

TRAFFIC CODE AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Peter C. Knudson

House Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Traffic Code by amending traffic code provisions.

Highlighted Provisions:

This bill:

- ▶ defines free-flowing traffic;
- ▶ repeals provisions relating to a person operating a vehicle at a speed so slow as to impede or block the normal and reasonable movement of traffic;
- ▶ provides that when traveling in free-flowing traffic on a highway having more than one lane in the same direction, a person operating a motor vehicle shall travel in the left general purpose lane only when overtaking another vehicle;
- ▶ requires an operator of a vehicle traveling in the left general purpose lane in free-flowing traffic to:
 - promptly pass any vehicle or vehicles proceeding in the same direction; and
 - enter a right-hand lane when safely clear of the last overtaken vehicle;
- ▶ provides that it is prima facie evidence that an operator of a vehicle is operating the vehicle in violation of the requirement to operate a motor vehicle in the right-hand lane, if the operator is overtaken and passed by two or more vehicles that are operating in a lane on the right side of the operator's vehicle;
- ▶ provides that on a highway having more than one lane in the same direction, an operator of a vehicle shall:



28 • when changing to a different lane, avoid disrupting traffic flow by accelerating
29 or decelerating with due regard for the speed and proximity of other vehicles in
30 that lane; and

31 • when the operator observes a signal indicating that an operator of a vehicle in an
32 adjoining lane intends to move into the lane occupied by the operator of the
33 vehicle, adjust the vehicle speed so as to safely accommodate the other vehicle
34 operator's lane change; and

35 ▶ makes technical corrections.

36 **Money Appropriated in this Bill:**

37 None

38 **Other Special Clauses:**

39 None

40 **Utah Code Sections Affected:**

41 AMENDS:

42 **41-6a-102**, as last amended by Laws of Utah 2009, Chapter 311

43 **41-6a-605**, as renumbered and amended by Laws of Utah 2005, Chapter 2

44 **41-6a-701**, as renumbered and amended by Laws of Utah 2005, Chapter 2

45 **41-6a-704**, as last amended by Laws of Utah 2008, Chapter 350

46 **41-6a-711**, as last amended by Laws of Utah 2007, Chapter 52



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

49 Section 1. Section **41-6a-102** is amended to read:

50 **41-6a-102. Definitions.**

51 As used in this chapter:

52 (1) "Alley" means a street or highway intended to provide access to the rear or side of
53 lots or buildings in urban districts and not intended for through vehicular traffic.

54 (2) "All-terrain type I vehicle" has the same meaning as defined in Section 41-22-2.

55 (3) "Authorized emergency vehicle" includes:

56 (a) fire department vehicles;

57 (b) police vehicles;

58 (c) ambulances; and

59 (d) other publicly or privately owned vehicles as designated by the commissioner of the
60 Department of Public Safety.

61 (4) (a) "Bicycle" means every device:

- 62 (i) propelled by human power;
- 63 (ii) upon which a person may ride; and
- 64 (iii) having two tandem wheels.

65 (b) "Bicycle" does not include scooters and similar devices.

66 (5) (a) "Bus" means a motor vehicle:

67 (i) designed for carrying more than 15 passengers and used for the transportation of
68 persons; or

69 (ii) designed and used for the transportation of persons for compensation.

70 (b) "Bus" does not include a taxicab.

71 (6) (a) "Circular intersection" means an intersection that has an island, generally
72 circular in design, located in the center of the intersection where traffic passes to the right of
73 the island.

74 (b) "Circular intersection" includes:

- 75 (i) roundabouts;
- 76 (ii) rotaries; and
- 77 (iii) traffic circles.

78 (7) "Commissioner" means the commissioner of the Department of Public Safety.

79 (8) "Controlled-access highway" means a highway, street, or roadway:

80 (a) designed primarily for through traffic; and

81 (b) to or from which owners or occupants of abutting lands and other persons have no
82 legal right of access, except at points as determined by the highway authority having
83 jurisdiction over the highway, street, or roadway.

84 (9) "Crosswalk" means:

85 (a) that part of a roadway at an intersection included within the connections of the
86 lateral lines of the sidewalks on opposite sides of the highway measured from:

87 (i) (A) the curbs; or

88 (B) in the absence of curbs, from the edges of the traversable roadway; and

89 (ii) in the absence of a sidewalk on one side of the roadway, that part of a roadway

90 included within the extension of the lateral lines of the existing sidewalk at right angles to the
91 centerline; or

92 (b) any portion of a roadway at an intersection or elsewhere distinctly indicated for
93 pedestrian crossing by lines or other markings on the surface.

