

HB

438

ALASKA STATE LEGISLATURE

Rep. Lesil McGuire, Chair
Rep. Tom Anderson, Vice-Chair
Rep. Jim Holm
Rep. Dan Ogg
Rep. Ralph Samuels
Rep. Les Gara
Rep. Max Gruenberg



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House Judiciary Committee

Memorandum

To: Gerry Luckhaupt, Leg. Legal
From: Vanessa Tondini, Committee Aide
House Judiciary Committee
Date: April 6, 2004
Re: CS Request

Please create a final draft House Judiciary Committee Substitute for work order # 23-LS1602\D, HB 438, incorporating the attached amendment (23-LS1602\D.1). The bill was passed out of committee today.

If you have any questions, please call me at 4990. Thank you!

The information attached to this memo is **CONFIDENTIAL** an/or privileged. It is intended to be reviewed initially by only the individual named above. If the reader of this Memorandum is not the intended recipient or a representative of the intended recipient, you are hereby notified that any review, dissemination, or copying of the information contained herein is prohibited. If you have received this in error, please immediately notify the sender by telephone and return this to the sender at the above address.

AMENDMENT #1 - PASSED

OFFERED IN THE HOUSE
TO: CSHB 438(STA)

BY REPRESENTATIVE HOLM

- 1 Page 1, lines 11 - 13:
- 2 Delete all material.
- 3 Insert "fighter, shall slow to a reasonable and prudent speed below the speed limit."



⊕ **13 AAC 02.275. Basic rule and maximum limits**

⊕ (a) No person may drive a vehicle at a speed greater than is reasonable and prudent considering the traffic, roadway, and weather conditions.

(b) Except when a special hazard exists that requires a lower speed for compliance with (a) of this section, the limits specified in this subsection are the maximum lawful speeds throughout the state, and no person may drive a vehicle at a speed in excess of these maximum limits, unless otherwise posted:

(1) 15 miles per hour in an alley;

(2) 20 miles per hour in a business district;

(3) 25 miles per hour in a residential district; or

(4) 55 miles per hour on any other roadway.

(c) Repealed 6/28/79.

(d) Repealed 6/28/79.

(e) The maximum speed limits set forth in (b) of this section may be altered as authorized in 13 AAC 02.280.

⊕ **History:** In effect before 7/28/59; am 12/15/61, Register 3; am 8/10/66, Register 22; am 12/31/69, Register 31; am 7/30/75, Register 55; am 6/28/79, Register 70

⊕ **Authority:** AS 28.05.011



STATE OF ALASKA



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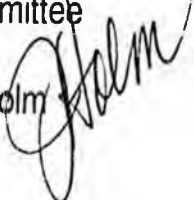
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REPRESENTATIVE JIM HOLM DISTRICT 9

DATE: March 9th, 2004

TO: Representative Lesil McGuire, Chair
House Judiciary Committee

FROM: Representative Jim Holm 

RE: HB 438

Please schedule CSHB 438, (STA) MOVE OVER LAW FOR DRIVERS, for hearing in the House Judiciary Committee at your earliest convenience pending referral. Back-up material is attached.

Thank you very much for your help with this bill.

STATE OF ALASKA



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REPRESENTATIVE JIM HOLM DISTRICT 9

HB 438

"Move Over Laws For Drivers" Sponsor Statement

13 FEB 04

"An Act relating to motorists moving over or slowing down for emergency vehicles."

HB 438 can save lives and prevent injury.

All over the country law enforcement, emergency, and fire personnel are putting their lives in danger on the roadways. This bill is an opportunity to improve their safety and their working conditions by requiring motorists to slow down and move over.

If Emergency personnel, as defined by statute, are pulled over on the side of the road with their emergency lights on, drivers will be required to slow down to 20 mph below the posted speed limit or to 5 mph on a road less than 25 mph. On a highway with more than two lanes, the motorist will also be required to occupy the lane furthest away from the emergency personnel unless otherwise directed.

This bill is long overdue. Many other states across the nation are adopting such statutes to ensure the safety of their citizens.

Attachment A

Official Code of Georgia Annotated
40-6-16

Official Code of Georgia Annotated

40-6-16.

(a) The operator of a motor vehicle approaching a stationary authorized emergency vehicle that is displaying flashing yellow, amber, white, red, or blue lights shall approach the authorized emergency vehicle with due caution and shall, absent any other direction by a peace officer, proceed as follows:

(1) Make a lane change into a lane not adjacent to the authorized emergency vehicle if possible in the existing safety and traffic conditions; or

(2) If a lane change under paragraph (1) of this subsection would be impossible, prohibited by law, or unsafe, reduce the speed of the motor vehicle to a reasonable and proper speed for the existing road and traffic conditions, which speed shall be less than the posted speed limit, and be prepared to stop.

