

**MOTOR VEHICLE CODE AMENDMENTS**

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Gage Froerer**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill amends the traffic code to allow certain motorcycles to pass another vehicle in the same lane, under certain circumstances.

**Highlighted Provisions:**

This bill:

- ▶ creates a definition for lane splitting;
- ▶ amends the traffic code to allow for lane splitting under certain circumstances when operating certain motorcycles on roadways divided into two or more adjacent traffic lanes in the same direction of travel; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**41-6a-102**, as last amended by Laws of Utah 2016, Chapters 40 and 173

**41-6a-704**, as last amended by Laws of Utah 2015, Chapter 412

**41-6a-710**, as last amended by Laws of Utah 2015, Chapter 412

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

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

30 **41-6a-102. Definitions.**

31 As used in this chapter:

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

34 (2) "All-terrain type I vehicle" means the same as that term is defined in Section  
35 [41-22-2](#).

36 (3) "Authorized emergency vehicle" includes:

37 (a) fire department vehicles;

38 (b) police vehicles;

39 (c) ambulances; and

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

42 (4) "Autocycle" means the same as that term is defined in Section [53-3-102](#).

43 (5) (a) "Bicycle" means a wheeled vehicle:

44 (i) propelled by human power by feet or hands acting upon pedals or cranks;

45 (ii) with a seat or saddle designed for the use of the operator;

46 (iii) designed to be operated on the ground; and

47 (iv) whose wheels are not less than 14 inches in diameter.

48 (b) "Bicycle" includes an electric assisted bicycle.

49 (c) "Bicycle" does not include scooters and similar devices.

50 (6) (a) "Bus" means a motor vehicle:

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

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

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

55 (7) (a) "Circular intersection" means an intersection that has an island, generally  
56 circular in design, located in the center of the intersection where traffic passes to the right of  
57 the island.

58 (b) "Circular intersection" includes:

59 (i) roundabouts;

60 (ii) rotaries; and

61 (iii) traffic circles.

62 (8) "Class 1 electric assisted bicycle" means an electric assisted bicycle described in

63 Subsection (16)(d)(i).

64 (9) "Class 2 electric assisted bicycle" means an electric assisted bicycle described in

65 Subsection (16)(d)(ii).

66 (10) "Class 3 electric assisted bicycle" means an electric assisted bicycle described in

67 Subsection (16)(d)(iii).

68 (11) "Commissioner" means the commissioner of the Department of Public Safety.

69 (12) "Controlled-access highway" means a highway, street, or roadway:

70 (a) designed primarily for through traffic; and

71 (b) to or from which owners or occupants of abutting lands and other persons have no

72 legal right of access, except at points as determined by the highway authority having

73 jurisdiction over the highway, street, or roadway.

74 (13) "Crosswalk" means:

75 (a) that part of a roadway at an intersection included within the connections of the

76 lateral lines of the sidewalks on opposite sides of the highway measured from:

77 (i) (A) the curbs; or

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

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

80 included within the extension of the lateral lines of the existing sidewalk at right angles to the

81 centerline; or

82 (b) any portion of a roadway at an intersection or elsewhere distinctly indicated for

83 pedestrian crossing by lines or other markings on the surface.

84 (14) "Department" means the Department of Public Safety.

85 (15) "Direct supervision" means oversight at a distance within which:

86 (a) visual contact is maintained; and

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

88 (16) "Divided highway" means a highway divided into two or more roadways by:

89 (a) an unpaved intervening space;

- 90 (b) a physical barrier; or
- 91 (c) a clearly indicated dividing section constructed to impede vehicular traffic.
- 92 (17) "Electric assisted bicycle" means a bicycle with an electric motor that:
- 93 (a) has a power output of not more than 750 watts;
- 94 (b) has fully operable pedals on permanently affixed cranks;
- 95 (c) is fully operable as a bicycle without the use of the electric motor; and
- 96 (d) is one of the following:
- 97 (i) an electric assisted bicycle equipped with a motor or electronics that:
- 98 (A) provides assistance only when the rider is pedaling; and
- 99 (B) ceases to provide assistance when the bicycle reaches the speed of 20 miles per
- 100 hour;
- 101 (ii) an electric assisted bicycle equipped with a motor or electronics that:
- 102 (A) may be used exclusively to propel the bicycle; and
- 103 (B) is not capable of providing assistance when the bicycle reaches the speed of 20
- 104 miles per hour; or
- 105 (iii) an electric assisted bicycle equipped with a motor or electronics that:
- 106 (A) provides assistance only when the rider is pedaling;
- 107 (B) ceases to provide assistance when the bicycle reaches the speed of 28 miles per
- 108 hour; and
- 109 (C) is equipped with a speedometer.
- 110 (18) (a) "Electric personal assistive mobility device" means a self-balancing device
- 111 with:
- 112 (i) two nontandem wheels in contact with the ground;
- 113 (ii) a system capable of steering and stopping the unit under typical operating
- 114 conditions;
- 115 (iii) an electric propulsion system with average power of one horsepower or 750 watts;
- 116 (iv) a maximum speed capacity on a paved, level surface of 12.5 miles per hour; and
- 117 (v) a deck design for a person to stand while operating the device.
- 118 (b) "Electric personal assistive mobility device" does not include a wheelchair.
- 119 (19) "Explosives" means any chemical compound or mechanical mixture commonly
- 120 used or intended for the purpose of producing an explosion and that contains any oxidizing and

