

**HB**

**268**

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am

**Representative Jay Ramras**  
**Co-Chair, House Resources**  
**V-Chair, Economic Develop.**  
**Tourism & Trade**

**House State Affairs**  
119 N. Cushman St. Suite 207  
Fairbanks, Alaska 99701  
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# Alaska State Legislature



While in Session  
State Capitol, Room 104  
Juneau, Alaska 99801-1182  
(907) 465-3004  
Fax: 465-2070  
Toll Free: (877) 465-3004

House District 10

## House of Representatives

### MEMO

To: Representative Carl Gatto, Co-Chair House Transportation Committee

Fm: Representative Jay Ramras

Cc:

Date: April 14, 2005, 11:11 AM

Re: Request for hearing of HB 268

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Please accept this memo as a request for the House Transportation Committee to hear House Bill 268, "Relating to overtaking and passing certain stationary vehicles." HB 268 is a bill that works to keep more types of emergency vehicle operators safe when operating in hazardous traffic environments, specifically tow truck and animal control workers.

Thank you in advance for scheduling HB 268 before the Transportation Committee.

Attachments: Sponsor Statement, Sectional, and HB 268.

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## Sponsor Statement

### HB 268

HB 268 is a bill that will further clarify the current law regarding drivers passing emergency vehicles that are required to display flashing emergency lights on a highway or roadway. Currently, AS 28.35.185 requires drivers to vacate the lane closest to stopped emergency vehicles. Emergency vehicles, under current law, are police and fire vehicles. HB X will change the law to include other vehicles that should be treated with the same amount of caution, specifically tow trucks and animal control vehicles.

HB 268 simply works to make sure that drivers are more cautious when approaching more kinds of emergency situations, especially situations where there is a significant risk of injury to the tow truck operator or animal control specialist.

# FISCAL NOTE

**STATE OF ALASKA**  
**2005 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB268-DPS-ASTD-4-18-05  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Public Safety  
 Title: "An Act relating to overtaking and passing certain RDU Alaska State Troopers  
stationary vehicles." Component: AST Detachments  
 Sponsor: Representative Ramras  
 Requester: House Transportation Committee Component No.: 2325

**Expenditures/Revenues (Thousands of Dollars)**

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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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)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2005) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

This bill amends AS 28.35.185. This legislation adds language designating tow trucks in the act of picking up a vehicles from the roadway and animal control vehicles in the act of removing animals from the roadway, to the list of vehicles that require drivers operating in two or more lanes traveling in the same direction to safely vacate the lane closest to these vehicles, unless directed by law enforcement.

No fiscal impact on the Department of Public Safety is anticipated.

Prepared by: Lieutenant Todd Sharp Phone 907-465-3223  
 Division: Alaska State Troopers Date/Time 4/18/05 11:29 AM  
 Approved by: Commissioner William Tandeske Date 4/18/2005  
 Agency: Department of Public Safety

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#### Sectional Summary

#### HB 268/Overtaking and passing certain stationary vehicles Work Order 24-LS0872\A

**Section 1.** Currently, the "move over" law applies to emergency police and fire vehicles, which requires drivers to merge into the lane farthest from the vehicles when they are stopped on the highway using their emergency lights. Section one of HB 268 adds both tow trucks and animal control vehicles to the list of vehicles that drivers must "move over" for. HB 268 does not change current statute in regards to the ability of police and fire officials to direct traffic as necessary.

Sec. ~~28.35.185~~. Overtaking and passing a parked emergency vehicle.

(a) The driver of a vehicle that approaches a stationary emergency, fire, or law enforcement vehicle displaying flashing emergency lights on a highway or roadway

(1) with two or more lanes traveling in the same direction, unless otherwise directed by law enforcement or emergency personnel, shall safely vacate the lane closest to the emergency, fire, or law enforcement vehicle; or

(2) unless otherwise directed by law enforcement or emergency personnel, shall slow to a reasonable and prudent speed considering the traffic, roadway, and weather conditions.

(b) A person who violates this section is guilty of

(1) a class A misdemeanor if personal injury results from the person's failure to vacate the lane or slow as required by this section;

(2) an infraction, under circumstances other than in (1) of this subsection.

*Sec. 28.35.190. Penalty for violation of certain sections. [Repealed, Sec. 47 ch 32 SLA 1971].*

Repealed or Renumbered

*Sec. 28.35.200. Unlawful operation of vehicles. [Repealed, Sec. 20 ch 241 SLA 1976].*

Repealed or Renumbered

*Sec. 28.35.210. Seizure of unsafe or defectively equipped vehicles. [Repealed by implication by AS 28.05.09, enacted by Sec. 6 ch 178 SLA 1978].*

Repealed or Renumbered

*Sec. 28.35.220. Action by state for damages. [Repealed, Sec. 20 ch 241 SLA 1976].*

Repealed or Renumbered

Sec. 28.35.225. Enforcement.

All law enforcement officers in this state and employees of the Department of Public Safety designated by that department's commissioner shall enforce this title and regulations adopted under this title. The state troopers shall advise and instruct all other law enforcement officers in the state concerning the requirements of this title and regulations adopted under this title.

Sec. ~~12.55.135~~. Sentences of imprisonment for misdemeanors.

(a) A defendant convicted of a class A misdemeanor may be sentenced to a definite term of imprisonment of not more than one year.

(b) A defendant convicted of a class B misdemeanor may be sentenced to a definite term of imprisonment of not more than 90 days unless otherwise specified in the provision of law defining the offense.

(c) A defendant convicted of assault in the fourth degree that is a crime involving domestic violence committed in violation of the provisions of an order issued or filed under AS 12.30.027 or AS 18.66.100 - 18.66.180 and not subject to sentencing under (g) of this section shall be sentenced to a minimum term of imprisonment of 20 days.

(d) A defendant convicted of assault in the fourth degree who knowingly directed the conduct constituting the offense at a uniformed or otherwise clearly identified peace officer, fire fighter, correctional employee, emergency medical technician, paramedic, ambulance attendant, or other emergency responder who was engaged in the performance of official duties at the time of the assault shall be sentenced to a minimum term of imprisonment of