

HOUSE BILL NO. 1477

Introduced by

Representatives K. Koppelman, Christensen, Hagert, Paulson, Paur, Westlind

Senators Clemens, Dwyer

1 A BILL for an Act to amend and reenact sections 39-10-08 and 39-10-11 of the North Dakota
2 Century Code, relating to driving on the right side of the roadway and overtaking a vehicle on
3 the left; and to provide a penalty.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 39-10-08 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **39-10-08. Drive on right side of roadway - Exceptions.**

8 1. Upon all roadways of sufficient width a vehicle must be driven upon the right half of the
9 roadway, except as follows:

- 10 a. When overtaking and passing another vehicle proceeding in the same direction
11 under the rules governing such movement;
- 12 b. When an obstruction exists making it necessary to drive to the left of the center of
13 the highway; provided, any person so doing shall yield the right of way to all
14 vehicles traveling in the proper direction upon the unobstructed portion of the
15 highway within such distance as to constitute an immediate hazard;
- 16 c. Upon a roadway divided into three marked lanes for traffic under the rules
17 applicable thereon; or
- 18 d. Upon a roadway restricted to one-way traffic.
- 19 2. Upon all roadways any vehicle proceeding at less than the normal speed of traffic at
20 the time and place and under the conditions then existing must be driven in the
21 right-hand lane then available for traffic, or as close as practicable to the right-hand
22 curb or edge of the roadway, except when overtaking and passing another vehicle
23 proceeding in the same direction or when preparing for a left turn in an intersection or
24 into a private road or driveway.

- 1 3. Upon any roadway having four or more lanes for moving traffic and providing for
2 two-way movement of traffic, no vehicle may not be driven to the left of the centerline
3 of the roadway, except when authorized by official traffic-control devices designating
4 certain lanes to the left side of the center of the roadway for use by traffic not
5 otherwise permitted to use such lanes, or except as permitted under subdivision b of
6 subsection 1. However, this subsection may not be construed as prohibiting the
7 crossing of the centerline in making a left turn into or from an alley, private road, or
8 driveway.
- 9 4. Upon any roadway having two or more lanes in the same direction, an individual may
10 not drive a vehicle in the left-most lane if another vehicle is immediately behind the
11 first vehicle, unless:
- 12 a. The vehicle is overtaking and passing another vehicle proceeding in the same
13 direction;
- 14 b. The vehicle is preparing to turn left at an intersection or into a private road or
15 driveway;
- 16 c. A specific lane is designated and posted for a specific type of traffic;
- 17 d. The vehicle is preparing to exit a controlled-access highway by using an exit on
18 the left side of the road or the vehicle is entering a controlled-access highway by
19 using an on-ramp that enters on the left side of the road;
- 20 e. When traffic conditions, congestion, inclement weather, or hazards make it
21 impractical;
- 22 f. The vehicle is a law enforcement vehicle, ambulance, or other emergency vehicle
23 engaged in official duties; or
- 24 g. The vehicle is engaged in highway maintenance or construction operations.
- 25 5. If an individual is driving a vehicle in the left-most lane to overtake or pass a vehicle
26 under subsection 1 or 4, and another vehicle approaches the first vehicle in the same
27 lane from behind, the first vehicle must exit the left-most lane as soon as possible.

28 **SECTION 2. AMENDMENT.** Section 39-10-11 of the North Dakota Century Code is
29 amended and reenacted as follows:

1 **39-10-11. Overtaking a vehicle on the left.**

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

4 1. ~~The~~Subject to section 39-10-08, the driver of a vehicle overtaking another vehicle
5 proceeding in the same direction shall pass to the left thereof at a safe distance and
6 may not again drive to the right side of the roadway until safely clear of the overtaken
7 vehicle.

8 2. Except when overtaking and passing on the right is permitted, the driver of an
9 overtaken vehicle shall give way to the right in favor of the overtaking vehicle on
10 audible signal and may not increase the speed of that driver's vehicle until completely
11 passed by the overtaking vehicle.