(b) The operator of a motor vehicle approaching a stationary towing or recovery vehicle or a stationary highway maintenance vehicle that is displaying flashing yellow, amber, or red lights shall approach the vehicle with due caution and shall, absent any other direction by a peace officer, proceed as follows:

(1) Make a lane change into a lane not adjacent to the towing, recovery, or highway maintenance vehicle if possible in the existing safety and traffic conditions; or

(2) If a lane change under paragraph (1) of this subsection would be impossible, prohibited by law, or unsafe, reduce the speed of the motor vehicle to a reasonable and proper speed for the existing road and traffic conditions, which speed shall be less than the posted speed limit, and be prepared to stop.

(c) Violation of subsection (a) or (b) of this Code section shall be punished by a fine of \$500.00.

Attachment B

Maine Revised Statutes Annotated
29-A MRSA §2054, sub-§9 and 10

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 29-A MRSA §2054, sub-§9, as enacted by PL 2001, c. 360, §8, is repealed.

Sec. 2. 29-A MRSA §2054, sub-§10 is enacted to read:

10. Stationary authorized emergency vehicles. The following provisions govern the operator of a vehicle approaching or passing a stationary authorized emergency vehicle that is using an emergency light.

A. With due regard to the safety and traffic conditions, an operator of a vehicle approaching or passing a stationary authorized emergency vehicle that is using an emergency light shall:

(1) Reduce speed and maintain a speed throughout the incident area no greater than is reasonable and prudent under the conditions, including actual and potential hazards then existing;

(2) Vacate any lane wholly or partially blocked;

(3) Obey the directions of an authorized official directing traffic and all applicable traffic control devices; and

(4) Pass in a lane not adjacent to that of the emergency vehicle, if possible, or, if passing in a nonadjacent lane is impossible or unsafe, pass the emergency vehicle at a reasonable and prudent speed.

B. The following penalties apply to violations of this subsection.

(1) A person who violates this subsection commits a Class E crime.

(2) A person who violates this subsection and at the time of the offense has a prior conviction for violating this subsection commits a Class E crime and is subject to a mandatory 30-day driver's license suspension. Title 17-A, section 9-A governs the use of prior convictions in determining a sentence, except that for purposes of this subparagraph, the date of each prior conviction may precede the commission of the offense being enhanced by no more than 3 years.

LD 0837 (LR: 0455 item 01) Unofficial Document created 02-20-2003 -
14:41:16

C. Paragraphs A and B do not apply to authorized emergency vehicles in an incident area. Operators of emergency vehicles in an incident area shall proceed at a reasonable and prudent speed, with due regard to the safety of all persons in the incident area.

In addition to any other penalty imposed by law, if a violation of this subsection results in serious bodily injury or death to another person, the violator's driver's license must be suspended for at least 180 days and not more than 2 years.

SUMMARY

This bill adds to the safety requirements governing drivers approaching or passing a stationary authorized emergency vehicle that is using an emergency light and increases the penalties for violation. The bill also clarifies that an authorized emergency vehicle must exercise due regard to the safety of others but is exempted from the other operator requirements of the new provision.

Attachment C

Nevada Assembly Bill 299 (2003)

Assembly Bill No. 299--Assemblymen Beers, Gustavson, Christensen, Conklin, Giunchigliani, Grady, Horne, Koivisto, McClain, Pierce, Sherer and Weber

Joint Sponsors: Senators Cegavske, Amodei, Care and Schneider

CHAPTER.....

AN ACT relating to motor vehicles; establishing the duties of a driver when that driver approaches an authorized emergency vehicle which is stopped and is making use of flashing lights; providing a penalty; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 484 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Upon approaching an authorized emergency vehicle which is stopped and is making use of flashing lights meeting the requirements of subsection 3 of NRS 484.787, the driver of the approaching vehicle shall, in the absence of other direction given by a peace officer:

(a) Decrease the speed of his vehicle to a speed that is:

(1) Reasonable and proper, pursuant to the criteria set forth in subsection 1 of NRS 484.361; and

(2) Less than the posted speed limit, if a speed limit has been posted;

(b) Proceed with caution;

(c) Be prepared to stop; and

(d) If possible, drive in a lane that is not adjacent to the lane in which the emergency vehicle is stopped, unless roadway, traffic, weather or other conditions make doing so unsafe or impossible.

2. A person who violates subsection 1 is guilty of a misdemeanor.

Attachment D

Oregon House Bill 2176 (2003)

CHAPTER 42

AN ACT

HB 2176

Relating to motor vehicles.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2003 Act is added to and made a part of the Oregon Vehicle Code.

SECTION 2. (1) A person operating a motor vehicle commits the offense of failure to maintain a safe distance from an emergency vehicle or ambulance if the person approaches an emergency vehicle or ambulance that is stopped

and is displaying required warning lights and the person:

(a) On a highway having two or more lanes for traffic in a single direction, fails to:

(A) Make a lane change to a lane not adjacent to that of the emergency vehicle or ambulance; or

(B) Reduce the speed of the motor vehicle, if making a lane change is unsafe.

(b) On a two directional, two-lane highway, fails to reduce the speed of the motor vehicle.

(2) The offense described in this section, failure to maintain a safe distance from an emergency vehicle or ambulance, is a Class B traffic violation.