94 (10) "Department" means the Department of Public Safety.

95 (11) "Direct supervision" means oversight at a distance within which:

96 (a) visual contact is maintained; and

97 (b) advice and assistance can be given and received.

98 (12) "Divided highway" means a highway divided into two or more roadways by:

99 (a) an unpaved intervening space;

100 (b) a physical barrier; or

101 (c) a clearly indicated dividing section constructed to impede vehicular traffic.

102 (13) "Electric assisted bicycle" means a moped:

103 (a) with an electric motor with a power output of not more than 1,000 watts; and

104 (b) which is not capable of:

105 (i) propelling the device at a speed of more than 20 miles per hour on level ground; and

106 (ii) increasing the speed of the device when human power is used to propel the device
107 at more than 20 miles per hour.

108 (14) (a) "Electric personal assistive mobility device" means a self-balancing device
109 with:

110 (i) two nontandem wheels in contact with the ground;

111 (ii) a system capable of steering and stopping the unit under typical operating
112 conditions;

113 (iii) an electric propulsion system with average power of one horsepower or 750 watts;

114 (iv) a maximum speed capacity on a paved, level surface of 12.5 miles per hour; and

115 (v) a deck design for a person to stand while operating the device.

116 (b) "Electric personal assistive mobility device" does not include a wheelchair.

117 (15) "Explosives" means any chemical compound or mechanical mixture commonly
118 used or intended for the purpose of producing an explosion and which contains any oxidizing
119 and combustive units or other ingredients in proportions, quantities, or packing so that an
120 ignition by fire, friction, concussion, percussion, or detonator of any part of the compound or

121 mixture may cause a sudden generation of highly heated gases, and the resultant gaseous
122 pressures are capable of producing destructive effects on contiguous objects or of causing death
123 or serious bodily injury.

124 (16) "Farm tractor" means a motor vehicle designed and used primarily as a farm
125 implement, for drawing plows, mowing machines, and other implements of husbandry.

126 (17) "Flammable liquid" means a liquid which has a flashpoint of 100 degrees F. or
127 less, as determined by a tagliabue or equivalent closed-cup test device.

128 (18) "Free-flowing traffic" means traffic density on a multilane highway that allows
129 space for a vehicle operator to safely move into an adjoining lane.

130 [~~18~~] (19) "Freeway" means a controlled-access highway that is part of the interstate
131 system as defined in Section 72-1-102.

132 [~~19~~] (20) "Gore area" means the area delineated by two solid white lines that is
133 between a continuing lane of a through roadway and a lane used to enter or exit the continuing
134 lane including similar areas between merging or splitting highways.

135 [~~20~~] (21) "Gross weight" means the weight of a vehicle without a load plus the
136 weight of any load on the vehicle.

137 [~~21~~] (22) "Highway" means the entire width between property lines of every way or
138 place of any nature when any part of it is open to the use of the public as a matter of right for
139 vehicular travel.

140 [~~22~~] (23) "Highway authority" has the same meaning as defined in Section 72-1-102.

141 [~~23~~] (24) (a) "Intersection" means the area embraced within the prolongation or
142 connection of the lateral curblines, or, if none, then the lateral boundary lines of the roadways
143 of two or more highways which join one another.

144 (b) Where a highway includes two roadways 30 feet or more apart:

145 (i) every crossing of each roadway of the divided highway by an intersecting highway
146 is a separate intersection; and

147 (ii) if the intersecting highway also includes two roadways 30 feet or more apart, then
148 every crossing of two roadways of the highways is a separate intersection.

149 (c) "Intersection" does not include the junction of an alley with a street or highway.

150 [~~24~~] (25) "Island" means an area between traffic lanes or at an intersection for control
151 of vehicle movements or for pedestrian refuge designated by:

- 152 (a) pavement markings, which may include an area designated by two solid yellow
- 153 lines surrounding the perimeter of the area;
- 154 (b) channelizing devices;
- 155 (c) curbs;
- 156 (d) pavement edges; or
- 157 (e) other devices.

158 [~~25~~] (26) "Law enforcement agency" has the same meaning as defined in Section
159 53-1-102.

160 [~~26~~] (27) "Limited access highway" means a highway:

- 161 (a) that is designated specifically for through traffic; and
- 162 (b) over, from, or to which neither owners nor occupants of abutting lands nor other
- 163 persons have any right or easement, or have only a limited right or easement of access, light,
- 164 air, or view.

