

# Legislative Analysis



## FAILURE TO YIELD WHEN OVERTAKEN

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**House Bill 4395 as reported from committee**

**Sponsor: Rep. Robert Wittenberg**

**1st Committee: Transportation**

**2nd Committee: Ways and Means**

**Complete to 12-3-19**

Analysis available at  
<http://www.legislature.mi.gov>

### SUMMARY:

House Bill 4395 would amend section 636 of the Michigan Vehicle Code to require the driver of a vehicle overtaken by another vehicle to immediately yield to the right if the overtaking vehicle is not permitted to pass on the right.

Currently, when passing on the right is not allowed, the driver of an overtaken vehicle is required to yield to the right on audible signal and not increase speed until completely passed by the overtaking vehicle.<sup>1</sup>

The bill would remove the underlined language.

Under the bill, slower drivers in the left lane would have to yield as soon as a faster vehicle came upon them, regardless of whether that vehicle had signaled its presence by, for example, honking.

MCL 257.636

### FISCAL IMPACT:

House Bill 4395 would have no fiscal impact on state or local government.

### POSITIONS:

The Michigan State Police indicated support for the bill. (9-10-19)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.

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<sup>1</sup> See Section 4.8 of the MJI Traffic Benchbook for a brief description of overtaking and passing violations, including failing to give way when overtaken: <https://mjieducation.mi.gov/documents/benchbooks/29-tbb/file>