

# MÉMOIRE

PRÉSENTÉ PAR



**L'ASSOCIATION DES POLICIÈRES ET POLICIERS PROVINCIAUX DU QUÉBEC**

À

LA COMMISSION DES INSTITUTIONS

**PROJET DE LOI N<sup>o</sup> 57**

Loi modifiant l'encadrement des cinémomètres photographiques et des systèmes photographiques de contrôle de circulation aux feux rouges et d'autres dispositions législatives

Avril 2012

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## AVANT-PROPOS

L'Association des policières et policiers provinciaux du Québec, représentant 5 183 policiers et policières de la Sûreté du Québec, tient à remercier la Commission de l'opportunité qui lui est donnée de faire valoir son point de vue concernant les modifications proposées au *Code de la sécurité routière* par l'adoption du Projet de loi 57.

Tout d'abord, nous procéderons dans la présentation de nos observations et commentaires dans le même ordre que les dispositions du projet de loi à l'étude.

Ensuite, nous désirons vous suggérer de profiter de l'adoption du Projet de loi 57 pour y insérer une nouvelle disposition au *Code de la sécurité routière*, laquelle nous semble importante à la fois pour la sécurité des policiers et celle des citoyens qui circulent sur les routes du Québec.

En effet, nous croyons qu'il serait opportun que le Québec adopte une disposition obligeant les conducteurs à développer le réflexe communément appelé aux États-Unis et ailleurs au Canada comme étant le « *Move over law* ».

Des précisions et des éléments d'informations exhaustifs vous seront donc communiqués à ce sujet en deuxième partie de ce mémoire.

## ANALYSE

Il importe de rappeler que l'Association a déjà eu par le passé l'occasion de s'exprimer devant la Commission sur le sujet des cinémomètres photographiques, à savoir en 2002 et en décembre 2007. À ces occasions, des recommandations de la nature d'un renoncement à l'implantation de ces appareils avaient été faites, le choix du législateur, est-il utile de le souligner, s'est fait dans une tout autre orientation et l'Association en prend acte.

### 1. LES LIMITES QUANT À L'UTILISATION DES CINÉMOMÈTRES PHOTOGRAPHIQUES

Par ailleurs, nous comprenons aisément que le contexte d'implantation des cinémomètres au Québec a évolué depuis. Toutefois, nous croyons également que les appréhensions de l'Association dans ses mémoires précédents quant à l'utilisation de ces appareils sont toujours d'actualité et illustrent avec éloquence la limite inhérente de l'utilisation des cinémomètres photographiques.

Tout d'abord, nous soulignons d'emblée que le cinémomètre photographique n'est certainement pas une panacée apte à résoudre tous les maux produits par la conduite routière délinquante.

En effet, les limites de l'utilisation de ces appareils peuvent être résumées de la façon suivante :

- Il est essentiel de considérer le rôle indispensable des interceptions policières dans la sécurité du public.
- Il est fréquent que des interceptions, suite à la constatation par des policiers d'une infraction au *Code de la sécurité routière* comme les excès de vitesse ou l'omission d'arrêter à un feu rouge, permettent de découvrir la commission d'autres infractions de nature criminelle.
- Dans le même ordre d'idées, l'interception policière directe permet d'empêcher le délinquant routier de poursuivre sa course et d'être impliqué un peu plus loin dans un malheureux accident pouvant occasionner des blessures ou même des décès.
- Il ne faut pas négliger non plus que les policiers ont aussi pour mission de sensibiliser la population et de prévenir la commission d'infractions. Dès lors, il est important de privilégier le contact entre les forces de l'ordre et le citoyen à plus forte raison que, pour le citoyen ordinaire, le

seul fait de devoir faire face à un policier lors d'une interception est en soi un élément dissuasif important.

- L'intervention directe des policiers lors d'une intervention permet l'imposition de points d'inaptitude, ce qui a l'avantage d'une application égalitaire de la loi, sans égard à la condition sociale. Sans qu'il soit nécessaire de remettre en cause l'absence de points d'inaptitude pour les infractions constatées par le cinémomètre photographique, l'application de ce principe milite toutefois à notre avis pour la limitation de l'utilisation de ce type d'appareil et éviter d'en faire une généralisation sur l'ensemble du territoire québécois.

