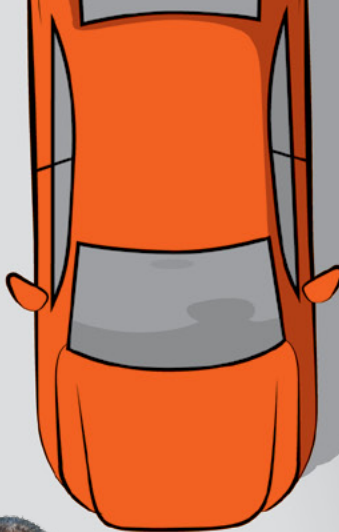
Laws That Still Apply

As many motorcyclists know, California is the only state that allows motorcycles to lane split. With its year-round riding climate and miles upon miles of great roads, California has more motorcycles than many other states, as well as a large number of out-of-state visitors. This means that the number of riders potentially exposed to the option to lane split is significant.

In the April issue, “Lane Splitting Safely” discussed the practice of lane splitting in California and offered some safety-related tips for those riders who choose to split traffic. Safe practices are guidelines, though, and not laws. Now I want to make sure you are familiar with some of the laws that can affect you while you are splitting lanes.



By David Kinaan



California Vehicle Code Section 22350: The Basic Speed Law

This statute states, in part, that anyone operating a motor vehicle (car or motorcycle) has to do so in accordance with posted speed limits, and at a speed that is no greater than what is reasonable and prudent having due regard for weather, visibility and the traffic on—and the surface and width of—the highway, and in no event at a speed that endangers the safety of persons or property.

This means, on a multi-lane road with a posted speed limit of 45 mph, while traffic is congested and flowing at 20 mph, you can split traffic at a reasonable speed. Usually, a reasonably safe speed is no more than 10 mph faster than the flow of traffic. You would probably be within the law if you were splitting traffic in this scenario at up to 30 mph. Even though the posted speed limit is 45, you would most likely be in violation of the basic speed law if you were to split 20 mph traffic at 45 mph.

California Vehicle Code Section 21658: Unsafe Lane Change or Lane Straddling

This statute addresses whenever a roadway has been clearly divided into two or more lanes for traffic in the same direction, a vehicle shall be operated as nearly as practical entirely within one lane and shall not move from the lane until the movement can be made with reasonable safety.

This means, while you are splitting traffic, you can only move from one lane to another when it is safe to do so. This also applies to the other drivers on the roadway. A common conflict occurs when a driver changes lanes and a motorcycle splitting traffic comes upon that vehicle. More than likely, the motorcyclist, who should be looking ahead, will see the driver changing lanes and be able to slow and avoid a conflict with that vehicle.

California Vehicle Code Section 21755: Unsafe Passing on the Right, or Shoulder Passing

A vehicle may overtake and pass another vehicle on the right only under conditions that allow for the movement to be accomplished safely. Under no circumstances may a vehicle pass another vehicle on the right by travelling outside of the main traveled portion of the highway, or on the right shoulder.

It should be common sense, but in most cases there must be two or more lanes of traffic in the same direction for a rider to legally split lanes. If there is only one lane and you chose to pass a vehicle, you must do so within the law. You can pass on the left where you have a broken yellow line and you can pass safely. You may pass on the right under certain circumstances, but you may not use the right shoulder, or untraveled portion of the highway, to pass on the right.

California Vehicle Code Section 22107: Unsafe Turning

No vehicle shall turn from a direct course, or move left or right upon a highway, until the turning movement can be made with reasonable safety, and in the event another vehicle may be affected by the movement, an appropriate signal shall be given prior to the turning movement.

This one applies to motorcycles splitting lanes much in the same way and as an unsafe lane change applies. In addition, this section requires the operator of any vehicle to give an appropriate signal prior to making the turning movement, which includes moving left or right upon a roadway, when that turning movement may affect another vehicle. If a conflict occurs, you can safely bet that turning movement will be deemed to have affected the other vehicle.

California Vehicle Code Section 22108: Turn Signal

Any signal of an intention to turn left or right shall be given continuously for 100 feet prior to beginning the turn. This statute can apply to changing lanes without signaling for 100 feet prior to the lane change.

For the car driver, this becomes extremely important to warn the upcoming motorcyclist of an impending lane change. For the motorcyclist, you must be extremely aware of the position of the vehicles to your left and right. Watch for that turn signal, and for the telltale signs of a driver who is planning a lane change and failed to signal. Look for the driver’s head turning, watch for the driver changing their hand position on the steering wheel, etc.

California Vehicle Code Section 23103: Reckless Driving

Any person who operates a motor vehicle upon a highway with a willful or wanton disregard for the safety of other persons or property is guilty of reckless driving. Splitting lanes at an excessively high speed can lead to a charge of reckless driving.

California Vehicle Code Section 2800.1: Attempt to Evade

Any person, while operating a motor

Splitting traffic is a skill that will take a rider time to develop and will take the rider’s undivided attention. Once mastered, and practiced safely, splitting traffic can make for a safe and even flow of traffic for all who travel the roadways in California.

vehicle and with the intent to evade, willfully flees or otherwise attempts to elude a pursuing peace officer, is guilty of a misdemeanor.

It should be noted that 23103 and 2800.1 are misdemeanors and can carry hefty fines up to and including county jail. If a violation of either of these sections causes an injury to someone other than the violator, the violation could escalate to a felony and carry steep fines and send an offender to state prison.

Drivers of other vehicles upon the highway have a responsibility to operate their vehicles safely and in accordance with law also. Splitting lanes, when done with reasonable regard for the safety of all motorists on the highway, is legal in California. A driver who takes it upon himself or herself to discourage a motorcyclist from splitting lanes may find themselves in violation of California Vehicle Code Section 22400, Impeding Traffic. Intentionally blocking or impeding a motorcyclist is illegal and could cause

injury to the rider. Additionally, California Vehicle Code Section 22517 makes it illegal to open a car door where it could impede the safe flow of traffic, including motorcyclists.

The vehicle code sections listed above are not all of the laws that apply to motorcycles and vehicles on the road. These sections are offered to give you an idea of how the California Vehicle Code applies to the practice of splitting lanes and how various laws are in place to ensure the practice is accomplished safely for all vehicles on the roadway.

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Sergeant David Kinaan retired in 2012 as the supervisor of the California Highway Patrol Academy Motorcycle Training Unit. Sergeant Kinaan was an active member of the CHP for nearly 29 years.

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