

**MOTORCYCLE RIGHT-OF-WAY AMENDMENTS**

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Dan N. Johnson**

Senate Sponsor: Lyle W. Hillyard

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**LONG TITLE**

**General Description:**

This bill amends provisions related to the right-of-way of a motorcycle operator after completing a lane filtering maneuver.

**Highlighted Provisions:**

This bill:

- ▶ amends provisions to grant the right-of-way to an individual operating a motorcycle after the individual has completed a lane filtering maneuver; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**41-6a-704**, as last amended by Laws of Utah 2019, Chapter 49

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

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

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

(1) (a) On any highway:



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

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

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

34 (ii) the operator of an overtaken vehicle:

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

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

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

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

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

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

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

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

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

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

57 (c) responding to emergency conditions;

58 (d) avoiding actual or potential traffic moving onto the highway from an acceleration

59 or merging lane; or

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

62 (5) (a) An individual may engage in lane filtering only when the following conditions  
63 exist:

64 [~~a~~] (i) the individual is operating a motorcycle;

65 [~~b~~] (ii) the individual is on a roadway divided into two or more adjacent traffic lanes  
66 in the same direction of travel;

67 [~~c~~] (iii) the individual is on a roadway with a speed limit of 45 miles per hour or less;

68 [~~d~~] (iv) the vehicle being overtaken in the same lane is stopped;

69 [~~e~~] (v) the motorcycle is traveling at a speed of 15 miles per hour or less; and

70 [~~f~~] (vi) the movement may be made safely.

71 (b) After a lane filtering maneuver is complete, and after a traffic control device or  
72 traffic flow conditions allow traffic to proceed, the individual operating the motorcycle has the  
73 right-of-way, and any individual operating a vehicle that was overtaken by the individual  
74 operating the motorcycle shall yield the right-of-way to the overtaking motorcycle.

75 (6) A violation of Subsection (1), (2), or (5) is an infraction.