## **2. RECOMMANDATION N° 1**

Pour les motifs énumérés précédemment, l'Association recommande au gouvernement que :

*L'utilisation des cinémomètres photographiques soit limitée aux abords des routes et autoroutes où une interception policière ne pourrait être faite sans risque pour le citoyen et le policier.*

## **3. ARTICLE 14 DU PROJET DE LOI (592.2.1 DU CSR)**

L'Association est en accord avec la disposition insérant le nouvel article 592.2.1, prévoyant que le propriétaire ou le conducteur du véhicule d'urgence ne peuvent être déclarés coupables d'une infraction constatée par une photographie prise au moyen d'un cinémomètre photographique ou d'un système photographique de contrôle de circulation aux feux rouges. En effet, cet ajout nous semble tout à fait opportun puisque les nombreuses tracasseries administratives instaurées depuis la mise en place des cinémomètres photographiques en 2007 nous semblent suffisamment lourdes pour justifier cette mesure.

À notre avis, l'instauration de cette disposition est d'autant plus justifiée qu'à la lecture du rapport d'activités de la Sûreté du Québec 2010-2011 il y est mentionné que le nombre d'interventions policières en vertu du *Code de la sécurité routière*, en plus des interventions pour des appels de priorité 1 et 2 sur le territoire québécois, totalise plus d'un million d'interventions pour les seuls membres de la Sûreté du Québec. Il va de soi que toutes ces situations peuvent aisément engendrer qu'un conducteur de véhicule d'urgence puisse avec justification et à bon droit être capté par ce type d'appareil comme étant en infraction.

#### **4. ENDROITS OÙ PEUVENT ÊTRE UTILISÉS LES CINÉMOMÈTRES PHOTOGRAPHIQUES ET LES SYSTÈMES PHOTOGRAPHIQUES DE CONTRÔLE DE LA CIRCULATION AUX FEUX ROUGES, ARTICLE 18 (6.34.3 DU CSR)**

L'Association est favorable à ce que le ministère des Transports et celui de la Sécurité publique conservent le contrôle de la détermination des endroits où seront installés les appareils cinémomètres photographiques et des systèmes d'appareils photographiques de contrôle de la circulation aux feux rouges.

Cette façon de faire nous semble davantage souhaitable que celle voulant que les municipalités aient une certaine discrétion quant aux endroits et au nombre de ces appareils qui pourraient être utilisés sur le territoire des municipalités.

En effet, nous croyons que le contrôle de l'utilisation de ces appareils doit demeurer sous l'égide des ministères concernés, afin qu'ils puissent s'assurer que leur utilisation demeure dans l'objectif de leur création et de leur implantation, lequel faut-il le rappeler demeure et demeurera toujours, nous le souhaitons, la sécurité routière.

#### **5. LE « MOVE OVER LAW »**

Tel qu'il a été mentionné en introduction de ce mémoire, l'Association désire attirer l'attention de la Commission sur la nécessité d'introduire au CSR une disposition visant à protéger à la fois le citoyen et les policiers lors d'une interception en bordure des routes et des autoroutes sur le territoire québécois.

Afin de résumer en quoi consiste cette disposition que nous suggérons à la Commission, qui de mieux que l'organisme CAA Québec qui transmet à ses membres automobilistes cette information pertinente lorsqu'ils doivent circuler aux États-Unis :

*« Lorsqu'un automobiliste circulant aux États-Unis aperçoit un véhicule d'urgence (policiers, ambulanciers, pompiers), une remorqueuse ou un véhicule gouvernemental*

*dont les gyrophares sont actionnés et qui est immobilisé sur l'accotement, il doit obligatoirement changer de voie ou réduire sa vitesse. C'est la loi! »<sup>1</sup>*

## **6. LA GENÈSE**

C'est aux États-Unis qu'est apparu en premier ce type de disposition législative, à compter de l'année 2000. L'implantation a été progressive à travers les États-Unis, à un point tel que 48 états américains ont adopté des dispositions prévoyant cette mesure de sécurité à l'égard des différents intervenants en bordure des routes et autoroutes. En fait, seuls Hawaï et Washington DC n'ont pas encore adopté de disposition à cet effet.