165 [~~27~~] (28) "Local highway authority" means the legislative, executive, or governing
166 body of a county, municipal, or other local board or body having authority to enact laws
167 relating to traffic under the constitution and laws of the state.

168 [~~28~~] (29) (a) "Low-speed vehicle" means a four wheeled electric motor vehicle that:

- 169 (i) is designed to be operated at speeds of not more than 25 miles per hour; and
- 170 (ii) has a capacity of not more than four passengers, including the driver.
- 171 (b) "Low-speed vehicle" does not include a golfcart or an off-highway vehicle.

172 [~~29~~] (30) "Metal tire" means a tire, the surface of which in contact with the highway
173 is wholly or partly of metal or other hard nonresilient material.

174 [~~30~~] (31) (a) "Mini-motorcycle" means a motorcycle or motor-driven cycle that has a
175 seat or saddle that is less than 24 inches from the ground as measured on a level surface with
176 properly inflated tires.

177 (b) "Mini-motorcycle" does not include a moped or a motor assisted scooter.

178 (c) "Mini-motorcycle" does not include a motorcycle that is:

- 179 (i) designed for off-highway use; and
- 180 (ii) registered as an off-highway vehicle under Section 41-22-3.

181 [~~31~~] (32) "Mobile home" means:

- 182 (a) a trailer or semitrailer which is:

183 (i) designed, constructed, and equipped as a dwelling place, living abode, or sleeping
184 place either permanently or temporarily; and

185 (ii) equipped for use as a conveyance on streets and highways; or

186 (b) a trailer or a semitrailer whose chassis and exterior shell is designed and
187 constructed for use as a mobile home, as defined in Subsection (31)(a), but which is instead
188 used permanently or temporarily for:

189 (i) the advertising, sale, display, or promotion of merchandise or services; or

190 (ii) any other commercial purpose except the transportation of property for hire or the
191 transportation of property for distribution by a private carrier.

192 [~~32~~] (33) (a) "Moped" means a motor-driven cycle having:

193 (i) pedals to permit propulsion by human power; and

194 (ii) a motor which:

195 (A) produces not more than two brake horsepower; and

196 (B) is not capable of propelling the cycle at a speed in excess of 30 miles per hour on
197 level ground.

198 (b) If an internal combustion engine is used, the displacement may not exceed 50 cubic
199 centimeters and the moped shall have a power drive system that functions directly or
200 automatically without clutching or shifting by the operator after the drive system is engaged.

201 (c) "Moped" includes an electric assisted bicycle and a motor assisted scooter.

202 [~~33~~] (34) "Motor assisted scooter" means a self-propelled device with:

203 (a) at least two wheels in contact with the ground;

204 (b) a braking system capable of stopping the unit under typical operating conditions;

205 (c) a gas or electric motor not exceeding 40 cubic centimeters;

206 (d) either:

207 (i) a deck design for a person to stand while operating the device; or

208 (ii) a deck and seat designed for a person to sit, straddle, or stand while operating the
209 device; and

210 (e) a design for the ability to be propelled by human power alone.

211 [~~34~~] (35) (a) "Motor vehicle" means a vehicle which is self-propelled and every
212 vehicle which is propelled by electric power obtained from overhead trolley wires, but not
213 operated upon rails.

214 (b) "Motor vehicle" does not include vehicles moved solely by human power,
215 motorized wheelchairs, or an electric personal assistive mobility device.

216 ~~[(35)]~~ (36) "Motorcycle" means a motor vehicle, other than a tractor, having a seat or
217 saddle for the use of the rider and designed to travel with not more than three wheels in contact
218 with the ground.

219 ~~[(36)]~~ (37) (a) "Motor-driven cycle" means every motorcycle, motor scooter, moped,
220 electric assisted bicycle, motor assisted scooter, and every motorized bicycle having:

221 (i) an engine with less than 150 cubic centimeters displacement; or

222 (ii) a motor which produces not more than five horsepower.

223 (b) "Motor-driven cycle" does not include an electric personal assistive mobility
224 device.

225 ~~[(37)]~~ (38) "Off-highway implement of husbandry" has the same meaning as defined
226 under Section 41-22-2.

227 ~~[(38)]~~ (39) "Off-highway vehicle" has the same meaning as defined under Section
228 41-22-2.

229 ~~[(39)]~~ (40) "Operator" means a person who is in actual physical control of a vehicle.

230 ~~[(40)]~~ (41) (a) "Park" or "parking" means the standing of a vehicle, whether occupied
231 or not.

