

SPONSOR: Sen. Hansen & Rep. Osienski
Sens. Townsend, Delcollo, Hocker; Reps. Baumbach, Miro, Paradee, Viola

DELAWARE STATE SENATE
149th GENERAL ASSEMBLY

SENATE BILL NO. 97
AS AMENDED BY
SENATE AMENDMENT NO. 2

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE RULES OF THE ROAD.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 4117, Title 21 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike through as follows:

§ 4117 When overtaking on the right is permitted.

(a) The driver of a vehicle may overtake and pass upon the right of another vehicle only under conditions permitting such movement in safety. In no event, except as permitted in subsection (c) and (d) of this section, shall such movement be made by driving off the roadway, main traveled portion, or regular moving traffic lane of the highway.

(b) Overtaking and passing on the right, except as permitted herein, shall be unlawful:

(1) When the vehicle overtaken is making or about to make a left turn;

(2) Upon any roadway which is officially marked for more than 1 traffic lane in 1 direction;

(3) Upon any roadway on which traffic is restricted to 1 direction of movement and the roadway is of sufficient width for 2 or more lanes of moving vehicles.

(c) When the vehicle overtaken is making or about to make a left turn, the vehicle approaching from the rear may pass on the right using the shoulder if necessary.

(d) When the overtaking vehicle is a Delaware Department of Transportation authorized vehicle or an emergency vehicle, as defined in § 4106(e), responding to an emergency, the overtaking vehicle may pass on the right using the shoulder if necessary.

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