

Representative Fred R Hunsaker proposes the following substitute bill:

**VEHICLE OPERATOR TURN OFF
REQUIREMENTS**

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Fred R Hunsaker

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Motor Vehicles Code by establishing vehicle operator turn off requirements and responsibilities on certain highways.

Highlighted Provisions:

This bill:

- ▶ defines slow moving vehicle;
- ▶ requires an operator of a slow-moving vehicle causing a line of five or more vehicles behind the operator's vehicle on a highway with one lane in each direction to:
 - turn off the roadway where a safe turn-out exists; and
 - permit the following vehicles to pass;
- ▶ provides that the operator of certain vehicles is exempt from the requirement to turn off the roadway and permit the vehicles following behind the operator's vehicle to pass; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None



26 **Other Special Clauses:**

27 None

28 **Utah Code Sections Affected:**

29 AMENDS:

30 **41-6a-704**, as last amended by Laws of Utah 2008, Chapter 350



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

32 Section 1. Section **41-6a-704** is amended to read:

33 **41-6a-704. Overtaking and passing vehicles proceeding in same direction.**

34 (1) As used in this section, "slow moving vehicle" means a vehicle that is proceeding at
35 a rate of speed less than the normal flow of traffic at the particular time and place.

36 [(+)] (2) (a) On any highway:

37 (i) the operator of a vehicle overtaking another vehicle proceeding in the same
38 direction shall:

39 (A) except as provided under Section 41-6a-705, promptly pass the overtaken vehicle
40 on the left at a safe distance; and

41 (B) enter a right-hand lane or the right side of the roadway only when safely clear of the
42 overtaken vehicle; and

43 (ii) the operator of an overtaken vehicle:

44 (A) shall give way to the right in favor of the overtaking vehicle; and

45 (B) may not increase the speed of the vehicle until completely passed by the overtaking
46 vehicle.

47 (b) The exemption from the minimum speed regulations for a vehicle operating on a
48 grade under Section 41-6a-605 does not exempt the vehicle from promptly passing a vehicle as
49 required under Subsection [(+)] (2)(a)(i)(A).

50 (3) (a) Except as provided in Subsection (3)(b), on a highway with one lane in each
51 direction, the operator of a slow moving vehicle that is causing a line of five or more vehicles
52 to form directly behind the operator's slow moving vehicle shall:

53 (i) turn off the roadway wherever sufficient area for a safe turn-out exists; and

54 (ii) permit the vehicles following behind the operator's slow moving vehicle to pass
55 before proceeding.

57 (b) An operator of a motor vehicle is exempt from the requirement under Subsection
 58 (3)(a) to turn off the roadway and permit the vehicles following behind the operator's vehicle to
 59 pass if the operator is operating:

60 (i) a commercial vehicle as defined in Section 72-9-102; ~~H→~~ [or] ←H

61 (ii) any vehicle used in the routine maintenance and operations of a roadway ~~H→~~ ; or

61a (iii) a public transit vehicle used for public transportation purposes ←H .

62 [~~3~~] (4) On a highway having more than one lane in the same direction, the operator of
 63 a vehicle traveling in the left general purpose lane:

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

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

68 [~~3~~] (5) An operator of a vehicle traveling in the left general purpose lane that has a
 69 vehicle following directly behind the operator's vehicle at a distance so that less than two
 70 seconds elapse before reaching the location of the operator's vehicle when space is available for
 71 the operator to yield to the overtaking vehicle by traveling in the right-hand lane is prima facie
 72 evidence that the operator is violating Subsection [~~2~~] (4).

73 [~~4~~] (6) The provisions of Subsection [~~2~~] (4) do not apply to an operator of a vehicle
 74 traveling in the left general purpose lane when:

75 (a) overtaking and passing another vehicle proceeding in the same direction in
 76 accordance with Subsection [~~1~~] (2)(a)(i);

77 (b) preparing to turn left or taking a different highway or an exit on the left;

78 (c) responding to emergency conditions;

79 (d) avoiding actual or potential traffic moving onto the highway from an acceleration
 80 or merging lane; or

81 (e) following the direction of a traffic-control device that directs the use of a designated
 82 lane.

H.B. 73 1st Sub. (Buff) - Vehicle Operator Turn off Requirements

Fiscal Note

2009 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