232 (b) "Park" or "parking" does not include the standing of a vehicle temporarily for the
233 purpose of and while actually engaged in loading or unloading property or passengers.

234 ~~[(41)]~~ (42) "Peace officer" means a peace officer authorized under Title 53, Chapter 13,
235 Peace Officer Classifications, to direct or regulate traffic or to make arrests for violations of
236 traffic laws.

237 ~~[(42)]~~ (43) "Pedestrian" means a person traveling:

238 (a) on foot; or

239 (b) in a wheelchair.

240 ~~[(43)]~~ (44) "Pedestrian traffic-control signal" means a traffic-control signal used to
241 regulate pedestrians.

242 ~~[(44)]~~ (45) "Person" means every natural person, firm, copartnership, association, or
243 corporation.

244 ~~[(45)]~~ (46) "Pole trailer" means every vehicle without motive power:

245 (a) designed to be drawn by another vehicle and attached to the towing vehicle by
246 means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle; and

247 (b) that is ordinarily used for transporting long or irregular shaped loads including
248 poles, pipes, or structural members generally capable of sustaining themselves as beams
249 between the supporting connections.

250 [~~(46)~~] (47) "Private road or driveway" means every way or place in private ownership
251 and used for vehicular travel by the owner and those having express or implied permission
252 from the owner, but not by other persons.

253 [~~(47)~~] (48) "Railroad" means a carrier of persons or property upon cars operated on
254 stationary rails.

255 [~~(48)~~] (49) "Railroad sign or signal" means a sign, signal, or device erected by
256 authority of a public body or official or by a railroad and intended to give notice of the presence
257 of railroad tracks or the approach of a railroad train.

258 [~~(49)~~] (50) "Railroad train" means a locomotive propelled by any form of energy,
259 coupled with or operated without cars, and operated upon rails.

260 [~~(50)~~] (51) "Right-of-way" means the right of one vehicle or pedestrian to proceed in a
261 lawful manner in preference to another vehicle or pedestrian approaching under circumstances
262 of direction, speed, and proximity which give rise to danger of collision unless one grants
263 precedence to the other.

264 [~~(51)~~] (52) (a) "Roadway" means that portion of highway improved, designed, or
265 ordinarily used for vehicular travel.

266 (b) "Roadway" does not include the sidewalk, berm, or shoulder, even though any of
267 them are used by persons riding bicycles or other human-powered vehicles.

268 (c) "Roadway" refers to any roadway separately but not to all roadways collectively, if
269 a highway includes two or more separate roadways.

270 [~~(52)~~] (53) "Safety zone" means the area or space officially set apart within a roadway
271 for the exclusive use of pedestrians and which is protected, marked, or indicated by adequate
272 signs as to be plainly visible at all times while set apart as a safety zone.

273 [~~(53)~~] (54) (a) "School bus" means a motor vehicle that:

274 (i) complies with the color and identification requirements of the most recent edition of
275 "Minimum Standards for School Buses"; and

276 (ii) is used to transport school children to or from school or school activities.

277 (b) "School bus" does not include a vehicle operated by a common carrier in

278 transportation of school children to or from school or school activities.

279 [~~54~~] (55) (a) "Semitrailer" means a vehicle with or without motive power:

280 (i) designed for carrying persons or property and for being drawn by a motor vehicle;

281 and

282 (ii) constructed so that some part of its weight and that of its load rests on or is carried

283 by another vehicle.

284 (b) "Semitrailer" does not include a pole trailer.

285 [~~55~~] (56) "Shoulder area" means:

286 (a) that area of the hard-surfaced highway separated from the roadway by a pavement

287 edge line as established in the current approved "Manual on Uniform Traffic Control Devices";

288 or

289 (b) that portion of the road contiguous to the roadway for accommodation of stopped

290 vehicles, for emergency use, and lateral support.

291 [~~56~~] (57) "Sidewalk" means that portion of a street between the curb lines, or the

292 lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

293 [~~57~~] (58) "Solid rubber tire" means a tire of rubber or other resilient material which

294 does not depend on compressed air for the support of the load.

295 [~~58~~] (59) "Stand" or "standing" means the temporary halting of a vehicle, whether

296 occupied or not, for the purpose of and while actually engaged in receiving or discharging

297 passengers.

298 [~~59~~] (60) "Stop" when required means complete cessation from movement.

299 [~~60~~] (61) "Stop" or "stopping" when prohibited means any halting even momentarily

300 of a vehicle, whether occupied or not, except when:

301 (a) necessary to avoid conflict with other traffic; or

302 (b) in compliance with the directions of a peace officer or traffic-control device.

