

**STATE OF TENNESSEE
OFFICE OF THE ATTORNEY GENERAL**

April 8, 2015

Opinion No. 15-32

Two-Way Roads Provisions of Tenn. Code Ann. § 55-8-140

Question 1

May a driver proceeding through a protected green arrow signal choose the lane in which to complete the turn so long as it is to the right of the center lane?

Opinion 1

State law does not specify the lane into which a left-turning driver is required to turn. However, all drivers are required to exercise due care under conditions of reasonable safety.

Question 2

If the answer to Question 1 is yes, would a driver making a “right on red” turn be at fault for a collision with a car completing a left turn on a protected green arrow signal into the far right lane?

Opinion 2

This Office cannot opine on the question of fault. A determination of fault in a motor vehicle collision is highly fact-specific and is based on a totality of the circumstances in any given situation.

Question 3

May a driver pass traffic stopped at a red light on the right in order to make a right turn if the movement can be made safely and the bicycle lane is wide enough for a car?

Opinion 3

Virtually the identical question was addressed in Tenn. Att’y Gen. Op. 14-13 (Jan. 23, 2014). That Opinion concludes that “[s]tate law classifies a bicycle lane as a portion of the roadway. While state law contains no *per se* prohibition against a driver using any portion of a roadway, including a bicycle lane, to overtake and pass upon the right of another vehicle that is making or about to make a left turn, state law allows such a use only under limited circumstances, including the requirement that passing upon the right is allowed ‘only under conditions permitting that movement in safety.’”.

Question 4

If a vehicle moves from the right lane and enters the bicycle lane to make a right turn, and a car from the right traffic lane makes a right turn in front of the vehicle in the bicycle lane and causes an accident, who is at fault?

Opinion 4

This Office cannot opine on the question of fault. A determination of fault in a motor vehicle collision is highly fact-specific and is based on a totality of the circumstances in any given situation.

ANALYSIS

1. Chapter 8 of Title 55 of the Tennessee Code Annotated sets out the “Rules of the Road” applicable to the operation of vehicles on Tennessee highways. The duties of drivers making a left turn are outlined generally in Tenn. Code Ann. §§ 55-8-129, -142, -143 and -144.

Tenn. Code Ann. § 55-8-129 provides, in pertinent part:

The driver of a vehicle within an intersection intending to turn to the left shall yield the right of way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard, but the driver, having so yielded and having given a signal when and as required by this chapter, may make the left turn, and the drivers of all other vehicles approaching the intersection from the opposite direction shall yield the right of way to the vehicle making the left turn.

Tenn. Code Ann. § 55-8-142 provides, in pertinent part:

No person shall turn a vehicle at an intersection unless the vehicle is in the proper position upon the roadway as required in § 55-8-140, or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway, unless and until this movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal in the manner provided in § 55-8-143 and § 55-8-144 in the event any other traffic may be affected by this movement.

Tenn. Code Ann. § 55-8-143 provides, in pertinent part:

Every driver who intends to start, stop or turn, or partly turn from a direct line, shall first see that the movement can be made in safety, and whenever the operation of any other vehicle may be affected by such movement, shall give a signal required in this section, plainly visible to the driver of the other vehicle of the intention to make such movement.

Tenn. Code Ann. § 55-8-140 addresses the specific mechanism of the left turn, providing, in pertinent part:

Left turns on Two-Way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the center line where it enters the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable, the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

Taken together, the relevant statutes place upon a left-turning driver the duty to maintain his or her lane of travel until the turn can be made safely, to use a proper signal, and to yield the right of way to any vehicle approaching from the opposite direction that poses an immediate hazard. *See* Tenn. Code Ann. §§ 55-8-123, 129, 142, 143, 144. When the turn is being made from one two-way roadway to another two-way roadway, the driver is required to approach the intersection from the right lane closest to the center of the roadway, to make the turn by passing to the right of the center of the intersection, and to leave the intersection to the right of the center line of the roadway being entered. Tenn. Code Ann. § 55-8-140. In addition, drivers must exercise due care to make the turn under conditions of reasonable safety. Tenn. Code Ann. §§ 55-8-123, -129, -142, and -143.

The *Tennessee Comprehensive Driver License Manual* (“Manual”), published by the Tennessee Department of Safety, contains a section entitled “Basic Rules of the Road.” (Manual, pp. 45-67). The stated purpose of that section is to “...help new drivers study and prepare for the required knowledge and skills for an operator license.” (Manual, p. ii) The Manual, which was last published in 2012, by its own terms, “will not override or supersede” the law. (Manual, p. i.)

The Manual contains a section titled “From a Two-Way Street on to a Two-Way Street Remember these tips.” (Manual, p. 56.) Among the tips is that a driver “...be sure to turn into the first lane past the center line. This avoids conflict with the other traffic making either right or left turns. Never turn ‘wide’ into the right lane. The right lane will be used by any oncoming vehicles turning right.” (Manual, p. 57.) While state law does not specify the lane into which a left-turning driver is required to enter, drivers are required to exercise due care under conditions of reasonable safety. The driving “tip” set forth in the Manual is not inconsistent with state law as outlined above.

2. This Office cannot opine on the question of fault. A determination of fault in a motor vehicle collision is highly fact-specific and is based on a totality of the circumstances in any given situation.

3. For the analysis applicable to Question 3, please refer to paragraph 2 in the Analysis portion of Tenn. Att’y Gen. Op. 14-13 (Jan. 23, 2014), which addresses the same question as Question 3 herein.

4. This Office cannot opine on the question of fault. A determination of fault in a motor vehicle collision is highly fact-specific and is based on a totality of the circumstances in any given situation.

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