

HEB

102

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						
-----------------------------	--	--	--	--	--	--

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

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

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						
-----------------------------	--	--	--	--	--	--

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

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
 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: 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

REPRESENTATIVE
JOHN COGHILL
HOUSE RULES
COMMITTEE CHAIRMAN

During Interim: (June-Dec.)
3340 Badger Road
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(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
Fax (907) 465-3258
1-877-465-3719

House of Representatives

MEMORANDUM

Date: March 6, 2007

To: Senator Kookesh, Chairman
Transportation Committee

From: Representative John Coghill 
House Rules Chairman

Re: Transportation Committee Hearing - HB 102

Please schedule a hearing for HB 102 "An Act relating to vacating lanes or slowing down for certain vehicles stopped along the side of a road."

I have attached a Sponsor Statement, Sectional, and letters of support for your information and distribution to committee members.

Thank you.

REPRESENTATIVE
JOHN COGHILL
HOUSE RULES
COMMITTEE CHAIRMAN

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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 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

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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 (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.



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.¹

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.² Last year alone, thirteen law enforcement officers were struck and killed by passing vehicles while they worked outside their patrol cars.³

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

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

² 2007 National Law Enforcement Officers Memorial

³ FBI traffic statistics

**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 28.35.185. 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

ALASKA STATE LEGISLATURE
HOUSE BILL NO. 102

HISTORY IN THE HOUSE

HISTORY IN THE SENATE

2007

2007

Read first time and referred to:

Read first time and referred to:

1/22

3/2

TRA Jud

TRA

2/19

TRA RPT CS() New Title
4 DP 0 DNP 0 NR 0 AM
FN 3 OFN / Prev: FN OFN

RPT SCS() NT: SCR
DP DNP NR AM
FN OFN / Prev: FN OFN
To: _____

2/28

Jud RPT CS() New Title
1e DP 0 DNP 0 NR 0 AM
FN OFN / Prev: FN 3 OFN

RPT SCS() NT: SCR
DP DNP NR AM
FN OFN / Prev: FN OFN
To: _____

RPT CS() New Title
DP DNP NR AM
FN OFN / Prev: FN OFN

RPT SCS() NT: SCR
DP DNP NR AM
FN OFN / Prev: FN OFN
To: _____

RPT CS() New Title
DP DNP NR AM
FN OFN / Prev: FN OFN

3/1

Read second time

Read second time

CS() Adopted New Title

SCS() Adopted New Title

Amended _____
 HC Advanced / 3rd Rdg. _____

Amended _____
 _____ Advanced / 3rd Rdg. _____

3/1

Read third time

Read third time

Title Amendment
 Return to 2nd & amended _____

Title Amendment
 Return to 2nd & amended _____

Passed Y34 N0 E4 A2

Passed Y ___ N ___ E ___ A ___

EFD same or Y ___ N ___ E ___ A ___

EFD same or Y ___ N ___ E ___ A ___

CBR same or Y ___ N ___ E ___ A ___

CBR same or Y ___ N ___ E ___ A ___

CRT same or Y ___ N ___ E ___ A ___

CRT same or Y ___ N ___ E ___ A ___

Reconsideration

Reconsideration

Reconsideration not taken up

Reconsideration not taken up

Title Amendment
 Return to 2nd & amended _____

Title Amendment
 Return to 2nd & amended _____

Passed/Rec Y ___ N ___ E ___ A ___

Passed/Rec Y ___ N ___ E ___ A ___

EFD same or Y ___ N ___ E ___ A ___

EFD same or Y ___ N ___ E ___ A ___

CBR same or Y ___ N ___ E ___ A ___

CBR same or Y ___ N ___ E ___ A ___

CRT same or Y ___ N ___ E ___ A ___

CRT same or Y ___ N ___ E ___ A ___

3/1

Engrossed, signed by the Speaker
Transmitted to the Senate

Engrossed, signed by the President
Returned to the House

[Signature]
Chief Clerk of the House

[Signature]
Secretary of the Senate

HOUSE-SENATE HISTORY (continued)

20

Version Received from the Senate:

Concur in Senate Amendment
Y _____ N _____ E _____ A _____

[] EFD same or Y _____ N _____ E _____ A _____
[] CBR same or Y _____ N _____ E _____ A _____
[] CRT same or Y _____ N _____ E _____ A _____

Failed concu in Senate amd., ask Senate recede
Y _____ N _____ E _____ A _____

Senate failed to recede from amendment
Y _____ N _____ E _____ A _____

CC appointed by House _____ Chair

CC appointed by Senate _____ Chair

(H) Granted Limited Powers of Free Conference
(S) Granted Limited Powers of Free Conference

20

(H) Adopted CC Rpt _____
Y _____ N _____ E _____ A _____
[] EFD same or Y _____ N _____ E _____ A _____
[] CBR same or Y _____ N _____ E _____ A _____
[] CRT same or Y _____ N _____ E _____ A _____

(S) Adopted CC Rpt _____
Y _____ N _____ E _____ A _____
[] EFD same or Y _____ N _____ E _____ A _____
[] CBR same or Y _____ N _____ E _____ A _____
[] CRT same or Y _____ N _____ E _____ A _____

Sent to enrolling
Received from Enrolling _____ Manifest Error

Sent to Governor
_____ By Governor

Chapter Number _____

Filed with Lieutenant Governor

HOUSE BILL NO. 102

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES COGHILL, Dahlstrom, Ramras, Lynn

Introduced: 1/22/07

Referred: Transportation, Judiciary

A BILL

FOR AN ACT ENTITLED

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

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 28.35.185(a) is amended to read:

5 (a) The driver of a vehicle that approaches a stationary emergency vehicle, fire
6 vehicle, law enforcement vehicle, tow truck in the act of picking up a vehicle, or
7 animal control vehicle being used to perform official duties, when the stationary
8 vehicle is displaying flashing emergency lights on a highway or roadway

9 (1) with two or more lanes traveling in the same direction, unless
10 otherwise directed by law enforcement or emergency personnel, shall

11 (A) if possible in the existing safety and traffic conditions,

12 [SAFELY] vacate the lane closest to the emergency vehicle, fire vehicle, law
13 enforcement vehicle, tow truck in the act of picking up a vehicle, or animal
14 control vehicle being used to perform official duties; or

1
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3
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(B) 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;

(2) with fewer than two lanes traveling in the same direction, unless otherwise directed by law enforcement or emergency personnel, shall slow to a reasonable and prudent speed considering the traffic, roadway, and weather conditions.

HR 107

REPRESENTATIVE
JOHN COGHILL
HOUSE RULES
COMMITTEE CHAIRMAN

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Alaska State Legislature



DISTRICT 11


During Session: (Jan.-May)
State Capitol, Room 214
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(907) 465-3719
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1-877-465-3719

House of Representatives

MEMORANDUM

Date: March 6, 2007

To: Senator Kookesh, Chairman
Transportation Committee

From: Representative John Coghill 
House Rules Chairman

Re: Transportation Committee Hearing - HB 102

Please schedule a hearing for HB 102 "An Act relating to vacating lanes or slowing down for certain vehicles stopped along the side of a road."

I have attached a Sponsor Statement, Sectional, and letters of support for your information and distribution to committee members.

Thank you.

REPRESENTATIVE
JOHN COGHILL
HOUSE RULES
COMMITTEE CHAIRMAN

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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 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

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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 (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.



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.¹

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.² Last year alone, thirteen law enforcement officers were struck and killed by passing vehicles while they worked outside their patrol cars.³

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

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

² 2007 National Law Enforcement Officers Memorial

³ FBI traffic statistics

**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:

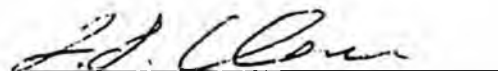
- (1) with two or more lanes traveling in the same direction, unless otherwise directed by law enforcement or emergency personnel, shall safely vacate the lane closest to the emergency, fire, or law enforcement vehicle, or
- (2) unless otherwise directed by law enforcement or emergency personnel, shall 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 28.35.185. 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.

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