

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 132

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

1 RELATING TO MOTOR VEHICLE LAWS; AMENDING SECTION 49-654, IDAHO CODE, TO PRO-
2 VIDE A MAXIMUM SPEED LIMIT FOR CERTAIN VEHICLES PASSING A VEHICLE TRAV-
3 ELING LESS THAN THE SPEED LIMIT ON A TWO-LANE ROAD WHERE THE POSTED SPEED
4 LIMIT IS FIFTY-FIVE MILES PER HOUR OR GREATER, WITH LIMITATIONS, AND TO
5 MAKE TECHNICAL CORRECTIONS.
6

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

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

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

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

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

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

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

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

1 (b) Subject to all other applicable motor vehicles laws, a driver of a
2 passenger car, motorcycle or pickup truck, not towing any other vehi-
3 cle, may exceed the posted speed limit by up to fifteen (15) miles per
4 hour while passing another vehicle traveling at less than the posted
5 speed limit, in order to safely pass the vehicle. The overtaking vehi-
6 cle shall return to the right-hand lane and reduce speed to the posted
7 speed limit as soon as practicable. This paragraph shall be applicable
8 only to passing on the left upon roadways divided into two (2) lanes
9 providing only one (1) lane of traffic in each direction and where the
10 posted speed limit is fifty-five (55) miles per hour or greater. This
11 paragraph shall not be applicable in construction zones. For purposes
12 of basic rule violations and penalties imposed pursuant to this section
13 and Idaho infraction rule 9, the fifteen (15) mile per hour allowance in
14 passing situations provided in this paragraph shall be deemed to be the
15 maximum speed limit from which fines are determined.

16 (3) For vehicles with five (5) or more axles operating at a gross weight
17 of more than twenty-six thousand (26,000) pounds the maximum lawful speed
18 limit on interstate highways in nonurban areas shall not exceed ten (10)
19 miles per hour less for vehicles with less than five (5) axles and operating
20 at a gross weight of twenty-six thousand (26,000) pounds or less, and in
21 urban areas the maximum lawful speed limit on interstate highways for such
22 vehicles shall not exceed sixty-five (65) miles per hour.