Approved by the Governor April 1, 2003

Filed in the office of Secretary of State April 2, 2003

Effective date January 1, 2004

Attachment E

Kentucky Revised Statutes
189.930

189.930 Right-of-way to emergency vehicles -- Blocking or following emergency vehicles -- Driving over unprotected hoses of fire department.

- (1) Upon the approach of an emergency vehicle equipped with, and operating, one (1) or more flashing, rotating, or oscillating red or blue lights, visible under normal conditions from a distance of five hundred (500) feet to the front of such vehicle; or the driver is given audible signal by siren, exhaust whistle, or bell, the driver of every other vehicle shall yield the right-of-way, immediately drive to a position parallel to, and as close as possible to, the edge or curb of the highway clear of any intersection, and stop and remain in such position until the emergency vehicle has passed, except when otherwise directed by a police officer or firefighter.
- (2) Upon the approach of any emergency vehicle, operated in conformity with the provisions of subsection (1) of this section, the operator of every vehicle shall immediately stop clear of any intersection and shall keep such position until the emergency vehicle has passed, unless directed otherwise by a police officer or firefighter.
- (3) No operator of any vehicle, unless he is on official business, shall follow any emergency vehicle being operated in conformity with the provisions of subsection (1) of this section closer than five hundred (500) feet, nor shall he drive into, or park the vehicle into, or park the vehicle within, the block where the vehicle has stopped in answer to an emergency call or alarm unless he is directed otherwise by a police officer or firefighter.
- (4) No vehicle, train, or other equipment shall be driven over any unprotected hose of a fire department when the hose is laid down on any street, private driveway, or track for use at any fire or fire alarm unless the fire department official in command consents that the hose be driven over.
- (5) Upon approaching a stationary emergency vehicle or public safety vehicle, when the emergency vehicle or public safety vehicle is giving a signal by displaying alternately flashing yellow, red, red and white, red and blue, or blue lights, a person who drives an approaching vehicle shall, while proceeding with due caution:
 - (a) Yield the right-of-way by moving to a lane not adjacent to that of the authorized emergency vehicle, if:
 1. The person is driving on a highway having at least four (4) lanes with not fewer than two (2) lanes proceeding in the same direction as the approaching vehicle; and
 2. If it is possible to make the lane change with due regard to safety and traffic conditions; or
 - (b) Reduce the speed of the vehicle, maintaining a safe speed to road conditions, if changing lanes would be impossible or unsafe.
- (6) This section does not operate to relieve the person who drives an emergency vehicle from the duty to operate the vehicle with due regard for the safety of all persons using the highway.

Effective: June 24, 2003

History: Amended 2003 Ky. Acts ch. 63, sec. 1, effective June 24, 2003. -- Amended 2000 Ky. Acts ch. 215, sec. 1, effective July 14, 2000. -- Amended 1980 Ky. Acts ch. 371, sec. 2, effective July 15, 1980. -- Created 1970 Ky. Acts ch. 93, sec. 3.

Attachment F

Ohio Code
§ 4511.21.3

[§ 4511.21-3] § 4511.213. Duties upon approaching stationary public safety vehicle displaying emergency light.

(A) The driver of a motor vehicle, upon approaching a stationary public safety vehicle that is displaying a flashing red light, flashing combination red and white light, oscillating or rotating red light, oscillating or rotating combination red and white light, flashing blue light, flashing combination blue and white light, oscillating or rotating blue light, or oscillating or rotating combination blue and white light, shall do either of the following:

(1) If the driver of the motor vehicle is traveling on a highway that consists of at least two lanes that carry traffic in the same direction of travel as that of the driver's motor vehicle, the driver shall proceed with due caution and, if possible and with due regard to the road, weather, and traffic conditions, shall change lanes into a lane that is not adjacent to that of the stationary public safety vehicle.

(2) If the driver is not traveling on a highway of a type described in division (A)(1) of this section, or if the driver is traveling on a highway of that type but it is not possible to change lanes or if to do so would be unsafe, the driver shall proceed with due caution, reduce the speed of the motor vehicle, and maintain a safe speed for the road, weather, and traffic conditions.

(B) This section does not relieve the driver of a public safety vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway.

(C) No person shall fail to drive a motor vehicle in compliance with division (A)(1) or (2) of this section when so required by division (A) of this section.

(D) (1) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(2) Notwithstanding section 2929.28 of the Revised Code, upon a finding that a person operated a motor vehicle in violation of division (C) of this section, the court, in addition to all other penalties provided by law, shall impose a fine of two times the usual amount imposed for the violation.

(E) As used in this section, "public safety vehicle" has the same meaning as in section 4511.01 of the Revised Code.

HISTORY: 148 v H 86. Eff 9-28-99; 149 v. s 123, §1, eff. 1-1-04; 149 v H 490, §/4, eff. 1-1-04.