303 [~~61~~] (62) "Street-legal all-terrain vehicle" or "street-legal ATV" means an all-terrain

304 type I vehicle or utility type vehicle that is modified to meet the requirements of Section

305 41-6a-1509 to operate on highways in the state in accordance with Section 41-6a-1509.

306 [~~62~~] (63) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other

307 conveyances either singly or together while using any highway for the purpose of travel.

308 ~~[(63)]~~ (64) "Traffic-control device" means a sign, signal, marking, or device not
309 inconsistent with this chapter placed or erected by a highway authority for the purpose of
310 regulating, warning, or guiding traffic.

311 ~~[(64)]~~ (65) "Traffic-control signal" means a device, whether manually, electrically, or
312 mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

313 ~~[(65)]~~ (66) "Traffic signal preemption device" means an instrument or mechanism
314 designed, intended, or used to interfere with the operation or cycle of a traffic-control signal.

315 ~~[(66)]~~ (67) (a) "Trailer" means a vehicle with or without motive power designed for
316 carrying persons or property and for being drawn by a motor vehicle and constructed so that no
317 part of its weight rests upon the towing vehicle.

318 (b) "Trailer" does not include a pole trailer.

319 ~~[(67)]~~ (68) "Truck" means a motor vehicle designed, used, or maintained primarily for
320 the transportation of property.

321 ~~[(68)]~~ (69) "Truck tractor" means a motor vehicle:

322 (a) designed and used primarily for drawing other vehicles; and

323 (b) constructed to carry a part of the weight of the vehicle and load drawn by the truck
324 tractor.

325 ~~[(69)]~~ (70) "Two-way left turn lane" means a lane:

326 (a) provided for vehicle operators making left turns in either direction;

327 (b) that is not used for passing, overtaking, or through travel; and

328 (c) that has been indicated by a lane traffic-control device which may include lane
329 markings.

330 ~~[(70)]~~ (71) "Urban district" means the territory contiguous to and including any street,
331 in which structures devoted to business, industry, or dwelling houses are situated at intervals of
332 less than 100 feet, for a distance of a quarter of a mile or more.

333 ~~[(71)]~~ (72) (a) "Utility type vehicle" means any recreational vehicle designed for and
334 capable of travel over unimproved terrain:

335 (i) traveling on four or more tires;

336 (ii) having a width of 30 to 70 inches;

337 (iii) having an unladen dry weight of 2,200 pounds or less;

338 (iv) having a seat height of 25 to 40 inches when measured at the forward edge of the
339 seat bottom; and

340 (v) having side-by-side seating with a steering wheel for control.

341 (b) "Utility type vehicle" does not include:

342 (i) an all-terrain type I vehicle;

343 (ii) an all-terrain type II vehicle;

344 (iii) a motorcycle; or

345 (iv) a snowmobile as defined in Section 41-22-2.

346 ~~[(72)]~~ (73) "Vehicle" means a device in, on, or by which a person or property is or may
347 be transported or drawn on a highway, except devices used exclusively on stationary rails or
348 tracks.

349 Section 2. Section **41-6a-605** is amended to read:

350 **41-6a-605. Minimum speed regulations.**

351 ~~[(1) A person may not operate a motor vehicle at a speed so slow as to impede or block
352 the normal and reasonable movement of traffic except when:]~~

353 ~~[(a) a reduced speed is necessary for safe operation;]~~

354 ~~[(b) upon a grade; or]~~

355 ~~[(c) in compliance with a traffic-control device.]~~

356 ~~[(2) Operating a motor vehicle on a limited access highway at less than the speed limit
357 side by side with and at the same speed as a vehicle operated in the adjacent right lane is
358 evidence of a violation of Subsection (1).]~~

359 ~~[(3)(a)]~~ (1) If, based on an engineering and traffic investigation, a highway authority
360 determines that slow speeds on any part of a highway under its jurisdiction consistently impede
361 the normal and reasonable movement of traffic, the highway authority may post a minimum
362 speed limit.

363 ~~[(b)]~~ (2) If a minimum speed limit is posted under ~~[this]~~ Subsection ~~[(3)]~~ (1), a person
364 may not operate a vehicle at a speed below the posted minimum speed limit except:

365 ~~[(i)]~~ (a) when necessary for safe operation; or

366 ~~[(ii)]~~ (b) in accordance with Section 41-6a-205.