Depuis quelques années, nos voisins du Sud ont même créé une organisation nationale sous l'égide de la National Safety Commission, intitulée «*Move over America*». Cette organisation est principalement chargée de l'information, de la prévention, de la communication et de l'implantation de ce type de disposition sécuritaire à travers le pays.

D'ailleurs, sur le site internet de la National Safety Commission, on y apprend que, de 1999 à 2010, 164 policiers ont été tués sur les routes des États-Unis alors qu'ils procédaient à une intervention en bordure de la route.<sup>2</sup>

Une revue exhaustive de la réglementation américaine à ce sujet nous révèle qu'en plus d'être passablement uniforme, cette dernière vise toujours le même objectif, à savoir la sécurité du travail des policiers, de différents autres intervenants et de celle des citoyens qui autrement seraient impliqués dans des incidents tragiques.<sup>3</sup>

Nous avons recensé l'ensemble de la réglementation de différents états appliquant le *Move over law*, laquelle se trouve en annexe au présent document.<sup>4</sup>

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<sup>1</sup> Onglet 1, [www.caaquebec.com](http://www.caaquebec.com), *Véhicule d'urgence immobilisé sur l'accotement aux États-Unis : prudence!*

<sup>2</sup> Onglet 2, [www.Nationalsafetycommission.com](http://www.Nationalsafetycommission.com) *Move over America : National campaign Lunches Effort Educating Drivers to "Move over" and Protect Officers on Roadways*, et [www.moveoveramerica.com](http://www.moveoveramerica.com),

<sup>3</sup> Onglet 3, [www.drivinglaws.aaa.com](http://www.drivinglaws.aaa.com), *Résumé des dispositions américaines selon les états par ordre alphabétique*

<sup>4</sup> Onglet 4, *La réglementation américaine du Move over law classée par ordre alphabétique*

Il est intéressant de noter que, selon les informations que nous avons obtenues,<sup>5</sup> en 2011 les patrouilleurs de l'état de New York ont émis 16 000 contraventions pour le *Move over law*, et que l'amende se situe à 275 \$ et trois points d'inaptitude.

## 7. LE CANADA

Le Canada jusqu'à présent n'a pas été en reste, puisqu'à peu près à la même époque l'ensemble des autres provinces canadiennes a adopté des dispositions similaires, seuls le Québec et Terre-Neuve n'ont pas encore emboîté le pas.

Il appert de notre étude exhaustive de la réglementation canadienne<sup>6</sup> que les dispositions législatives de l'Ontario seraient celles qui seraient les plus appropriées pour être adoptées sur le territoire québécois.

En effet, selon notre appréciation, les similarités aux niveaux démographiques et du réseau routier sont à notre avis suffisantes pour que les dispositions ontariennes retiennent l'attention du législateur québécois.

En conséquence, nous croyons donc opportun de reproduire ici le résumé de l'approche ontarienne :

« À l'approche d'un véhicule d'urgence arrêté sur la bordure d'une route ou d'une autoroute ayant les lumières qui clignotent, les conducteurs de véhicule qui se déplacent sur le même côté de l'autoroute doivent ralentir et changer de voie s'il est sans danger de le faire. »<sup>7</sup>

De plus, il est à noter qu'une amende de 400 \$ à 2 000 \$ pour une première infraction et trois points d'inaptitude sont prévus au règlement ontarien; cela démontre bien, à notre avis, l'importance accordée par nos voisins à cette disposition.

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<sup>5</sup> Onglet 5, [www.nytrafficticket.com](http://www.nytrafficticket.com), *New York Move over law amended*

<sup>6</sup> Onglet 6, *Règlements canadiens du Move over law par ordre alphabétique*

<sup>7</sup> Onglet 7, *résumé des dispositions du Move over law ailleurs au Canada*

D'ailleurs, l'implantation du *Move over law* devrait à notre avis se faire aisément. En effet, nous avons été en mesure d'observer que nombre de camionneurs, connaissant cette disposition et ayant à s'y conformer dans les autres états américains et ailleurs au Canada, ont développé le réflexe de « *ralentir et de changer de voie s'il est sans danger de le faire* ». Nul doute que le conducteur ordinaire n'aura quant à lui aucune difficulté à se conformer à cette nouvelle réglementation.

