§2070. Passing another vehicle

1. Passing on left. An operator of a vehicle passing another vehicle proceeding in the same direction must pass to the left at a safe distance and may not return to the right until safely clear of the passed vehicle. An operator may not overtake another vehicle by driving off the pavement or main traveled portion of the way.
[PL 1997, c. 653, §11 (AMD).]

1-A. Passing bicycle or roller skier. An operator of a motor vehicle that is passing a bicycle or roller skier proceeding in the same direction shall exercise due care by leaving a distance between the motor vehicle and the bicycle or roller skier of not less than 3 feet while the motor vehicle is passing the bicycle or roller skier. A motor vehicle operator may pass a bicycle or roller skier traveling in the same direction in a no-passing zone only when it is safe to do so.

The collision of a motor vehicle with a person operating a bicycle or roller skis is prima facie evidence of a violation of this subsection.
[PL 2013, c. 241, §5 (AMD).]

2. Giving way. Except when passing on the right is permitted, the operator of passed vehicle:

A. Shall give way to the right in favor of the passing vehicle upon audible signal; and [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. May not increase speed until completely overtaken by the passing vehicle. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

3. Visibility. A passing vehicle may be operated to the left of the way's center only when the left side is clearly visible and free of oncoming traffic for a sufficient distance ahead to permit overtaking to be completed without interfering with the safe operation of an approaching or passed vehicle.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

4. Returning to the right. The passing vehicle must return to the right before coming within 100 feet of an approaching vehicle.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

5. Limitation. Except on a one-way road, an operator may not drive to the left side of the way under the following conditions:

A. When approaching the crest of a grade or on a curve where the operator's view is obstructed for a distance as to create a hazard if another vehicle approached from the opposite direction; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. When approaching within 100 feet of or traversing an intersection or railroad grade crossing, except when turning to the left to enter an intersecting way; [PL 2005, c. 141, §1 (AMD).]

C. When the view is obstructed within 100 feet of a bridge, viaduct or tunnel; [PL 2005, c. 141, §1 (AMD).]

D. When the single center line highway marking method is used and an unbroken painted line is marked on the way, except in an emergency; or [PL 2005, c. 141, §2 (NEW).]

E. When the double center line highway marking method is used and an unbroken painted line is marked on the way in the operator's lane, except in an emergency. [PL 2005, c. 141, §2 (NEW).]
[PL 2005, c. 141, §§1, 2 (AMD).]

6. Passing on the right. An operator may pass a vehicle on the right only under the following conditions:

A. When the vehicle to be passed is making or about to make a left turn; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. On a way with unobstructed pavement not occupied by parked vehicles and of sufficient width for 2 or more lines of traffic in each direction; or [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

C. On a way on which traffic is restricted to one direction, when the roadway is free from obstructions and of sufficient width for 2 or more lines of traffic. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

An operator may pass on the right only under conditions permitting that movement in safety. An operator may not overtake by driving off the pavement or main traveled portion of the way.

A person operating a bicycle or roller skis may pass a vehicle on the right at the bicyclist's or roller skier's own risk.
[PL 2009, c. 484, §7 (AMD).]

7. Evidence. The placing on a roadway of highway markings conforming to this chapter is prima facie evidence that the markings have been placed by the official act or direction of lawful authority.
[PL 2005, c. 141, §3 (NEW).]

8. Passing stationary vehicles. The operator of a vehicle passing a stationary vehicle that a reasonable person would conclude is disabled or that is using flashing lights to warn other operators of the vehicle's presence, with due regard to safety and traffic conditions, shall:

A. Pass in a lane not adjacent to that of the stationary vehicle, if possible; or [PL 2023, c. 122, §1 (NEW).]

B. If passing in a nonadjacent lane is impossible or unsafe, pass the stationary vehicle at a careful and prudent speed reasonable for passing the vehicle safely. [PL 2023, c. 122, §1 (NEW).]

Violation of this subsection is a traffic infraction for which a fine of not less than $275 must be adjudged.
[PL 2023, c. 122, §1 (NEW).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1997, c. 653, §11 (AMD). PL 2005, c. 141, §§1-3 (AMD). PL 2007, c. 400, §§8, 9 (AMD). PL 2009, c. 484, §§6, 7 (AMD). PL 2013, c. 241, §5 (AMD). PL 2023, c. 122, §1 (AMD).

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