121 combustive units or other ingredients in proportions, quantities, or packing so that an ignition  
122 by fire, friction, concussion, percussion, or detonator of any part of the compound or mixture  
123 may cause a sudden generation of highly heated gases, and the resultant gaseous pressures are  
124 capable of producing destructive effects on contiguous objects or of causing death or serious  
125 bodily injury.

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

128 (21) "Flammable liquid" means a liquid that has a flashpoint of 100 degrees F. or less,  
129 as determined by a tagliabue or equivalent closed-cup test device.

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

132 (23) (a) "Full-sized all-terrain vehicle" means any recreational vehicle designed for and  
133 capable of travel over unimproved terrain:

134 (i) traveling on four or more tires;

135 (ii) having a width that, when measured at the widest point of the vehicle:

136 (A) is not less than 55 inches; or

137 (B) does not exceed 92 inches;

138 (iii) having an unladen dry weight of 6,500 pounds or less;

139 (iv) having a maximum seat height of 50 inches when measured at the forward edge of  
140 the seat bottom; and

141 (v) having a steering wheel for control.

142 (b) "Full-sized all-terrain vehicle" does not include:

143 (i) all-terrain type I vehicle;

144 (ii) a utility type vehicle;

145 (iii) a motorcycle; or

146 (iv) a snowmobile as defined in Section [41-22-2](#).

147 (24) "Gore area" means the area delineated by two solid white lines that is between a  
148 continuing lane of a through roadway and a lane used to enter or exit the continuing lane  
149 including similar areas between merging or splitting highways.

150 (25) "Gross weight" means the weight of a vehicle without a load plus the weight of  
151 any load on the vehicle.

152 (26) "Highway" means the entire width between property lines of every way or place of  
153 any nature when any part of it is open to the use of the public as a matter of right for vehicular  
154 travel.

155 (27) "Highway authority" means the same as that term is defined in Section 72-1-102.

156 (28) (a) "Intersection" means the area embraced within the prolongation or connection  
157 of the lateral curblines, or, if none, then the lateral boundary lines of the roadways of two or  
158 more highways which join one another.

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

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

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

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

165 (29) "Island" means an area between traffic lanes or at an intersection for control of  
166 vehicle movements or for pedestrian refuge designated by:

167 (a) pavement markings, which may include an area designated by two solid yellow  
168 lines surrounding the perimeter of the area;

169 (b) channelizing devices;

170 (c) curbs;

171 (d) pavement edges; or

172 (e) other devices.

173 (30) "Lane splitting" means, when operating a motorcycle, other than an autocycle, the  
174 act of overtaking and passing another vehicle moving in the same direction in the same lane.

175 (31) "Law enforcement agency" means the same as that term is as defined in Section  
176 53-1-102.

177 [~~31~~] (32) "Limited access highway" means a highway:

178 (a) that is designated specifically for through traffic; and

179 (b) over, from, or to which neither owners nor occupants of abutting lands nor other  
180 persons have any right or easement, or have only a limited right or easement of access, light,  
181 air, or view.

182 [~~32~~] (33) "Local highway authority" means the legislative, executive, or governing

183 body of a county, municipal, or other local board or body having authority to enact laws  
184 relating to traffic under the constitution and laws of the state.

185 ~~[(33)]~~ (34) (a) "Low-speed vehicle" means a four wheeled electric motor vehicle that:

186 (i) is designed to be operated at speeds of not more than 25 miles per hour; and

187 (ii) has a capacity of not more than four passengers, including the driver.