## **8. RECOMMANDATION N° 2**

Pour les motifs énumérés précédemment, l'Association recommande au gouvernement :

**Que des dispositions similaires à la législation ontarienne prévoyant l'application du *Move over law* soient adoptées au CSR pour le Québec.**

## **CONCLUSION**

L'Association constate que le législateur a fait son choix quant à l'orientation qui devait être donnée au sujet de l'utilisation des cinémomètres photographiques et des systèmes photographiques de contrôle de la circulation aux feux rouges. Toutefois, les appréhensions et les limites inhérentes à l'utilisation de ces appareils déjà exprimées par l'Association demeurent toujours d'actualité.

En conséquence, les Ministères devraient, à notre avis, tenir compte de ces impondérables afin de limiter son utilisation aux endroits où il est difficile de le faire pour les policiers pour des raisons de sécurité.

De plus, l'Association présente dans ce mémoire par le *Move over law* une recommandation simple, mais importante pour la sécurité des conducteurs de véhicules d'urgence et des citoyens.

L'exemple relativement récent d'un accident fatal survenu à Bromont dans ces circonstances devrait suffire à notre avis à inspirer au législateur une réception favorable de notre recommandation à cet égard.

Finalement, nous désirons remercier la Commission de l'attention qu'elle portera au contenu de ce mémoire. L'Association se déclare disposée à rencontrer tout intervenant des ministères concernés si davantage d'informations ou de représentations s'avéraient nécessaires aux fins d'une meilleure compréhension des recommandations suggérées.

## **ONGLET 1**

Véhicule d'urgence immobilisé sur l'accotement aux États-Unis: prudence!

Véhicules d'urgence immobilisés sur l'accotement aux États-Unis : prudence!

**10 novembre 2010**

Chaque année, des travailleurs sont victimes d'accidents de la route alors qu'ils effectuent leurs tâches en marge de la chaussée. Aux États-Unis seulement, au cours des dix dernières années, on a dénombré plus de 150 morts (principalement des policiers) dans ces circonstances. C'est donc avec la volonté de minimiser le risque de collision que certaines provinces canadiennes ainsi que la majorité des États américains ont implanté une mesure afin de sensibiliser les automobilistes à cette réalité.

Ainsi, lorsqu'un automobiliste circulant aux États-Unis aperçoit un véhicule d'urgence (policiers, ambulanciers, pompiers), une remorqueuse ou un véhicule gouvernemental dont les gyrophares sont actionnés et qui est immobilisé sur l'accotement, il doit obligatoirement changer de voie ou réduire sa vitesse. C'est la loi!

Connue sous le nom de « Move Over Law », cette loi est en vigueur depuis 2001 et appliquée à ce jour dans 48 États américains. Seuls l'État d'Hawaï et le district de Columbia n'appliquent pas cette législation. Précisions que certaines juridictions, dont l'État de New York, l'ont adoptée très récemment, soit en 2010.

#### **Deux situations**

Précisément, *Move Over or Slow Down* exige de l'automobiliste qui circule sur une voie double, comme une autoroute, qu'il emprunte la voie de gauche – en signalant d'abord ses intentions – lorsque des travailleurs d'urgence sont à pied d'œuvre sur l'accotement. Et si la circulation est trop dense et qu'il est impossible d'effectuer un changement de voie, l'automobiliste doit réduire sa vitesse de 20 milles/heure – soit de 32 km/h à partir de la limite de vitesse permise – et demeurer dans sa voie. En ce qui concerne une route à voie simple, comme une route secondaire (route sans terre-plein), l'automobiliste doit réduire sa vitesse de la même façon, soit de 32 km/heure à partir de la limite de vitesse autorisée.