Attachment G

**South Dakota Codified Laws
32-31-6.1**

32-31-6.1. Stop required upon approaching stopped emergency vehicle using red signals -- Requirements for approaching vehicles using amber or yellow signals -- Violation as misdemeanor. Upon approaching from any direction any stopped authorized emergency vehicle making use of red visual signals meeting the requirements of this title, the driver of every other vehicle shall come to a complete stop before reaching the stopped emergency vehicle and may, unless otherwise directed, proceed with caution only after ascertaining that it is safe to do so, and upon approaching from any direction any stopped vehicle making use of amber or yellow warning lights, the driver of every other vehicle shall:

(1) If driving on an interstate highway or other highway with two or more lanes traveling in the same direction as the vehicle, merge into the lane farthest from the vehicle and proceed with caution, unless otherwise directed; or

(2) If driving on a two lane highway, slow to a speed that is at least twenty miles per hour less than the posted speed limit or five miles per hour when the speed limit is posted at twenty miles per hour or less and proceed with caution, unless otherwise directed.

A violation of this section is a Class 2 misdemeanor.

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Attachment H

Iowa Code
321-323A

321.323A Approaching certain stationary vehicles.

1. The operator of a motor vehicle approaching a stationary authorized emergency vehicle that is displaying flashing yellow, amber, white, red, or red and blue lights shall approach the authorized emergency vehicle with due caution and shall proceed in one of the following manners, absent any other direction by a peace officer:

a. Make a lane change into a lane not adjacent to the authorized emergency vehicle if possible in the existing safety and traffic conditions.

b. If a lane change under paragraph "a" would be impossible, prohibited by law, or unsafe, reduce the speed of the motor vehicle to a reasonable and proper speed for the existing road and traffic conditions, which speed shall be less than the posted speed limit, and be prepared to stop.

2. The operator of a motor vehicle approaching a stationary towing or recovery vehicle, or a stationary highway maintenance vehicle, that is displaying flashing yellow, amber, or red lights shall approach the vehicle with due caution and shall proceed in one of the following manners, absent any other direction by a peace officer:

a. Make a lane change into a lane not adjacent to the towing, recovery, or highway maintenance vehicle if possible in the existing safety and traffic conditions.

b. If a lane change under paragraph "a" would be impossible, prohibited by law, or unsafe, reduce the speed of the motor vehicle to a reasonable and proper speed for the existing road and traffic conditions, which speed shall be less than the posted speed limit, and be prepared to stop.

Section History: Recent form

2002 Acts, ch 1013, §1

Footnotes

For applicable scheduled fines, see §805.8A, subsection 11, paragraph b

Previous Section [321.323](#)

Next Section [321.324](#)



Attachment I

Alaska Authoritative Code

13 AAC 04.090 "Authorized Emergency Vehicies"

&

13 AAC 04.095 "Flashing Yellow Vehicular Warning Lights"

&

13 AAC 04.100 "Flashing Blue Lights on Vehicles"



13 AAC 04.090. Authorized emergency vehicles

(a) Every authorized emergency vehicle must, in addition to other equipment required by this chapter, be equipped with a signal light mounted as high as practicable, and which is capable of displaying to the front and rear flashing red color of sufficient intensity to be visible at 500 feet in normal sunlight. The flashing light must be sufficiently spaced from the headlights so that it will not be blacked out when the headlights are illuminated. An authorized emergency vehicle may display rotating beams of red light or of red and white light meeting the requirements of this subsection.

(b) Repealed 6/28/79.

(c) A police vehicle, when used as an authorized emergency vehicle, may but need not be equipped with alternately flashing red lights as specified in (a) of this section.

(d) Repealed 6/28/79.

(e) Repealed 6/28/79.

(f) Repealed 6/28/79.

(g) If, in addition to the light required in (a) of this section, a second or subsequent light is mounted on the authorized emergency vehicle, the light must be mounted as high as practicable and at the same level as the first light. The lights must be as widely spaced laterally as practicable, and must meet the spacing and visibility requirements of (a) of this section. The second light may display flashing blue color in accordance with sec. 100 of this chapter.

History: In effect before 7/28/59; am 12/15/61, Register 3; am 8/10/66, Register 22; am 12/31/69, Register 31; am 6/28/79, Register 70

Authority: AS 28.05.011

13 AAC 04.095. Flashing yellow vehicular hazard warning lights

(a) Repealed 6/28/79.

(b) Repealed 6/28/79.

(c) The following vehicles must be equipped with a flashing yellow warning light visible at 500 feet in normal sunlight to either the front, rear or sides or from all positions:

(1) a vehicle of the Department of Transportation and Public Facilities, a municipality, or a contractor used in highway maintenance, inspection, survey or construction when working upon or within eight feet of a roadway;

(2) a vehicle of a public utility company, when actually engaged in the construction, removal, repair, maintenance or inspection of a public utility facility and when parked or moving slower than the normal traffic flow upon or within eight feet of a roadway;

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(3) a motor vehicle engaged in towing a house or a building upon a highway;

(4) a pilot car as provided in 17 AAC 25.090; and

(5) a motor vehicle engaged in snow removal from private property when it moves onto, across or within eight feet of a roadway while removing the snow, or a motor vehicle engaged in snow removal from subdivision streets.

(d) The lights required in this section must be used to warn drivers of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking or passing the hazard.

(e) After January 1, 1978, every bus, truck, truck-tractor and trailer 80 inches or more in overall width or 30 feet or more in overall length, and every motor vehicle manufactured after January 1, 1978, must be equipped with lights meeting the requirements of (f) of this section.