188 (b) "Low-speed vehicle" does not include a golfcart or an off-highway vehicle.

189 ~~[(34)]~~ (35) "Metal tire" means a tire, the surface of which in contact with the highway  
190 is wholly or partly of metal or other hard nonresilient material.

191 ~~[(35)]~~ (36) (a) "Mini-motorcycle" means a motorcycle or motor-driven cycle that has a  
192 seat or saddle that is less than 24 inches from the ground as measured on a level surface with  
193 properly inflated tires.

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

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

196 (i) designed for off-highway use; and

197 (ii) registered as an off-highway vehicle under Section [41-22-3](#).

198 ~~[(36)]~~ (37) "Mobile home" means:

199 (a) a trailer or semitrailer that is:

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

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

203 (b) a trailer or a semitrailer whose chassis and exterior shell is designed and

204 constructed for use as a mobile home, as defined in Subsection ~~[(36)]~~ (37)(a), but that is

205 instead used permanently or temporarily for:

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

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

209 ~~[(37)]~~ (38) (a) "Moped" means a motor-driven cycle having:

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

211 (ii) a motor that:

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

213 (B) is not capable of propelling the cycle at a speed in excess of 30 miles per hour on

214 level ground.

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

218 (c) "Moped" includes a motor assisted scooter.

219 (d) "Moped" does not include an electric assisted bicycle.

220 ~~[(38)]~~ (39) (a) "Motor assisted scooter" means a self-propelled device with:

221 (i) at least two wheels in contact with the ground;

222 (ii) a braking system capable of stopping the unit under typical operating conditions;

223 (iii) a gas or electric motor not exceeding 40 cubic centimeters;

224 (iv) either:

225 (A) a deck design for a person to stand while operating the device; or

226 (B) a deck and seat designed for a person to sit, straddle, or stand while operating the  
227 device; and

228 (v) a design for the ability to be propelled by human power alone.

229 (b) "Motor assisted scooter" does not include an electric assisted bicycle.

230 ~~[(39)]~~ (40) "Motorcycle" means:

231 (a) a motor vehicle, other than a tractor, having a seat or saddle for the use of the rider  
232 and designed to travel with not more than three wheels in contact with the ground; or

233 (b) an auticycle.

234 ~~[(40)]~~ (41) (a) "Motor-driven cycle" means every motorcycle, motor scooter, moped,  
235 motor assisted scooter, and every motorized bicycle having:

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

237 (ii) a motor that produces not more than five horsepower.

238 (b) "Motor-driven cycle" does not include:

239 (i) an electric personal assistive mobility device; or

240 (ii) an electric assisted bicycle.

241 ~~[(41)]~~ (42) (a) "Motor vehicle" means a vehicle that is self-propelled and every vehicle  
242 which is propelled by electric power obtained from overhead trolley wires, but not operated  
243 upon rails.

244 (b) "Motor vehicle" does not include vehicles moved solely by human power,



245 motorized wheelchairs, an electric personal assistive mobility device, or an electric assisted  
246 bicycle.

247 ~~[(42)]~~ (43) "Off-highway implement of husbandry" means the same as that term is  
248 defined under Section [41-22-2](#).

249 ~~[(43)]~~ (44) "Off-highway vehicle" means the same as that term is defined under Section  
250 [41-22-2](#).

251 ~~[(44)]~~ (45) "Operator" means a person who is in actual physical control of a vehicle.

252 ~~[(45)]~~ (46) (a) "Park" or "parking" means the standing of a vehicle, whether the vehicle  
253 is occupied or not.

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

256 ~~[(46)]~~ (47) "Peace officer" means a peace officer authorized under Title 53, Chapter 13,  
257 Peace Officer Classifications, to direct or regulate traffic or to make arrests for violations of  
258 traffic laws.

259 ~~[(47)]~~ (48) "Pedestrian" means a person traveling:

260 (a) on foot; or

261 (b) in a wheelchair.

262 ~~[(48)]~~ (49) "Pedestrian traffic-control signal" means a traffic-control signal used to  
263 regulate pedestrians.

264 ~~[(49)]~~ (50) "Person" means every natural person, firm, copartnership, association, or  
265 corporation.

266 ~~[(50)]~~ (51) "Pole trailer" means every vehicle without motive power:

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

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

272 ~~[(51)]~~ (52) "Private road or driveway" means every way or place in private ownership  
273 and used for vehicular travel by the owner and those having express or implied permission  
274 from the owner, but not by other persons.

