Office of the Registrar of Regulations,
Legislative Council,
State of Delaware

CHAPTER 395
FORMERLY
HOUSE BILL NO. 140
AS AMENDED BY
HOUSE AMENDMENT NOS. 1 & 2
AND
HOUSE AMENDMENT NO. 3 AS AMENDED BY HOUSE AMENDMENT NO. 1
TO HOUSE AMENDMENT NO. 3

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

Section 1. Amend § 4116, Title 21 of the Delaware Code as follows:

§ 4116. Overtaking a vehicle on the left.

The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions and special rules hereinafter stated:

(1) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicles.

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

(3) A person who violates this section by driving below the posted speed limit in the left lane of a multilane roadway when it impedes the ability of one or more vehicles to pass, except when such person is making a legal left turn or otherwise lawfully exiting the road to the left, shall be penalized as provided in § 4205 of this title.

(4) The driver of a motor vehicle, when approaching a bicyclist traveling in the same direction, shall ensure the safety and protection of the bicyclist by:

a. Proceeding with caution and yielding the right-of-way by making a lane change into a lane not adjacent to that of the bicyclist, if possible, with due regard to safety and traffic conditions, if on a roadway having at least 4 lanes with not less than 2 lanes proceeding in the same direction as the approaching vehicle; or,

b. Proceeding with caution and reducing the speed of the vehicle to a safe speed and leaving a reasonable and prudent distance by providing a minimum of 3 feet of clearance while passing such bicyclist, if changing lanes would be impossible or unsafe.

Approved August 13, 2012