

**TRAFFIC CODE MODIFICATIONS**

2011 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kevin T. Van Tassell**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies the Traffic Code by amending provisions relating to operating a vehicle in the right-hand lane and following another vehicle.

**Highlighted Provisions:**

This bill:

- ▶ provides that a person operating a vehicle on a roadway that is passed by two or more vehicles that are traveling in a lane to the right of the lane in which the operator's vehicle is traveling is prima facie evidence that the operator has violated the requirement to operate the vehicle in the right-hand lane;

- ▶ provides exceptions to the prima facie evidence;

- ▶ repeals an exception to the requirement of an operator of a vehicle to follow at a distance so that at least two seconds elapse before reaching the location of the vehicle directly in front of the operator's vehicle; and

- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:



28 **41-6a-701**, as renumbered and amended by Laws of Utah 2005, Chapter 2

29 **41-6a-702**, as last amended by Laws of Utah 2010, Chapter 81

30 **41-6a-711**, as last amended by Laws of Utah 2007, Chapter 52

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

33 Section 1. Section **41-6a-701** is amended to read:

34 **41-6a-701. Duty to operate vehicle on right side of roadway -- Exceptions.**

35 (1) On all roadways of sufficient width, a person operating a vehicle shall operate the  
36 vehicle on the right half of the roadway, except:

37 (a) when overtaking and passing another vehicle proceeding in the same direction  
38 under the rules governing that movement;

39 (b) when an obstruction requires operating the vehicle to the left of the center of the  
40 roadway subject to the provisions of Subsection (2);

41 (c) on a roadway divided into three marked lanes for traffic under the applicable rules;

42 or

43 (d) on a roadway designed and signposted for one-way traffic.

44 (2) A person operating a vehicle shall yield the right-of-way to a vehicle:

45 (a) traveling in the proper direction on a roadway; and

46 (b) that is within a distance constituting an immediate hazard.

47 (3) A person operating a vehicle on a roadway [~~at less than the normal speed of traffic~~]

48 shall operate the vehicle in the right-hand lane then available for traffic, or as close as  
49 practicable to the right-hand curb or edge of the roadway, except when:

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

51 (b) preparing to turn left; or

52 (c) taking a different highway or an exit on the left.

53 (4) A person operating a vehicle on a roadway that is passed by two or more vehicles  
54 that are traveling in a lane to the right of the lane in which the operator's vehicle is traveling is  
55 prima facie evidence that the person is in violation of Subsection (3) unless:

56 (a) the operator's vehicle is traveling in the farthest right-hand general purpose lane, as  
57 defined in Section 41-6a-702;

58 (b) the operator's vehicle is traveling in a high occupancy vehicle lane designated under

59 Section 41-6a-702:

60 (c) the operator is responding to emergency conditions;

61 (d) the operator is avoiding actual or potential traffic moving onto the highway from an  
62 acceleration or merging lane; or

63 (e) the operator is following direction signs that direct use of a designated lane.

64 Section 2. Section **41-6a-702** is amended to read:

65 **41-6a-702. Left lane restrictions -- Exceptions -- Other lane restrictions --**  
66 **Penalties.**

67 (1) As used in this section and [~~Section~~] Sections 41-6a-701 and 41-6a-704, "general  
68 purpose lane" means a highway lane open to vehicular traffic but does not include a designated:

69 (a) high occupancy vehicle (HOV) lane; or

70 (b) auxiliary lane that begins as a freeway on-ramp and ends as part of the next freeway  
71 off-ramp.

72 (2) On a freeway or section of a freeway which has three or more general purpose lanes  
73 in the same direction, a person may not operate a vehicle in the left most general purpose lane  
74 if the person's:

75 (a) vehicle is drawing a trailer or semitrailer regardless of size; or

76 (b) vehicle or combination of vehicles has a gross vehicle weight of 12,001 or more  
77 pounds.

78 (3) Subsection (2) does not apply to a person operating a vehicle who is:

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

80 (b) responding to emergency conditions;

81 (c) avoiding actual or potential traffic moving onto the highway from an acceleration or  
82 merging lane; or

83 (d) following direction signs that direct use of a designated lane.

84 (4) (a) A highway authority may designate a specific lane or lanes of travel for any type  
85 of vehicle on a highway or portion of a highway under its jurisdiction for the:

86 (i) safety of the public;

87 (ii) efficient maintenance of a highway; or

88 (iii) use of high occupancy vehicles.

89 (b) The lane designation under Subsection (4)(a) is effective when appropriate signs

90 giving notice are erected on the highway or portion of the highway.

91 (c) If a highway authority establishes an HOV lane, the highway authority shall  
92 annually report to the Transportation Interim Committee no later than November 30 of each  
93 year regarding:

- 94 (i) the types of vehicles that may access the lane;
- 95 (ii) where, when, and how a vehicle may access the lane;
- 96 (iii) how a tax, fee, or charge is assessed for a vehicle carrying less than the number of  
97 persons specified for the lane;
- 98 (iv) the usage of the HOV lane as compared to the usage of the general purpose lanes  
99 along the same stretch of highway; and
- 100 (v) the compliance issues, safety risks, and impacts of the lane parameters described  
101 under Subsections (4)(c)(i), (ii), and (iii).

102 (5) (a) Subject to Subsection (5)(b), the lane designation under Subsection (4)(a) shall  
103 allow a vehicle with clean fuel special group license plates issued in accordance with Section  
104 41-1a-418 to travel in lanes designated for the use of high occupancy vehicles regardless of the  
105 number of occupants to the extent authorized or permitted by federal law or federal regulation.

106 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
107 Department of Transportation may make rules to allow a vehicle with clean fuel special group  
108 license plates issued in accordance with Section 41-1a-418 to travel in lanes designated for the  
109 use of high occupancy vehicles regardless of the number of occupants to the extent authorized  
110 or permitted by federal law or federal regulation.

111 (6) A person who operates a vehicle in violation of Subsection (2) or in violation of the  
112 restrictions made under Subsection (4) is guilty of a class C misdemeanor.

113 Section 3. Section **41-6a-711** is amended to read:

114 **41-6a-711. Following another vehicle -- Safe distance -- Exceptions.**

115 [(+)] The operator of a vehicle:

116 [(a)] (1) may not follow another vehicle more closely than is reasonable and prudent,  
117 having regard for the:

118 [(i)] (a) speed of the vehicles;

119 [(ii)] (b) traffic upon the highway; and

120 [(iii)] (c) condition of the highway; and

121            ~~[(b)]~~ (2) shall follow at a distance so that at least two seconds elapse before reaching  
122 the location of the vehicle directly in front of the operator's vehicle.

123            ~~[(2) Subsection (1)(b) does not apply to funeral processions or to congested traffic~~  
124 ~~conditions resulting in prevailing vehicle speeds of less than 35 miles per hour.]~~

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**Legislative Review Note**  
**as of 3-1-11 3:32 PM**

**Office of Legislative Research and General Counsel**

# FISCAL NOTE

S.B. 240

SHORT TITLE: **Traffic Code Modifications**

SPONSOR: **Van Tassell, K.**

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.