367 ~~[(c)]~~ (3) The minimum speed limit is effective when appropriate signs giving notice are
368 erected along the highway or section of the highway.

369 Section 3. Section **41-6a-701** is amended to read:

370 **41-6a-701. Duty to operate vehicle on right side of roadway -- Exceptions.**

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

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

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

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

378 or

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

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

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

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

383 (3) (a) When traveling in free-flowing traffic on a highway having more than one lane
384 in the same direction, a person operating a motor vehicle shall travel in the left general purpose
385 lane only when overtaking another vehicle.

386 (b) An operator of a vehicle traveling in the left general purpose lane in free-flowing
387 traffic shall:

388 (i) promptly pass any vehicle or vehicles proceeding in the same direction; and

389 (ii) enter a right-hand lane when safely clear of the last overtaken vehicle.

390 ~~[(3)]~~ (4) A person operating a vehicle on a roadway ~~[at less than the normal speed of~~
391 ~~traffic]~~ shall operate the vehicle in ~~[the]~~ a right-hand lane then available for traffic, or as close
392 as practicable to the right-hand curb or edge of the roadway, except when:

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

394 (b) preparing to turn left; or

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

396 (5) Except for an operator of a vehicle operating under the conditions described in
397 Subsections (4)(a), (b), and (c), or if the operator's vehicle is in the farthest right-hand lane
398 within 1,000 feet of an entry ramp or exit ramp, it is prima facie evidence that an operator of a
399 vehicle is operating the vehicle in violation of Subsection (4) if the operator is overtaken and

400 passed by two or more vehicles that are operating in a lane on the right side of the operator's
401 vehicle.

402 Section 4. Section **41-6a-704** is amended to read:

403 **41-6a-704. Overtaking, changing lanes, and passing vehicles proceeding in same**
404 **direction.**

405 (1) ~~(a)~~ On any highway:

406 ~~(i)~~ (a) the operator of a vehicle overtaking another vehicle proceeding in the same
407 direction shall:

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

410 ~~(B)~~ (ii) enter a right-hand lane or the right side of the roadway only when safely clear
411 of the overtaken vehicle; and

412 ~~(ii)~~ (b) the operator of an overtaken vehicle:

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

414 ~~(B)~~ (ii) may not increase the speed of the vehicle until completely passed by the
415 overtaking vehicle.

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

419 (2) On a highway having more than one lane in the same direction, an operator of a
420 vehicle shall:

421 (a) when changing to a different lane, avoid disrupting traffic flow by accelerating or
422 decelerating with due regard for the speed and proximity of other vehicles in that lane; and

423 (b) when the operator observes a signal indicating that an operator of a vehicle in an
424 adjoining lane intends to move into the lane occupied by the operator of the vehicle, adjust the
425 vehicle speed so as to safely accommodate the other vehicle operator's lane change.

426 ~~(2)~~ (3) On a highway having more than one lane in the same direction, the operator of
427 a vehicle traveling in the left general purpose lane:

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

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

431 lane.

432 ~~[(3) An]~~ (4) In free-flowing traffic, an operator of a vehicle traveling in the left general
 433 purpose lane that has a vehicle following directly behind the operator's vehicle at a distance so
 434 that less than two seconds elapse before reaching the location of the operator's vehicle [~~when~~
 435 ~~space is available for the operator to yield to the overtaking vehicle by traveling in the~~
 436 ~~right-hand lane]~~ is prima facie evidence that the operator is violating Subsection ~~[(2)]~~ (3).

437 ~~[(4)]~~ (5) The provisions of Subsection ~~[(2)]~~ (3) do not apply to an operator of a vehicle
 438 traveling in the left general purpose lane when:

- 439 (a) overtaking and passing another vehicle proceeding in the same direction in
 440 accordance with Subsection (1)(a)~~[(i)]~~;
- 441 (b) preparing to turn left or taking a different highway or an exit on the left;
- 442 (c) responding to emergency conditions;
- 443 (d) avoiding actual or potential traffic moving onto the highway from an acceleration
 444 or merging lane; or
- 445 (e) following the direction of a traffic-control device that directs the use of a designated
 446 lane.

447 Section 5. Section **41-6a-711** is amended to read:

448 **41-6a-711. Following another vehicle -- Safe distance.**

449 ~~[(1)]~~ The operator of a vehicle:

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

452 ~~[(i)]~~ (a) speed of the vehicles;

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

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

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

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

Legislative Review Note
as of 2-19-13 2:23 PM

Office of Legislative Research and General Counsel