

Legislative Analysis



FAILURE TO YIELD WHEN OVERTAKEN

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

House Bill 4395 as introduced
Sponsor: Rep. Robert Wittenberg
Committee: Transportation
Complete to 9-7-19

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

SUMMARY:

House Bill 4395 would amend section 636 of the Michigan Vehicle Code to remove the requirement that the driver of an overtaken vehicle must yield to the overtaking vehicle “on audible signal” (that is, most commonly, when honked at) if the overtaking car 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.¹

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 car came upon them, regardless of whether that car had signaled by honking.

MCL 257.636

FISCAL IMPACT:

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

Legislative Analyst: E. Best
Fiscal Analyst: Michael Cnossen

■ 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.

¹ 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>