

HB

102

Alaska State House of Representatives

Interim:

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North Pole, AK 99705
Phone: (907) 488-5725
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*Session:*

State Capitol, Room 214
Juneau, AK 99801-1182
Phone: (907) 465-3719
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Sponsor Statement from:

Representative John Coghill

R - District 11

RELEASED: January 31, 2007

CONTACT: Rep. John Coghill 465-3719

HB102 - Passing Stationary Vehicles

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

Status: TRANSMITTED TO (S) >> (S) TRA : 2007-03-02

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.

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House Majority Press: <http://housemajority.org/spon.php?id=25HB102>

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
 Requester: (H) TRA Component No.: 2348

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
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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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
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

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 Brooks, 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						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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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 (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 Phone 465-5427
 Division Administrative Services Division Date/Time 2/13/07 10:27 AM
 Approved by: Robert Meiners for Talis Colberg, Attorney General Date 2/13/2007
 Agency Department of Law

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
 Component 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						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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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 (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

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 99801-1182
(907) 465-3719
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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 legislature's 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
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Fax (907) 488-4271

Alaska State Legislature



DISTRICT 11

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State Capitol, Room 214
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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 (1) 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.

**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

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: HB102-DOA-DMV-2-10-07
 Bill Version: HB 102
 () Publish Date: _____

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
 Requester (H) TRA Component No. 2348

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
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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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
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

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 Brooks, Deputy Commissioner
 Agency: Department of Administration

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

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: HB102-LAW-CJL-2-13-07
 Bill Version: HB 102
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
 Title An Act relating to passing stations; vehicles. RDU Criminal
 Component Criminal Justice Litigation
 Sponsor Representative Coghil
 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						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

1002 Federal Receipts						
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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 (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 Tais 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: HB102-DPS-AST-2-14-07
Bill Version: HB 102
() Publish Date: _____

Revision Date/Time : _____
Title An act relating to passing stationary vehicles

Dept. Affected: Public Safety
RDU Alaska State Troopers
Component 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						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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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 (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
Division: Division of Alaska State Troopers
Approved by: Commissioner Walt Monegan
Agency: Department of Public Safety

Phone 907-247-4480
Date/Time 2/9/07 1800
Date 2/14/2007

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 28.35.185. 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