

**TRAFFIC CODE AMENDMENTS**

2008 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: James A. Dunnigan**

Senate Sponsor: Scott K. Jenkins

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**LONG TITLE**

**General Description:**

This bill modifies the Traffic Code by amending provisions relating to the operation of a motor vehicle.

**Highlighted Provisions:**

This bill:

- ▶ authorizes the Department of Transportation to establish a posted speed limit that exceeds 75 miles per hour if the speed limit is based on a traffic engineering and safety study and is located between certain mile posts on a portion of the interstate;
- ▶ requires the Department of Transportation to consider the roadway geometry and population density when establishing a speed limit that exceeds certain maximum speed limits;
- ▶ requires the Department of Transportation to analyze the results and impacts of imposing a higher speed limit;
- ▶ requires the Department of Transportation to report its evaluation results to the Transportation Interim Committee of the Legislature;
- ▶ provides that an operator of a vehicle that is exempt from minimum speed regulations while operating on a grade is not exempt from the requirement to promptly pass an overtaken vehicle on the left at a safe distance; and
- ▶ makes technical changes.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **41-6a-602**, as last amended by Laws of Utah 2007, Chapter 52

34 **41-6a-704**, as last amended by Laws of Utah 2007, Chapter 52

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36 *Be it enacted by the Legislature of the state of Utah:*

37 Section 1. Section **41-6a-602** is amended to read:

38 **41-6a-602. Speed limits established on state highways.**

39 (1) (a) The Department of Transportation shall determine the reasonable and safe speed  
40 limit for each highway or section of highway under its jurisdiction.

41 (b) For each highway or section of highway, each speed limit shall be based on a traffic  
42 engineering and safety study consistent with the requirements and recommendations in the most  
43 current version of the "Manual on Uniform Traffic Control Devices."

44 (c) The traffic engineering and safety studies shall include:

45 (i) the design speed;

46 (ii) prevailing vehicle speeds;

47 (iii) accident history;

48 (iv) highway, traffic, and roadside conditions; and

49 (v) other highway safety factors.

50 (2) In addition to the provisions of Subsection (1), the Department of Transportation  
51 may establish different speed limits on a highway or section of highway based on:

52 (a) time of day;

53 (b) highway construction;

54 (c) type of vehicle;

55 (d) weather conditions; and

56 (e) other highway safety factors.

57 (3) (a) Except as provided in Subsection (3)(b) and (c), a posted speed limit may not

58 exceed 65 miles per hour.

59 (b) ~~[A]~~ Except as provided in Subsection (3)(c), a posted speed limit on a freeway or  
60 other limited access ~~[highways]~~ highway may not exceed 75 miles per hour.

61 (c) (i) The department may establish a posted speed limit on a freeway or other limited  
62 access highway that exceeds the maximum speed limit in Subsection (3)(b) if the speed limit is:

63 (A) based on a highway traffic engineering and safety study; and

64 (B) is located on a portion of Interstate 15 that is between milepost 222 and milepost  
65 64.

66 (ii) The department shall consider the roadway geometry and population density that  
67 may be appropriate for a higher speed limit when establishing a speed limit under this  
68 Subsection (3)(c).

69 (iii) If the department establishes a posted speed limit that exceeds the limit under  
70 Subsection (3)(b), the department shall evaluate the results and impacts of increasing a speed  
71 limit under this Subsection (3)(c).

72 (iv) The department shall report the findings of an evaluation conducted under  
73 Subsection (3)(c)(iii) to the Transportation Interim Committee no later than one year after a  
74 speed limit has been imposed under this Subsection (3)(c).

75 ~~[(e)]~~ (d) This Subsection (3) is an exception to the provisions of Subsections (1) and  
76 (2).

77 (4) When establishing or changing a speed limit, the Department of Transportation shall  
78 consult with the following entities prior to erecting or changing a speed limit sign:

79 (a) the county for state highways in an unincorporated area of the county;

80 (b) the municipality for state highways within the municipality's incorporated area;

81 (c) the Department of Public Safety; and

82 (d) the Transportation Commission.

83 (5) The speed limit is effective when appropriate signs giving notice are erected along  
84 the highway or section of the highway.

85 Section 2. Section **41-6a-704** is amended to read:

86 **41-6a-704. Overtaking and passing vehicles proceeding in same direction.**

87 (1) (a) On any highway:

88 [~~(a)~~] (i) the operator of a vehicle overtaking another vehicle proceeding in the same  
89 direction shall:

90 [(†)] (A) except as provided under Section 41-6a-705, promptly pass the overtaken  
91 vehicle on the left at a safe distance; and

92 [(†)] (B) enter a right-hand lane or the right side of the roadway only when safely clear  
93 of the overtaken vehicle;

94 [(†)] (ii) the operator of an overtaken vehicle:

95 [(†)] (A) shall give way to the right in favor of the overtaking vehicle; and

96 [(†)] (B) may not increase the speed of the vehicle until completely passed by the  
97 overtaking vehicle.

98 (b) The exemption from the minimum speed regulations for a vehicle operating on a  
99 grade under Section 41-6a-605 does not exempt the vehicle from promptly passing a vehicle as  
100 required under Subsection (1)(a)(i)(A).

101 (2) On a highway having more than one lane in the same direction, the operator of a  
102 vehicle traveling in the left general purpose lane:

103 (a) shall, upon being overtaken by another vehicle in the same lane, yield to the  
104 overtaking vehicle by moving safely to a lane to the right; and

105 (b) may not impede the movement or free flow of traffic in the left general purpose lane.

106 (3) An operator of a vehicle traveling in the left general purpose lane that has a vehicle  
107 following directly behind the operator's vehicle at a distance so that less than two seconds  
108 elapse before reaching the location of the operator's vehicle when space is available for the  
109 operator to yield to the overtaking vehicle by traveling in the right-hand lane is prima facie  
110 evidence that the operator is violating Subsection (2).

111 (4) The provisions of Subsection (2) do not apply to an operator of a vehicle traveling  
112 in the left general purpose lane when:

113 (a) overtaking and passing another vehicle proceeding in the same direction in

- 114 accordance with Subsection (1)(a)(i);
- 115           (b) preparing to turn left or taking a different highway or an exit on the left;
- 116           (c) responding to emergency conditions;
- 117           (d) avoiding actual or potential traffic moving onto the highway from an acceleration or
- 118 merging lane; or
- 119           (e) following the direction of a traffic-control device that directs the use of a designated
- 120 lane.