

**HB**

**102**



## HOUSE JUDICIARY COMMITTEE

STATE CAPITOL, ROOM 120  
(907) 465-4990

### COMMITTEE MEMBERS

Rep. Jay Ramras  
Chairman  
Room, 118  
(907) 465-3004

Rep. Nancy Dahlstrom  
Vice-Chairman  
Room 409  
(907) 465-3783

Rep. John Coghill  
Room 214  
(907) 465-3719

Rep. Bob Lynn  
Room 104  
(907) 465-4931

Rep. Ralph Samuels  
Room 204  
(907) 465-2095

Rep. Max Gruenberg  
Room 110  
(907) 465-4940

Rep. Lindsey Holmes  
Room 405  
(907) 465-4919

### MEMORANDUM

Date: February 26, 2007

To: Representative John Coghill  
Chairman House Rules Committee

From: Jane W. Pierson  
House Judiciary Committee Aide

Re: HB102 Judiciary Referral File

---

Attached are the following documents for HB102

- HB102 (2<sup>5</sup>-LS0399\A)
- SPONSOR STATEMENT
- SECTIONAL
- FISCAL NOTES
  - 1) DMV – 0 FISCAL NOTE
  - 2) LAW – 0 FISCAL NOTE
  - 3) DPS – 0 FISCAL NOTE
- SUPPORT
  - 1) Alaska Association of Chiefs of Police – Resolution
  - 2) Public Safety Employees Association, Inc. – HB102 Position Paper
  - 3) DPS letter of support
- AS 28.35.185

REPRESENTATIVE  
**JOHN COGHILL**  
HOUSE RULES  
COMMITTEE CHAIRMAN

During Interim: (June-Dec.)  
3340 Badger Road  
Suite 290  
North Pole, Alaska 99705  
(907) 488-5725  
Fax (907) 488-4271

# Alaska State Legislature



DISTRICT 11

During Session: (Jan.-May)  
State Capito', Room 214  
Juneau, Alaska 99801-1182  
(907) 465-3719  
Fax (907) 465-3258  
1-877-465-3719

## House of Representatives

### SPONSOR STATEMENT

#### HB 102

*"An Act relating to vacating lanes or slowing down for certain vehicles stopped along the side of a road."*

This bill will provide greater protection to law enforcement and emergency personnel who are performing official duties on single lane or double lane highways by providing clear directives for drivers approaching emergency vehicles.

When the legislature originally passed this legislation the law stated that on a highway with two or more lanes in the same direction a driver approaching emergency vehicles performing official duties, the driver shall vacate the lane closest to the emergency vehicle or slow to a reasonable and prudent speed. The "or" clause made enforcement of this bill very difficult. Additionally the original law did not address driver responsibility when driving on a single lane highway.

This legislation changes the wording in order to compel drivers traveling on a highway with two or more lanes in the same direction to change lanes if possible in existing safety and traffic conditions. If it is not possible for the driver to change lanes they must slow to a reasonable and prudent speed. If the highway has less than two lanes the driver shall slow to a reasonable and prudent speed.

HB 102 clearly conveys, and now provides the clear language for enforcement, of the legislatures intent to provide maximum safety to law enforcement and emergency personnel performing official duties along our highways.

REPRESENTATIVE  
**JOHN COGHILL**  
HOUSE RULES  
COMMITTEE CHAIRMAN

During Interim: (June-Dec.)  
3340 Badger Road  
Suite 290  
North Pole, Alaska 99705  
(907) 488-5725  
Fax (907) 488-4271

# Alaska State Legislature



DISTRICT 11

During Session: (Jan.-May)  
State Capitol, Room 214  
Juneau, Alaska 99801-1162  
(907) 465-3719  
Fax (907) 465-3258  
1-877-465-3719

## House of Representatives

### SECTIONAL

#### HB 102

*"An Act relating to vacating lanes or slowing down for certain vehicles stopped along the side of a road."*

#### Section 1: Overtaking and passing certain stationary vehicles(a)

(1)

(A) deletes the word SAFELY and adds if possible in the existing safety and traffic conditions which allows for the possibility that a driver may not be able to safely vacate the lane closest to emergency vehicles.