(f) Vehicular hazard warning lights must be mounted at the same level and as widely spaced laterally as practicable, except that on vehicles less than 80 inches overall width, only one warning light need be mounted on the rear of the vehicle. The lights must display simultaneously flashing yellow color to the front of the vehicle, except that on vehicles manufactured before January 1, 1969, the light showing to the front may display simultaneously flashing yellow or white color, or any shade of color between yellow and white. The lights displaying warning to the rear of the vehicle must show simultaneously flashing red or yellow color, or any shade of color between red and yellow. The lights authorized by this section must be visible from a distance of not less than 500 feet in normal sunlight.

(g) A tow car must be equipped with a flashing yellow warning light visible at 500 feet in normal sunlight to the front, rear and both sides. The tow car must illuminate the yellow warning light during preparation at the location from which a disabled vehicle is to be towed, and the yellow warning light must be illuminated when the tow car is towing a vehicle at a speed slower than the normal flow of traffic, during the hours of darkness when the towed vehicle does not have taillights illuminated to the rear, or when the taillights, stop lights or turn signals on the tow car are obscured by the towed vehicle. The flashing warning light may not be illuminated except as provided in this section.

(h) A vehicle used for the purpose of mail or other delivery along a highway must illuminate the lights required by this section at least 100 feet, but not more than 500 feet, before making a stop as required in the official performance of the duties of the driver of the vehicle. Display of the lights must continue for as long as the conditions specified in (d) of this section exist. The lights must be visible to the front and rear of the vehicle at a distance of 500 feet in normal sunlight. Further, a mail delivery vehicle must clearly display to the front and to the rear of the vehicle, the words "U.S. MAIL" in letters at least eight inches high on a distinctively contrasting background; other vehicles used in making deliveries along a highway must display the words "DELIVERY VEHICLE" in a like manner.

(i) The lights specified in this section may not be turned on when a vehicle is

(1) parked lawfully in an urban district;

(2) stopped lawfully to avoid conflict with other traffic or to comply with the directions of a police officer, a fireman or an authorized flagman or an official traffic-control device; or

(3) otherwise stopped or driven when there do not exist the conditions specified in (c) of this section.

History: Eff. 12/31/69, Register 31; am 6/28/79, Register 70

Authority: AS 28.05.011

13 AAC 04.097. Special school bus lighting equipment

(a) A school bus must, in addition to other equipment and distinctive markings required by this chapter, be equipped with signal lights mounted as high and as widely spaced laterally as practicable, which must display to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level. The lights must be visible at 500 feet in normal sunlight. The alternately flashing red lights must be illuminated by the driver of the school bus when, but only when, the bus is stopped for the purpose of receiving or discharging school children, except that the lights may not be illuminated in

(1) a designated school bus loading or unloading area where the bus is entirely off the roadway and a child being received into or discharged from the bus is not required to cross the roadway; or

(2) an intersection or other place where traffic is controlled by a traffic-control signal or by a police officer.

(b) A school bus must be equipped with yellow signal lights mounted near each of the four red lights required in (a) of this section and at the same level but closer to the vertical centerline of the bus. These lights must display two alternately flashing yellow lights visible to the front and rear of the bus for a distance of at least 500 feet in normal sunlight. The yellow flashing lights must be illuminated by the school bus driver at least 100 feet, but not more than 500 feet, before every stop at which the alternately flashing red lights are illuminated, at which time the alternately flashing yellow lights authorized by this section must be turned off.

(c) Every school bus must have indicator lights readily visible to the driver of the bus, which automatically indicate to the driver of the bus when any of the alternately flashing lights authorized by this section are illuminated.

History: Eff. 6/28/79, Register 70

Authority: AS 28.05.011

Editor's note: This section is based partially on former 13 AAC 04.090(b) and 13 AAC 04.150(c) - (e).

13 AAC 04.100. Flashing blue lights on vehicles

(a) A firefighter, an emergency medical service responder, or a police officer, with the concurrence of the chief of that person's department, when authorized under 13 AAC 02.517 or (i) of this section, may equip the person's motor vehicle with a flashing blue light that must be visible from the front and sides for a distance of 300 feet in normal sunlight. The flashing blue light authorized by this subsection may be illuminated only when the driver of the vehicle is a member of a fire or a police department responding to an emergency, and the vehicle must display a sign or plate that indicates the department membership and the name of the municipality or organization in which the driver is a member.

(b) Repealed 6/28/79.

(c) Repealed 6/28/79.

(d) Repealed 6/28/79.

(e) Police and public fire vehicles may not use a flashing blue light except simultaneously with a flashing red light as required in sec. 90 of this chapter.

(f) Vehicles, except those vehicles described in (e) of this section, that are owned or operated by the state or a municipality may not use a flashing blue light except simultaneously with a flashing yellow light and in accordance with 13 AAC 04.095.