275 ~~[(52)]~~ (53) "Railroad" means a carrier of persons or property upon cars operated on

276 stationary rails.

277 [~~(53)~~] (54) "Railroad sign or signal" means a sign, signal, or device erected by  
278 authority of a public body or official or by a railroad and intended to give notice of the presence  
279 of railroad tracks or the approach of a railroad train.

280 [~~(54)~~] (55) "Railroad train" means a locomotive propelled by any form of energy,  
281 coupled with or operated without cars, and operated upon rails.

282 [~~(55)~~] (56) "Right-of-way" means the right of one vehicle or pedestrian to proceed in a  
283 lawful manner in preference to another vehicle or pedestrian approaching under circumstances  
284 of direction, speed, and proximity that give rise to danger of collision unless one grants  
285 precedence to the other.

286 [~~(56)~~] (57) (a) "Roadway" means that portion of highway improved, designed, or  
287 ordinarily used for vehicular travel.

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

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

292 [~~(57)~~] (58) "Safety zone" means the area or space officially set apart within a roadway  
293 for the exclusive use of pedestrians and that is protected, marked, or indicated by adequate  
294 signs as to be plainly visible at all times while set apart as a safety zone.

295 [~~(58)~~] (59) (a) "School bus" means a motor vehicle that:

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

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

299 (b) "School bus" does not include a vehicle operated by a common carrier in  
300 transportation of school children to or from school or school activities.

301 [~~(59)~~] (60) (a) "Semitrailer" means a vehicle with or without motive power:

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

304 (ii) constructed so that some part of its weight and that of its load rests on or is carried  
305 by another vehicle.

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

307           ~~[(60)]~~ (61) "Shoulder area" means:

308           (a) that area of the hard-surfaced highway separated from the roadway by a pavement  
309 edge line as established in the current approved "Manual on Uniform Traffic Control Devices";  
310 or

311           (b) that portion of the road contiguous to the roadway for accommodation of stopped  
312 vehicles, for emergency use, and for lateral support.

313           ~~[(61)]~~ (62) "Sidewalk" means that portion of a street between the curb lines, or the  
314 lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

315           ~~[(62)]~~ (63) "Solid rubber tire" means a tire of rubber or other resilient material that  
316 does not depend on compressed air for the support of the load.

317           ~~[(63)]~~ (64) "Stand" or "standing" means the temporary halting of a vehicle, whether  
318 occupied or not, for the purpose of and while actually engaged in receiving or discharging  
319 passengers.

320           ~~[(64)]~~ (65) "Stop" when required means complete cessation from movement.

321           ~~[(65)]~~ (66) "Stop" or "stopping" when prohibited means any halting even momentarily  
322 of a vehicle, whether occupied or not, except when:

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

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

325           ~~[(66)]~~ (67) "Street-legal all-terrain vehicle" or "street-legal ATV" means an all-terrain  
326 type I vehicle, utility type vehicle, or full-sized all-terrain vehicle that is modified to meet the  
327 requirements of Section [41-6a-1509](#) to operate on highways in the state in accordance with  
328 Section [41-6a-1509](#).

329           ~~[(67)]~~ (68) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other  
330 conveyances either singly or together while using any highway for the purpose of travel.

331           ~~[(68)]~~ (69) "Traffic-control device" means a sign, signal, marking, or device not  
332 inconsistent with this chapter placed or erected by a highway authority for the purpose of  
333 regulating, warning, or guiding traffic.

334           ~~[(69)]~~ (70) "Traffic-control signal" means a device, whether manually, electrically, or  
335 mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

336           ~~[(70)]~~ (71) "Traffic signal preemption device" means an instrument or mechanism  
337 designed, intended, or used to interfere with the operation or cycle of a traffic-control signal.

338           ~~[(71)]~~ (72) (a) "Trailer" means a vehicle with or without motive power designed for  
339 carrying persons or property and for being drawn by a motor vehicle and constructed so that no  
340 part of its weight rests upon the towing vehicle.

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

342           ~~[(72)]~~ (73) "Truck" means a motor vehicle designed, used, or maintained primarily for  
343 the transportation of property.

344           ~~[(73)]~~ (74) "Truck tractor" means a motor vehicle:

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

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

348           ~~[(74)]~~ (75) "Two-way left turn lane" means a lane:

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

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

351           (c) that has been indicated by a lane traffic-control device that may include lane  
352 markings.

