

**HB**

**268**

## SENATE COMMITTEE REPORT

DATE: 5/4/05

FURTHER:

DATE TURNED  
IN TO OFFICE: \_\_\_\_\_

Judiciary Committee considered CS FOR HOUSE BILL NO. 268(JUD)

### HB 268 OVERTAKING/PASSING STATIONARY VEHICLES

"An Act relating to overtaking and passing certain stationary vehicles."

and recommends:

- be replaced with \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to \_\_\_\_\_ Committee

**CS Senate Bill:**

- Same Title
- New Title

**SCS House Bill:**

- Same Title
- Technical Title Change
- New Title w/ SCR # \_\_\_\_\_

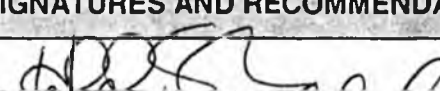



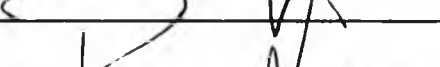

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	Do PASS	Do NOT PASS	NO REC	AMEND
			X	
			X	
			X	
			X	
				
CHAIR: 	✓			

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

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## Alaska State Legislature



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**House District 10**

### House of Representatives

## 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 268 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: 1  
 Bill Version: HB 268  
 (H) Publish Date: 4/21/05

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Public Safety  
 Title: "An Act relating to overtaking and passing certain stationary vehicles." RDU: Alaska State Troopers  
 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

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

**Statute text**

(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.

**History**

(§ 1 ch 44 SLA 2004)

**Annotations**

Effective dates. Section 1, ch. 44, SLA 2004 makes this section effective September 2, 2004.

**Sec. 28.40.050. Penalties for violations of law, regulations, and municipal ordinances.**

(c) Unless otherwise specified by law a person convicted of a violation of a regulation adopted under this title, or a municipal ordinance regulating vehicles or traffic when the municipal ordinance does not correspond to a provision of this title, is guilty of an infraction and is punishable by a fine not to exceed \$300.

(d) An infraction, as provided for in (c) of this section, is not considered a criminal offense and may not result in imprisonment, nor is a fine imposed for the commission of an infraction considered a penal or criminal punishment; nor may the commission of a single infraction result in the loss of a driver's license or privilege to drive in this state except as may result from the accumulation of points under AS 28.15.221 - 28.15.261, or the registration of vehicles; nor does a person cited with an infraction have a right to trial by jury or to court-appointed counsel.

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

**Statute text**

(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

(1) 60 days if the defendant violated AS 11.41.230(a)(1) or (2);

(2) 30 days if the defendant violated AS 11.41.230(a)(3).

(e) If a defendant is sentenced under (c), (d), or (h) of this section,

(1) execution of sentence may not be suspended and probation or parole may not be granted until the minimum term of imprisonment has been served;

(2) imposition of a sentence may not be suspended except upon condition that the defendant be imprisoned for no less than the minimum term of imprisonment provided in the section; and

(3) the minimum term of imprisonment may not otherwise be reduced.

(f) A defendant convicted of vehicle theft in the second degree in violation of AS

11.46.365(a)(1) shall be sentenced to a definite term of imprisonment of at least 72 hours but not more than one year.