(g) A person certified by a state agency to render emergency lifesaving or medical services, when authorized by the commissioner, may equip his private vehicle with a flashing blue light meeting the visibility requirements of (a) of this section, for use only when responding to an emergency. The flashing blue light may not be illuminated except when the driver of the vehicle is properly certified to render emergency lifesaving or medical services and his vehicle displays the "star of life" symbol.

(h) Lights displaying blue color may not be used upon vehicles, except as provided in this section.

(i) A fire chief, an emergency medical service provider, or a police chief of a municipality or borough that has been granted authority in writing by the commissioner may authorize a person to equip the person's motor vehicle with a flashing blue light if

(1) the person completes and returns to the commissioner or the commissioner's designee on a signed and notarized form prepared by the department a certification that

(A) the person's motor vehicle complies with the equipment standards set out in 13 AAC 04;

(B) the person holds a valid Alaska driver's license that has not been suspended, revoked, cancelled, or limited within the three years before the form is returned; and

(C) the person has read and understands the regulations for emergency vehicle operation set out in 13 AAC 02.140, 13 AAC 02.517 and 13 AAC 04.100; and

(2) if requested by the commissioner or the commissioner's designee, the person provides a certified copy of the person's driving record.

History: Eff. 12/31/69, Register 31; am 6/28/79, Register 70; am 6/12/97, Register 142; am 12/6/2001, Register 160

Authority: AS 28.05.011

Editor's note: Copies of the design standards for the "star of life" may be obtained from the emergency medical services section of the division of public health, Department of Health and Social Services.

13 AAC 04.105. Stoplamp and electric turn signals

Repealed 6/28/79.

13 AAC 04.110. Additional lighting equipment

Repealed 6/28/79.



Attachment J

Peace Officer Letters of Support

**Fairbanks Police
Department**

Attn: Officer David A. Stevenson
911 Cushman Street
Fairbanks, AK 99701

February 16th, 2004

STATE OF ALASKA HOUSE OF REPRESENTATIVES
Representative Jim Holme
ATTN: Matthew Rudig, Staff to Representative Jim Holm
State Capitol Building
Juneau, AK 99801

To Whom It May Concern:

I am submitting this letter as a Statement in Support of House Bill 438.

I have been a police officer for over 17 years. I have been a police officer in Alaska since 1993. On October 8th, 2000 I was involved in an accident on the Richardson Highway just south of Fairbanks. In my accident, a driver traveling southbound on the Richardson Highway realized at the last minute that I was not merely doing a traffic stop. A wrecker was facing backwards on the highway ready to tow a vehicle. I did things to try and get the driver to slow down. My emergency overhead lights were on. She moved over, but did not slow down. She swerved suddenly and the icy road conditions threw her vehicle into a spin at 50 MPH causing her to crash into my patrol car. On this day, I did something different than I have ever done in my career. I did not get out of my patrol car and direct traffic as I usually do. It was dark. It was snowing heavily and had been raining earlier in the night, causing extremely slick road conditions. I could hardly stand on the road. If I had been out of my vehicle at the time of the accident, I would have been crushed between the patrol car and the car that struck me.

My patrol car was involved in a similar accident in 1998. Fairbanks Police Department Officer Williams using my patrol car. He was working an accident on the Richardson Highway when a driver failed to slow, drove through a large flare pattern and rear-ended my patrol car.

Sergeant Jewkes with the Fairbanks Police Department also was working an accident on the Johansen Expressway near the Peger Road overpass. A vehicle did not slow down and slid on the icy roads. He and a bystander had to jump over an embankment to avoid being crushed as the car struck the guardrail they were standing next to. We are thankful at the Fairbanks Police Department that it was only the embankment, and not the bridge itself.

In the 1980's Fairbanks Police Officer Don Lasage was struck on the Richardson Highway after he stopped to clear debris from the roadway. His emergency overhead lights were on. Officer Lasage was gravely injured and subsequently had to retire on medical retirement.

There are similar stories across the state where officers have jumped out of the way or felt the high speed brush of a mirror passing their head at 55 MPH plus. I have discovered an interesting effect through the years. Some drivers are so busy looking at the emergency overhead lights they actually drive towards them. (You drive to where you are looking.)

The point I see in this law is it will give a person an automatic response to the sight of emergency vehicles along the side of the road. We all take our foot off the accelerator when we see a police car coming the other way. I do it too. Even though we may not be speeding, it is an automatic response. We do not want a speeding ticket. With the proper advertising campaign and support in the media, this law could engrain in most driver's head that

when they seen the emergency overhead lights, they need to slow down and move over. We will automatically think, "Oh, emergency overhead lights... I better slow down and move over." Nobody wants a ticket.

Thank you for your time and consideration in this matter. Please vote for House Bill 438. It is a simple law that could save an officer's life and save our government money in damages and medical bills.