353           ~~[(75)]~~ (76) "Urban district" means the territory contiguous to and including any street,  
354 in which structures devoted to business, industry, or dwelling houses are situated at intervals of  
355 less than 100 feet, for a distance of a quarter of a mile or more.

356           ~~[(76)]~~ (77) (a) "Utility type vehicle" means any recreational vehicle designed for and  
357 capable of travel over unimproved terrain:

358           (i) traveling on four or more tires;

359           (ii) having a width that, when measured at the widest point of the vehicle:

360           (A) is not less than 30 inches; or

361           (B) does not exceed 70 inches;

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

363           (iv) having a seat height of 20 to 40 inches when measured at the forward edge of the  
364 seat bottom; and

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

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

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

368           (ii) a motorcycle; or

369 (iii) a snowmobile as defined in Section 41-22-2.

370 [~~(77)~~] (78) "Vehicle" means a device in, on, or by which a person or property is or may  
371 be transported or drawn on a highway, except devices used exclusively on stationary rails or  
372 tracks.

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

374 **41-6a-704. Overtaking and passing vehicles proceeding in same direction.**

375 (1) (a) On any highway:

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

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

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

382 (ii) the operator of an overtaken vehicle:

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

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

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

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

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

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

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

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

402 (a) overtaking and passing another vehicle proceeding in the same direction in  
403 accordance with Subsection (1)(a)(i);

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

405 (c) responding to emergency conditions;

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

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

410 (5) On a roadway divided into two or more adjacent traffic lanes in the same direction  
411 of travel, a person operating a motorcycle may engage in lane splitting only when the following  
412 conditions exist:

413 (a) the motorcycle is traveling at a speed of 40 miles per hour or less; and

414 (b) the movement may be made safely.

415 [~~5~~] (6) A violation of [~~Subsection (1) or (2)] Subsection (1), (2), or (5) is an~~  
416 infraction.

417 Section 3. Section **41-6a-710** is amended to read:

418 **41-6a-710. Roadway divided into marked lanes -- Provisions -- Traffic-control**  
419 **devices.**

420 On a roadway divided into two or more clearly marked lanes for traffic the following  
421 provisions apply and any violation of this section is an infraction:

422 (1) (a) [~~★~~] Except as provided in Subsection (1)(c), a person operating a vehicle:

423 (i) shall keep the vehicle as nearly as practical entirely within a single lane; and

424 (ii) may not move the vehicle from the lane until the operator has reasonably  
425 determined the movement can be made safely.

426 (b) A determination under Subsection (1)(a)(ii) is reasonable if a reasonable person  
427 acting under the same conditions and having regard for actual and potential hazards then  
428 existing would determine that the movement could be made safely.

429 (c) On a roadway divided into two or more adjacent traffic lanes in the same direction  
430 of travel, a person operating a motorcycle may engage in lane splitting only when the following

431 conditions exist:

432 (i) the motorcycle is traveling at a speed of 40 miles per hour or less; and

433 (ii) the movement may be completed safely.

434 (2) (a) On a roadway divided into three or more lanes and providing for two-way  
435 movement of traffic, a person operating a vehicle may not drive in the center lane except:

436 (i) when overtaking and passing another vehicle traveling in the same direction, and  
437 when the center lane is:

438 (A) clear of traffic within a safe distance; and

439 (B) not a two-way left turn lane;

440 (ii) in preparation of making or completing a left turn in compliance with Section  
441 [41-6a-801](#); or

442 (iii) where the center lane is allocated exclusively to traffic moving in the same  
443 direction that the vehicle is proceeding as indicated by traffic-control devices.

444 (b) Notwithstanding Subsection (2)(a)(i) and in accordance with Subsection (1)(a), a  
445 person operating a vehicle may drive in a center lane that is a two-way left turn lane if:

446 (i) the center lane is:

447 (A) on a roadway divided into three or more lanes that provides for two-way  
448 movement of traffic; and

449 (B) clear of traffic within a safe distance;

450 (ii) there is only one lane of travel in the direction the person operating the vehicle is  
451 traveling; and

452 (iii) the person operating the vehicle is overtaking and passing a bicycle or moped that  
453 is moving at less than the reasonable speed of traffic that is present.

454 (3) (a) A highway authority may erect traffic-control devices directing specified traffic  
455 to use a designated lane or designating those lanes to be used by traffic moving in a particular  
456 direction regardless of the center of the roadway.

457 (b) An operator of a vehicle shall obey the directions of a traffic-control device erected  
458 under Subsection (3)(a).