#### **Les sanctions prévues**

L'automobiliste qui contrevient à cette loi s'expose à une amende variable selon l'État où l'infraction a été commise. Sur le principal site de référence lié à cette mesure, [www.moveoveramerica.com](http://www.moveoveramerica.com), on peut lire que les amendes varient de quelques dizaines de dollars à quelques centaines de dollars. À cela pourraient s'ajouter l'inscription de points d'inaptitude, des travaux communautaires et même une peine d'emprisonnement comme il est prévu dans l'État de l'Arkansas!

#### **Connaître le portrait global**

CAA-Québec rappelle qu'avant de prendre la route il est important de se familiariser avec les principales lois et réglementations qui régissent la circulation automobile à l'extérieur du pays et même du Québec, puisque plusieurs provinces canadiennes ont également adopté des législations semblables, comme l'Ontario, le Manitoba, la Saskatchewan, la Colombie-Britannique, l'Île-du-Prince-Édouard et la Nouvelle-Écosse. Pour ce faire, il est possible de consulter les renseignements utiles inclus avec le tracé routier (TripTik) remis aux membres. On y traite notamment des limites de vitesse autorisées, des numéros d'urgence en vigueur ainsi que d'autres réglementations, et ce, pour l'ensemble des États américains et des provinces canadiennes. On peut également se référer au site canadien des Affaires étrangères et du Commerce international du Canada afin d'obtenir de plus amples conseils relatifs au voyage.

#### **Renseignements supplémentaires**

## **ONGLET 2**

**Move over America : National campaigning Lunches Effort Educating Drivers  
to “Move over” and Protect Officers on Roadways, et extrait du site**

# The National Safety Commission

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## Move Over America

### NATIONAL CAMPAIGN LAUNCHES EFFORT EDUCATING DRIVERS TO "MOVE OVER" AND PROTECT OFFICERS ON ROADWAYS

More than 150 U.S. law enforcement officers have been killed since 1997 after being struck by vehicles along America's highways, according to the National Law Enforcement Officers Memorial Fund. To lower that deadly toll, a new coalition of traffic safety and law enforcement groups is launching a nationwide public awareness campaign to protect emergency personnel along our nation's roadsides.

"Move Over, America" is a partnership of the **National Safety Commission**, the **National Sheriffs' Association** and the **National Association of Police Organizations**. The campaign is the first nationally coordinated effort to educate Americans about "Move Over" laws and how they help protect the law enforcement officers who risk their lives protecting the public.

According to a national poll by Mason Dixon Polling & Research, sponsored by the National Safety Commission:

- 71 percent** of Americans have not heard of "Move Over" laws;
- 86 percent** support enacting "Move Over" laws in all 50 states; and
- 90 percent** believe traffic stops and roadside emergencies are dangerous for law enforcement and first responders.

The poll was conducted among 625 registered voters from June 23-25. The margin of error is plus or minus 4 percent. [For inquiries regarding the poll's methodology, please contact Brad Coker of Mason Dixon at 904-261-2444].

Forty states have passed "Move Over" laws, which require motorists to "Move Over" and change lanes to give safe clearance to law enforcement officers on roadsides. If drivers can't change lanes or are driving on a two-lane road, they must slow down at least 20 m.p.h. under the posted speed limit. If drivers do not move over or slow down, officers can and do write citations.

"When America's law enforcement officers pull over a motorist, they put their lives at risk. The last thing they need to be worried about is being struck by a bad driver, but that's one of the gravest dangers they face today," said **Ken Underwood**, president of the **National Safety Commission**. "Americans must know that they are required by law to move over and keep our state troopers, police officers and sheriff's deputies safe."

"Move Over, America" has produced a dramatic television public service announcement that will be distributed to broadcast affiliates and cable across the country, calling on drivers to obey state Move Over laws that were passed by states following a series of tragic deaths of officers struck by vehicles.

In South Florida on Feb. 15, 2006, Broward County Deputy Sheriff Ryan Seguin was struck and killed by a motorist as he and his partner made a traffic stop on Interstate 595. He was 23 years old.