Sincerely,

David A. Stevenson #307
Police Officer
Fairbanks Police Department

Subject: [Fwd: New Alaska Statute]

Date: Tue, 10 Feb 2004 07:04:40 -0900

From: Representative Jim Holm <Representative_Jim_Holm@Legis.state.ak.us>

Organization: Alaska State Legislature

To: Matthew Rudig <Matthew_Rudig@legis.state.ak.us>

Subject: New Alaska Statute

Date: Sat, 07 Feb 2004 01:12:33 -0900

From: Eric Jewkes <ejewkes@ci.fairbanks.ak.us>

To: Representative_Jim_Holm@legis.state.ak.us

I have read over the proposed statute AS 28.35.185 and give it my support. One, often overlooked, danger emergency service personnel frequently face is that of careless drivers. With so much of our time being spent on or near the road way, this danger is one that is difficult to defend against. Nothing we have can stop a 6000 pound car traveling at 55 plus mph.

To add a personal story relating to this: After working for the Fairbanks Police department around 2 years I responded to a traffic accident on the Johansen expressway. The vehicles involved in the accident were not able to be driven, which meant staying on the roadside, near the Peger overpass. I was aware of the dangers of passing cars and had one of the driver's, whom I was speaking with, stand with me in front of my car. While I was talking to the driver I heard a vehicle sliding on the ice. I turned around to see a Jeep, out of control, and heading right at my patrol car, and us. I had just enough time to tell the other driver to run. We both ran toward the guardrail, jumping over it and down the embankment (luckily just passed the overpass and not on the actual bridge). The Jeep struck my patrol car, at approximately 50 mph, in the middle of the driver's door, pushing my car into the area where we had just been standing.

Would this proposed law change what happened or what could have happened? Maybe not. Regardless, I believe the intent of the law represents what a driver with good sense would do anyway. Unfortunately common sense does not always parallel good sense and a legislative reminder is necessary.

Thank you for your concerns and efforts.

Eric Jewkes, Sergeant
Fairbanks Police Department

Subject: New Alaska Statute

Date: Sat, 07 Feb 2004 01:12:33 -0900

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To: Representative_Jim_Holm@legis.state.ak.us

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Thank you for your concerns and efforts.

Eric Jewkes, Sergeant
Fairbanks Police Department

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: HB438-LAW-CDCO-2-13
 Bill Version: HB438
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: LAW
 Title "An Act relating to motorists moving over or RDU CRIMINAL
slowing down for emergency vehicles." Component Criminal Justice Litigation
 Sponsor Representative Holm
 Requester House Transportation Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill amends AS 28.35 by adding a new section to require that drivers of vehicles overtaking parked emergency vehicle shall vacate the lane nearest the parked emergency vehicle if two or more lanes travelling in the same direction exist. Otherwise the driver of the overtaking vehicle shall slow to 20 miles an hour below the speed limit except where the speed limit is 25 mile per hour or below, in which case the driver shall slow to five miles per hour. The amendment provides that a violation of the new section is a class A misdemeanor results in personal injury, and an infraction if not.

Passage of this legislation will have no foreseeable fiscal impact on the Department of Law.

Prepared by: Kathryn A. Daughhete, Director Phone 465-3673
 Division Administrative Services Date/Time 2/13/04 3:03 PM
 Approved by: Kathryn Daughhete for Gregg D. Renkes, Attorney General Date 2/13/2004
 Agency Department of Law

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB438-DPS-ASTD-2-11-04
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title Motorists Slowing Down for Emergency Vehs RDU Alaska State Troopers
 Component AST Detachments
 Sponsor Rep. Holm
 Requester (H) Transportation Component No. 2325

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type—Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*
 This bill will amend AS 28.35.185 to require that drivers slow or move over (depending on conditions) when they approach a stationary emergency vehicle that is displaying flashing lights on a highway or roadway.

 A violation of section AS 28.35.185 resulting in personal injury would be a class A misdemeanor; violations under other circumstances would constitute an infraction.

 This bill will have no fiscal impact on the Alaska State Troopers.

Prepared by: Lt. Al Storey Phone 269-4532
 Division Alaska State Troopers Date/Time 2/11/04 10:23 AM
 Approved by: Commissioner William Tandeske Date 2/11/2004
 Agency Department of Public Safety

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WYDOT > News



WYDOT News
5300 Bishop Blvd.
Cheyenne, WY 82009-3340

Many drivers still not complying with 'Move Over' law

Posted July 21, 2003

Two years after the law went into effect, Wyoming Highway Patrol troopers report many drivers still fail to obey the requirement that they move to the lane farthest from any emergency vehicle parked with lights flashing beside an interstate or other four-lane highway.

"I'd be willing to bet every stop we make somebody violates this law," Patrol Sgt. Steve Townsend said.

Since the law went into effect on July 1, 2001, troopers have written nearly 600 citations for violations, despite the difficulties involved in catching up with offenders.

To assist with enforcement, the Patrol sometimes has troopers work in tandem so, while one trooper is dealing with a stop, the second one can monitor the traffic and cite drivers who fail to move over or slow down.

Those who are caught face a fine and court costs totaling \$110, but failing to obey the law can lead to more serious consequences. Since the law took effect, 21 Highway Patrol vehicles have been struck while parked with emergency lights flashing beside a highway.

Patrol administrator Col. John Cox said drivers cited for failing to move over or slow down give a variety of excuses ranging from ignorance of the law to traffic not allowing them to safely move over. Cox said drivers are not cited if the lane change can't be made safely, but troopers' observations at the scene and video taken from Patrol vehicles often does not support drivers' claims that traffic wouldn't allow them to move over.

