

SUBSTITUTE FOR  
HOUSE BILL NO. 4265

A bill to amend 1949 PA 300, entitled  
"Michigan vehicle code,"  
by amending sections 636 and 637 (MCL 257.636 and 257.637).

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 636. (1) The following rules ~~shall~~ govern the overtaking  
2 and passing of vehicles proceeding in the same direction, subject  
3 to ~~those~~ **THE** limitations, exceptions, and special rules stated in  
4 sections 637 to 643a:

5       (a) The driver of a vehicle overtaking another vehicle  
6 proceeding in the same direction shall pass at a safe distance to  
7 the left of that vehicle, and when safely clear of the overtaken  
8 vehicle shall take up a position as near the right-hand edge of the  
9 main traveled portion of the highway as is practicable.

1 (b) Except when overtaking and passing on the right is  
2 permitted, the driver of an overtaken vehicle shall give way to the  
3 right in favor of the overtaking vehicle on audible signal and  
4 shall not increase the speed of his or her vehicle until completely  
5 passed by the overtaking vehicle.

6 (2) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE  
7 DRIVER OF A VEHICLE OVERTAKING A BICYCLE PROCEEDING IN THE SAME  
8 DIRECTION SHALL PASS AT A DISTANCE OF 3 FEET TO THE LEFT OF THAT  
9 BICYCLE OR, IF IT IS IMPRACTICABLE TO PASS THE BICYCLE AT A  
10 DISTANCE OF 3 FEET TO THE LEFT, AT A SAFE DISTANCE TO THE LEFT OF  
11 THAT BICYCLE AT A SAFE SPEED, AND WHEN SAFELY CLEAR OF THE  
12 OVERTAKEN BICYCLE SHALL TAKE UP A POSITION AS NEAR THE RIGHT-HAND  
13 EDGE OF THE MAIN TRAVELED PORTION OF THE HIGHWAY AS IS PRACTICABLE.  
14 THE DRIVER OF A VEHICLE OVERTAKING A BICYCLE PROCEEDING IN THE SAME  
15 DIRECTION MAY DRIVE TO THE LEFT OF THE CENTER OF THE HIGHWAY TO  
16 PASS THE BICYCLE IF IT IS SAFE TO DO SO, REGARDLESS OF WHETHER THE  
17 VEHICLE IS TRAVELING IN A NO-PASSING ZONE DESCRIBED IN SECTION 640.

18 (3) ~~(2)~~—A person who violates this section is responsible for  
19 a civil infraction.

20 Sec. 637. (1) The driver of a vehicle may overtake and pass  
21 upon the right of another vehicle only if 1 or more of the  
22 following conditions exist:

23 (a) When the vehicle overtaken is making or about to make a  
24 left turn.

25 (b) Upon a street or highway with unobstructed pavement not  
26 occupied by parked vehicles of sufficient width for 2 or more lines  
27 of moving vehicles in each direction and when the vehicles are

1 moving in substantially continuous lanes of traffic.

2 (c) Upon a 1-way street, or upon a roadway on which traffic is  
3 restricted to 1 direction of movement, where the roadway is free  
4 from obstructions and of sufficient width for 2 or more lines of  
5 moving vehicles and when the vehicles are moving in substantially  
6 continuous lanes of traffic.

7 (2) The driver of a vehicle may overtake and pass another  
8 vehicle upon the right only under conditions permitting the  
9 overtaking and passing in safety. The driver of a vehicle shall not  
10 overtake and pass another vehicle upon the right by driving off the  
11 pavement or main-traveled portion of the roadway.

12 **(3) THE DRIVER OF A VEHICLE OVERTAKING A BICYCLE PROCEEDING IN**  
13 **THE SAME DIRECTION SHALL, WHEN OTHERWISE PERMITTED BY THIS SECTION,**  
14 **PASS AT A DISTANCE OF 3 FEET TO THE RIGHT OF THAT BICYCLE OR, IF IT**  
15 **IS IMPRACTICABLE TO PASS THE BICYCLE AT A DISTANCE OF 3 FEET TO THE**  
16 **RIGHT, AT A SAFE DISTANCE TO THE RIGHT OF THAT BICYCLE AT A SAFE**  
17 **SPEED.**

18 **(4)** ~~(3)~~—A person who violates this section is responsible for  
19 a civil infraction.

20 Enacting section 1. This amendatory act takes effect August 1,  
21 2019.