"Ryan was the best son a man could ever ask for: a good man and an exceptional deputy," said **Phil Seguin**, Ryan's father and a former Fort Lauderdale police officer. "Police work is dangerous business and every law enforcement officer knows the risks of the job. But deaths like Ryan's could be prevented if people just pay attention and obey the law. That's the real message here."

The "Move Over, America" television public service announcement can be viewed online at [www.MoveOverAmerica.com](http://www.MoveOverAmerica.com), as can an interactive state-by-state map listing the laws in all 50 states.

"Too many motorists still do not understand the importance of 'Move Over,' which is the law in Virginia," said **Sheriff Charles E. Jett** of **Stafford County, Va.**, a member of the **Traffic Safety Committee of the National Sheriffs' Association**. "Drivers: please help protect the people who protect you, and follow this common-sense law. Slow down or Move Over away from emergency vehicles stopped on the side of the road. The stakes are just too high."

Most "Move Over" laws require drivers to move over or slow down for emergency vehicles with their lights flashing. This includes police cruisers, Sheriff's or Highway Patrol vehicles, fire trucks and ambulances.

"Our nation's law enforcement professionals put their lives on the line to protect our citizens," said **Bill Johnson**, executive director of the **National Association of Police Organizations**. "Slowing down and changing lanes to give our first responders the space they need to stay safe is the least we can do in return. It's what we must do. Move Over, America. It's the law."

The partners of the "Move Over, America" Campaign demonstrate its deep reach and significance.

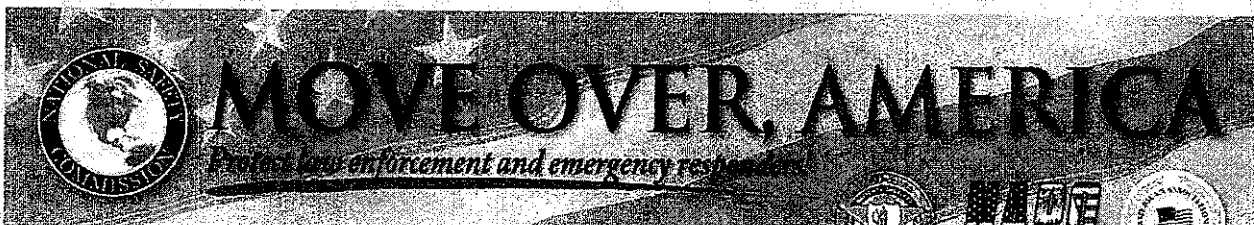
The National Safety Commission, which operates online driving safety courses through [www.LowestPriceTrafficSchool.com](http://www.LowestPriceTrafficSchool.com), is America's leader in driver safety training, providing courses to consumers and businesses in every state and in more than a dozen countries.

The National Sheriffs' Association is dedicated to raising the level of professionalism among sheriffs, their deputies and other criminal justice professionals, providing information, technical assistance, professional development opportunities and congressional advocacy.

The National Association of Police Organizations is the strongest unified voice supporting law enforcement officers in the United States, representing more than 2,000 police unions and associations and 238,000 sworn law enforcement officers, whose interests NAPO serves to advance through legislative and legal advocacy, political action and education.

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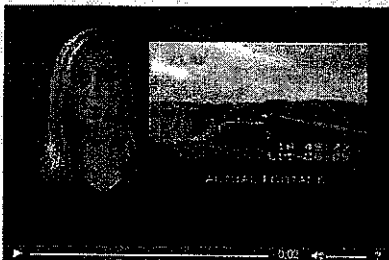
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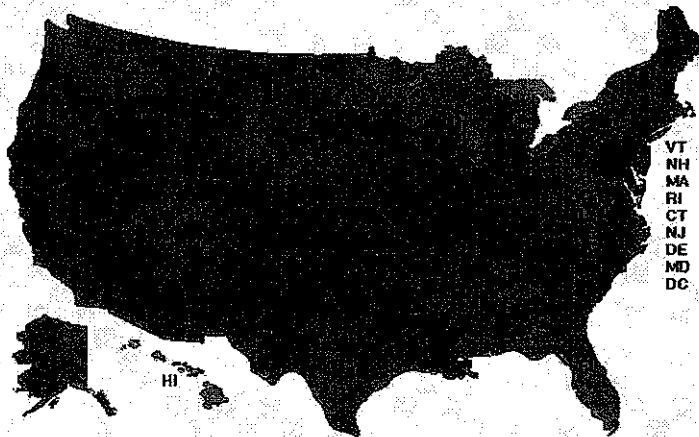
**Police Safety Videos**