"We need to keep the issue in front of the motoring public through signing, public education and enforcement, Cox said. "When clearance is given to an emergency vehicle at roadside the safety margin is increased for not only the people at roadside, but the passing motorist and their passengers as well."

WYDOT has erected signs around the state to remind drivers of the law's requirements.

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Fuel Tax Administration
Human Resources
Highway Patrol
Aeronautics Division
Driver's Licensing
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Document URL:

http://dot.state.wy.us/web/news/press_releases/2003/moveoverII/moveover.html
Last modified: - Tuesday, 30-Dec-03 11:47:40

[§ 4511.21.3] § 4511.213. Duties upon approaching stationary public safety vehicle displaying emergency light.

(A) The driver of a motor vehicle, upon approaching a stationary public safety vehicle that is displaying a flashing red light, flashing combination red and white light, oscillating or rotating red light, oscillating or rotating combination red and white light, flashing blue light, flashing combination blue and white light, oscillating or rotating blue light, or oscillating or rotating combination blue and white light, shall do either of the following:

(1) If the driver of the motor vehicle is traveling on a highway that consists of at least two lanes that carry traffic in the same direction of travel as that of the driver's motor vehicle, the driver shall proceed with due caution and, if possible and with due regard to the road, weather, and traffic conditions, shall change lanes into a lane that is not adjacent to that of the stationary public safety vehicle.

(2) If the driver is not traveling on a highway of a type described in division (A)(1) of this section, or if the driver is traveling on a highway of that type but it is not possible to change lanes or if to do so would be unsafe, the driver shall proceed with due caution, reduce the speed of the motor vehicle, and maintain a safe speed for the road, weather, and traffic conditions.

(B) This section does not relieve the driver of a public safety vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway.

(C) No person shall fail to drive a motor vehicle in compliance with division (A)(1) or (2) of this section when so required by division (A) of this section.

(D) (1) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(2) Notwithstanding section 2929.28 of the Revised Code, upon a finding that a person operated a motor vehicle in violation of division (C) of this section, the court, in addition to all other penalties provided by law, shall impose a fine of two times the usual amount imposed for the violation.

(E) As used in this section, "public safety vehicle" has the same meaning as in section 4511.01 of the Revised Code.

HISTORY: 148 v H 86. Eff 9-28-99; 149 v. s 123, §1, eff. 1-1-04; 149 v H 490, §/4, eff. 1-1-04.

OHIO

32-31-6.1. Stop required upon approaching stopped emergency vehicle using red signals -- Requirements for approaching vehicles using amber or yellow signals -- Violation as misdemeanor. Upon approaching from any direction any stopped authorized emergency vehicle making use of red visual signals meeting the requirements of this title, the driver of every other vehicle shall come to a complete stop before reaching the stopped emergency vehicle and may, unless otherwise directed, proceed with caution only after ascertaining that it is safe to do so, and upon approaching from any direction any stopped vehicle making use of amber or yellow warning lights, the driver of every other vehicle shall:

(1) If driving on an interstate highway or other highway with two or more lanes traveling in the same direction as the vehicle, merge into the lane farthest from the vehicle and proceed with caution, unless otherwise directed; or

(2) If driving on a two lane highway, slow to a speed that is at least twenty miles per hour less than the posted speed limit or five miles per hour when the speed limit is posted at twenty miles per hour or less and proceed with caution, unless otherwise directed.

A violation of this section is a Class 2 misdemeanor.

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321.323A Approaching certain stationary vehicles.

1. The operator of a motor vehicle approaching a stationary authorized emergency vehicle that is displaying flashing yellow, amber, white, red, or red and blue lights shall approach the authorized emergency vehicle with due caution and shall proceed in one of the following manners, absent any other direction by a peace officer:

a. Make a lane change into a lane not adjacent to the authorized emergency vehicle if possible in the existing safety and traffic conditions.

b. If a lane change under paragraph "a" would be impossible, prohibited by law, or unsafe, reduce the speed of the motor vehicle to a reasonable and proper speed for the existing road and traffic conditions, which speed shall be less than the posted speed limit, and be prepared to stop.

2. The operator of a motor vehicle approaching a stationary towing or recovery vehicle, or a stationary highway maintenance vehicle, that is displaying flashing yellow, amber, or red lights shall approach the vehicle with due caution and shall proceed in one of the following manners, absent any other direction by a peace officer:

a. Make a lane change into a lane not adjacent to the towing, recovery, or highway maintenance vehicle if possible in the existing safety and traffic conditions.

b. If a lane change under paragraph "a" would be impossible, prohibited by law, or unsafe, reduce the speed of the motor vehicle to a reasonable and proper speed for the existing road and traffic conditions, which speed shall be less than the posted speed limit, and be prepared to stop.

Section History: Recent form

2002 Acts, ch 1013, §1

Footnotes

For applicable scheduled fines, see §805.8A, subsection 11, paragraph b

Previous Section [321.323](#)

Next Section [321.324](#)

