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SENATE BILL 5335

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State of Washington

61st Legislature

2009 Regular Session

By Senator Jacobsen

Read first time 01/20/09. Referred to Committee on Transportation.

1 AN ACT Relating to vehicles overtaking and passing pedestrians or  
2 bicycles; and amending RCW 46.61.100 and 46.61.110.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 46.61.100 and 2007 c 83 s 2 are each amended to read  
5 as follows:

6 (1) Upon all roadways of sufficient width a vehicle shall be driven  
7 upon the right half of the roadway, except as follows:

8 (a) When overtaking and passing another vehicle proceeding in the  
9 same direction under the rules governing such movement;

10 (b) When an obstruction exists making it necessary to drive to the  
11 left of the center of the highway; provided, any person so doing shall  
12 yield the right-of-way to all vehicles traveling in the proper  
13 direction upon the unobstructed portion of the highway within such  
14 distance as to constitute an immediate hazard;

15 (c) When overtaking and passing a pedestrian or bicycle in  
16 compliance with RCW 46.61.110(2);

17 (d) Upon a roadway divided into three marked lanes and providing  
18 for two-way movement traffic under the rules applicable thereon;

1        ~~((d))~~ (e) Upon a street or highway restricted to one-way traffic;  
2 or

3        ~~((e))~~ (f) Upon a highway having three lanes or less, when  
4 approaching a stationary authorized emergency vehicle, tow truck or  
5 other vehicle providing roadside assistance while operating warning  
6 lights with three hundred sixty degree visibility, or police vehicle as  
7 described under RCW 46.61.212(2).

8        (2) Upon all roadways having two or more lanes for traffic moving  
9 in the same direction, all vehicles shall be driven in the right-hand  
10 lane then available for traffic, except (a) when overtaking and passing  
11 another vehicle proceeding in the same direction, (b) when traveling at  
12 a speed greater than the traffic flow, (c) when moving left to allow  
13 traffic to merge, or (d) when preparing for a left turn at an  
14 intersection, exit, or into a private road or driveway when such left  
15 turn is legally permitted. On any such roadway, a vehicle or  
16 combination over ten thousand pounds shall be driven only in the right-  
17 hand lane except under the conditions enumerated in (a) through (d) of  
18 this subsection.

19        (3) No vehicle towing a trailer or no vehicle or combination over  
20 ten thousand pounds may be driven in the left-hand lane of a limited  
21 access roadway having three or more lanes for traffic moving in one  
22 direction except when preparing for a left turn at an intersection,  
23 exit, or into a private road or driveway when a left turn is legally  
24 permitted. This subsection does not apply to a vehicle using a high-  
25 occupancy vehicle lane. A high-occupancy vehicle lane is not  
26 considered the left-hand lane of a roadway. The department of  
27 transportation, in consultation with the Washington state patrol, shall  
28 adopt rules specifying (a) those circumstances where it is permissible  
29 for other vehicles to use the left lane in case of emergency or to  
30 facilitate the orderly flow of traffic, and (b) those segments of  
31 limited access roadway to be exempt from this subsection due to the  
32 operational characteristics of the roadway.

33        (4) It is a traffic infraction to drive continuously in the left  
34 lane of a multilane roadway when it impedes the flow of other traffic.

35        (5) Upon any roadway having four or more lanes for moving traffic  
36 and providing for two-way movement of traffic, a vehicle shall not be  
37 driven to the left of the center line of the roadway except when  
38 authorized by official traffic control devices designating certain

1 lanes to the left side of the center of the roadway for use by traffic  
2 not otherwise permitted to use such lanes, or except as permitted under  
3 subsection (1)(b) of this section. However, this subsection shall not  
4 be construed as prohibiting the crossing of the center line in making  
5 a left turn into or from an alley, private road or driveway.

6 **Sec. 2.** RCW 46.61.110 and 2005 c 396 s 1 are each amended to read  
7 as follows:

8 The following rules shall govern the overtaking and passing of  
9 vehicles proceeding in the same direction, subject to those  
10 limitations, exceptions and special rules hereinafter stated:

11 (1) The driver of a vehicle overtaking other traffic proceeding in  
12 the same direction shall pass to the left thereof at a safe distance  
13 and shall not again drive to the right side of the roadway until safely  
14 clear of the overtaken traffic.

15 (2) The driver of a vehicle approaching a pedestrian or bicycle  
16 that is on the roadway or on the right-hand shoulder or bicycle lane of  
17 the roadway shall pass to the left at a safe distance, where a minimum  
18 distance of three feet or more is recommended, to clearly avoid coming  
19 into contact with the pedestrian or bicyclist, and shall not again  
20 drive to the right side of the roadway until safely clear of the  
21 overtaken pedestrian or bicyclist.

22 (3) Except when overtaking and passing on the right is permitted,  
23 overtaken traffic shall give way to the right in favor of an overtaking  
24 vehicle on audible signal and shall not increase speed until completely  
25 passed by the overtaking vehicle.

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