

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 205

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

1 RELATING TO RULES OF THE ROAD; AMENDING SECTION 49-654, IDAHO CODE, TO PRO-  
2 VIDE FOR VEHICLES TO EXCEED THE SPEED LIMIT WHILE PASSING IN A PASSING  
3 LANE AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND  
4 PROVIDING AN EFFECTIVE DATE.  
5

6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section 49-654, Idaho Code, be, and the same is hereby  
8 amended to read as follows:

9 49-654. BASIC RULE AND MAXIMUM SPEED LIMITS. (1) No person shall drive  
10 a vehicle at a speed greater than is reasonable and prudent under the con-  
11 ditions and having regard to the actual and potential hazards then exist-  
12 ing. Consistent with the foregoing, every person shall drive at a safe and  
13 appropriate speed when approaching and crossing an intersection or railroad  
14 grade crossing, when approaching and going around a curve, when approaching  
15 a hillcrest, when traveling ~~upon~~ on any narrow or winding highway, and when  
16 special hazards exist with respect to pedestrians or other traffic or by rea-  
17 son of weather or highway conditions.

18 (2) (a) Where no special hazard or condition exists that requires lower  
19 speed for compliance with subsection (1) of this section, the limits as  
20 hereinafter authorized shall be maximum lawful speeds, and no person  
21 shall drive a vehicle at a speed in excess of the maximum limits:

22 (i) Thirty-five (35) miles per hour in any residential, business  
23 or urban district, unless otherwise posted in accordance with sec-  
24 tion 49-207(2) or (3), Idaho Code;

25 (ii) Seventy-five (75) miles per hour on interstate highways,  
26 unless otherwise posted in accordance with section 49-201(4),  
27 Idaho Code, and provided that this speed may be increased to eighty  
28 (80) miles per hour if the department completes an engineering and  
29 traffic study on the interstate highway and concludes that the  
30 increase is in the public interest and the transportation board  
31 concurs with such conclusion;

32 (iii) Sixty-five (65) miles per hour on state highways, unless  
33 otherwise posted in accordance with section 49-201(4), Idaho  
34 Code, and provided that this speed may be increased to seventy  
35 (70) miles per hour if the department completes an engineering and  
36 traffic study on the state highway and concludes that the increase  
37 is in the public interest and the transportation board concurs  
38 with such conclusion;

39 (iv) Fifty-five (55) miles per hour in other locations, unless  
40 otherwise posted, up to a maximum of seventy (70) miles per hour.

41 (b) Subject to all other applicable motor ~~vehicles~~ vehicle laws, a  
42 driver of a passenger car, motorcycle or pickup truck, not towing any

1 other vehicle, may exceed the posted speed limit by up to fifteen (15)  
2 miles per hour while passing another vehicle traveling at less than the  
3 posted speed limit, in order to safely pass the vehicle. The overtak-  
4 ing vehicle shall return to the right-hand lane and reduce speed to the  
5 posted speed limit as soon as practicable. This paragraph shall be ap-  
6 plicable only to passing:

7 (i) Passing on the left upon on roadways divided into two (2)  
8 lanes providing only one (1) lane of traffic in each direction and  
9 where the posted speed limit is fifty-five (55) miles per hour or  
10 greater; or

11 (ii) Passing one (1) or more vehicles traveling in the same di-  
12 rection while in a passing lane. For the purposes of this sub-  
13 paragraph, "passing lane" means an extra roadway lane created by  
14 widening a length of roadway to allow faster-moving vehicles to  
15 overtake slower-moving vehicles traveling in the same direction  
16 without crossing into an opposing travel lane. This subparagraph  
17 shall not apply to a vehicle that passes on the right within a pass-  
18 ing lane area or to a vehicle that overtakes another vehicle by  
19 moving into an opposing traffic lane. This subparagraph shall not  
20 apply to roadways with a posted speed limit below fifty-five (55)  
21 miles per hour or to any portion of a roadway that is within an in-  
22 corporated city.

23 (iii) This paragraph shall not be applicable in construction  
24 zones. For purposes of basic rule violations and penalties im-  
25 posed pursuant to this section and Idaho infraction rule 9, the  
26 fifteen (15) mile per hour allowance in passing situations pro-  
27 vided in this paragraph shall be deemed to be the maximum speed  
28 limit from which fines are determined.

29 (3) For vehicles with five (5) or more axles operating at a gross weight  
30 of more than twenty-six thousand (26,000) pounds, the maximum lawful speed  
31 limit on interstate highways in nonurban areas shall not exceed ten (10)  
32 miles per hour less for vehicles with less than five (5) axles and operating  
33 at a gross weight of twenty-six thousand (26,000) pounds or less, and in  
34 urban areas the maximum lawful speed limit on interstate highways for such  
35 vehicles shall not exceed sixty-five (65) miles per hour.

36 SECTION 2. An emergency existing therefor, which emergency is hereby  
37 declared to exist, this act shall be in full force and effect on and after  
38 July 1, 2025.