(B) adds a new subsection if a lane change under (A) of this paragraph would be impossible, prohibited by law, or unsafe, slow to a reasonable and prudent speed considering the traffic, roadway, and weather conditions; which directs a driver to slow to a reasonable and prudent speed if a lane change is not possible.

(2) with fewer than two lanes traveling in the same direction, address the action that a driver will take when coming upon emergency vehicles on a highway with fewer than two lanes.

# FISCAL NOTE

**STATE OF ALASKA**  
**2007 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
Bill Version: HB 102  
(H) Publish Date: 2/19/07

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Administration  
Title "An Act relating to vacating lanes or slowing down RDU Division of Motor Vehicles  
for certain vehicles stopped...." Component Motor Vehicles  
Sponsor Rep. Coghill Component No. 2348  
Requester (H) TRA

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

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
<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>	0.0	0.0	0.0	0.0	0.0	0.0
-----------------------------	-----	-----	-----	-----	-----	-----

<b>CHANGE IN REVENUES ( )</b>	0.0	0.0	0.0	0.0	0.0	0.0
-------------------------------	-----	-----	-----	-----	-----	-----

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
<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 (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

**POSITIONS**

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

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

This bill does not impact the Division of Motor Vehicles.

Prepared by: Duane Bannock, director  
Division: Motor Vehicles  
Approved by: Kevin Eriks, Deputy Commissioner  
Agency: Department of Administration

Phone 465-2200  
Date/Time 2/10/2007 11:00am  
Date 2/12/2007

# FISCAL NOTE

**STATE OF ALASKA**  
**2007 LEGISLATIVE SESSION**

Fiscal Note Number: 2  
 Bill Version: HB 102  
 (H) Publish Date: 2/19/07

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Law  
 Title An Act relating to passing stationary vehicles. RDU Criminal  
 Component Criminal Justice Litigation  
 Sponsor Representative Coghill  
 Requester House Transportation Component No. \_\_\_\_\_

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

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
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>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**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 (FY2007) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

The bill would require a driver to safely vacate the adjacent lane or slow to a reasonable speed when passing certain stationary vehicles being used to perform official duties. The bill would apply to tow-trucks as well as police, fire, emergency and animal control vehicles when the stationary vehicle is displaying flashing emergency lights. The department does not anticipate any significant fiscal impact.

Prepared by: Robert Meiners, Acting Director  
 Division: Administrative Services Division  
 Approved by: Robert Meiners for Talis Colberg, Attorney General  
 Agency: Department of Law

Phone 465-5427  
 Date/Time 2/13/07 10:27 AM  
 Date 2/13/2007

# FISCAL NOTE

**STATE OF ALASKA**  
**2007 LEGISLATIVE SESSION**

Fiscal Note Number: 3  
 Bill Version: HB 102  
 (H) Publish Date: 2/19/07

Revision Date/Time : \_\_\_\_\_ Dept. Affected: Public Safety  
 Title An act relating to passing stationary vehicles RDU Alaska State Troopers  
 Ccomponent AST Detachments  
 Sponsor Representative Coghill  
 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 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
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>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**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 (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

This bill is an act relating to vacating lanes or slowing down for certain vehicles stopped along the side of a road.

Passage of this legislation will have no fiscal impact on the Department of Public Safety.

Prepared by: Lt. Rodney Dial Phone 907-247-4480  
 Division Division of Alaska State Troopers Date/Time 2/9/07 1600  
 Approved by: Commissioner Walt Monegan Date 2/14/2007  
 Agency Department of Public Safety

**ALASKA ASSOCIATION OF CHIEFS OF POLICE  
RESOLUTION**

**A RESOLUTION URGING THE MEMBERS OF THE ALASKA STATE  
LEGISLATURE TO AMEND THE WORDING OF A.S. 28.35.185, THE "MOVE OVER  
LAW" SO AS TO SATISFY THE ORIGINAL INTENT OF THE STATUTE.**

**WHEREAS**, each year while conducting traffic-stops, police officers are needlessly injured and killed when struck by passing motorists; and

**WHEREAS**, the Alaska State Legislature recognized this danger in 2004, drafting and passing A.S. 28.35.185, the "move-over law;" and

**WHEREAS**, the members of the Alaska Association of Chiefs of Police believe that the *intent* of the Statute was to require motorists on multi-lane roadways to move over to the far lane when passing a stopped emergency vehicle, provided it is safe to do so; and

**WHEREAS**, the actual language of the Statute states:


- (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; and

**WHEREAS**, the use of the word "or," without any following qualifier, negates the mandate for a motorist to *ever* move over, should they simply decide not to do so;

**NOW THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ALASKA ASSOCIATION OF CHIEFS OF POLICE, that:**

The Alaska State Legislature is urged by our members to amend the wording of A.S. 28.35.185, section (2), as follows:

- (2) when traffic or other conditions make it unsafe to move over as directed in section (1), or unless otherwise directed by law enforcement or emergency personnel, the driver shall slow to a reasonable and prudent speed considering the traffic, roadway, and weather conditions.



**TOM CLEMONS, President  
Alaska Association of Chiefs of Police**

ADOPTED: December 5, 2006

**Public Safety Employees Association, Inc.**  
***"Representing Alaska's Finest"***

**HB 102 Position Paper**

The Public Safety Employees Association supports HB 102. The bill's goal is to correct a technical error in AS 28.35.195. The bill clarifies the requirement for motorists to vacate lanes or slow down when coming upon an accident. The bill promotes safety, encourages the most expedient flow of traffic, and protects public safety and emergency responders during highway emergencies or enforcement.

Accidents on our highways endanger more than the motorists involved in the accident, so expedient efforts to clear an accident and to slow traffic during a mishap prevents the further loss of property, life or injury.

HB 102 clarifies the intent of AS 28.35 to require motorists, when approaching either emergency or law enforcement vehicles performing official duties, to vacate the lane on highways with two or more lanes, and for motorists to slow to a reasonable and prudent speed on highways with fewer than two lanes. Requiring motorists to vacate a lane where an accident has occurred on multilane highways promotes safer driving conditions for motorists and provides a cushion in which emergency responders and law enforcement can more safely perform their duties. Requiring motorists to reduce speed on single lane highways, when approaching a scene where either law enforcement or emergency responders are working, is safer for motorists and for those performing their public safety duties and responsibilities.

HB 102 has the potential to save the lives of public safety officers conducting traffic stops, emergency personnel responding to accidents, tow truck operators working an accident, and fire fighters stabilizing an accident area.

We appreciate Representatives John Coghill and Nancy Dahlstrom for offering this technical change so that AS 28,35 achieves the purpose for which it was offered in 2004.

2/15/07



State of Alaska  
Department of  
**Public Safety**

Sarah Palin, Governor  
Walt Monegan, Commissioner

February 22, 2007

The Honorable John Coghill  
House of Representatives  
Alaska State Capitol, Rm 214  
Juneau, AK 99801-1182

Dear Representative Coghill:

Re: HB 102

The Alaska Department of Public Safety (DPS) supports HB 102. Currently, more than 30 states have laws similar to HB 102 that are referred to as move-over-laws, intended to help protect police officers, fire and other emergency responders as they perform their missions on our nation's crowded highways.

Thirty percent of all crashes occur as the result of another crash. Giving emergency responders plenty of room and clearing the road in the wake of a crash reduces the chance that another collision will occur. Additionally, for every minute a highway lane is closed, it takes an average of four additional minutes for traffic to recover.<sup>1</sup>

Over the past ten years, four hundred seventy-one police officers nationwide have died in traffic related accidents, including one hundred forty-six who have been struck by vehicles.<sup>2</sup> Last year alone, thirteen law enforcement officers were struck and killed by passing vehicles while they worked outside their patrol cars.<sup>3</sup>

The Department of Public Safety supports the passage of HB 102 as a positive step in protecting those who protect the citizens of Alaska.

Sincerely,

Walt Monegan  
Commissioner

<sup>1</sup> <http://www.gahighwaysafety.org/moveoverlaw.html>

<sup>2</sup> 2007 National Law Enforcement Officers Memorial

<sup>3</sup> FBI traffic statistics

Office of the Commissioner  
5700 E. Tudor Road - Anchorage, AK 99507 - Voice (907) 269-5088 - Fax (907) 269-4543  
Juneau Office - Voice (907) 465-4322 - Fax (907) 465-4362