**Move Over, America Public Service Announcement**  
 "Move Over America" is the national effort to make drivers aware of "Move Over" laws, which... more

➔ **Move-Over Laws by State**



Link to this PSA: <http://www.MoveOverAmerica.com/>  
 Place PSA on your Website: `<object width="425" height="350"><param name="object width" value="425" height="350"></param name="object width" value="425" height="350"></object>`  
 Copy and paste to the HTML of your web page.  
 Download PSA Video: [PSA MPFS-4 version \(requires Quicktime viewer\)](#)



**States that have Move-Over Laws**  
 (click on any state to learn about state-specific details.)

**Newsroom**

**Move Over, America**

More than 150 U.S. law enforcement officers have been killed since 1999 after being struck by vehicles along America's highways, according to the National Law Enforcement Officers Memorial Fund. To lower that deadly toll, a new coalition of traffic safety and law enforcement groups is launching a nationwide public awareness campaign to protect emergency personnel along our nation's roadsides.

"Move Over, America" is a partnership originally founded in 2007 by the National Safety Commission, the National Sheriffs' Association and the National Association of Police Organizations.



Most recently, the partnership has also received the full support of the American Association of State Troopers. The campaign is the first nationally coordinated effort to educate Americans about "Move Over" laws and how they help protect the law enforcement officers who risk their lives protecting the public.

According to a national poll by Mason Dixon Polling & Research, sponsored by the National Safety Commission:

- 71 percent of Americans have not heard of "Move Over" laws;
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Forty three states have passed "Move Over" laws, which require motorists to "Move Over" and change lanes to give safe clearance to law enforcement officers on roadsides.

**Got a Traffic Ticket in California?** as low as **\$19.95**  
 Go to Traffic School Online 30%  
 Avoid Points on your Driving Record  
[www.LowestPriceTrafficSchool.com](http://www.LowestPriceTrafficSchool.com)

**A Fallen Officer's Story**

Deputy Sheriff Ryan Christopher Seguin Broward County Sheriff's Office, Florida was struck and killed Feb. 15, '06, by the driver of a vehicle as he and his partner made a traffic stop on Interstate 595 in Broward County, Florida. He was 23 years old.



[Click here to learn more](#)

**The High Price of Traffic Safety**

Fallen Officers Struck by Vehicles											TOTAL	
2010	2009	2008	2007	2006	2005	2004	2003	2002	2001	2000	1999	164
14	10	18	14	16	16	13	13	14	24	16	10	

Source: National Law Enforcement Officers Memorial Fund  
<http://www.nleomf.org/facts/officer-fatalities-data/causes.html>



[PoliceOne.com](http://www.PoliceOne.com) is an official supporter of the Move Over America campaign.

**NATIONAL "MOVE OVER, AMERICA" CAMPAIGN PRESS CONFERENCE**

"The Move Over, America" Campaign is the first coordinated national effort to educate Americans about "Move Over" laws and how they help protect the law enforcement officers who risk their lives protecting the public. In 2009, Move Over laws were passed and implemented by the legislatures in New Jersey, Massachusetts and Rhode Island.

[Read more](#)

On August 27th, 2009, the North West Miami-Dade Community Traffic Safety Team hosted a Move Over Education & Enforcement Detail in the cities of Medley, Hialeah, Hialeah Gardens, Doral, Virginia Gardens, and North Miami.

[See photos](#)

On June 19, 2008 the St. Pete Beach police officers explain the importance of the move over law to citizens, using the Move Over Guide, which is provided by the National Safety Commission.

[See photos](#)

Motorists traveling on Interstate 95 in Palm Beach County should be extra careful to move over or slow down this week when they see an emergency vehicle stopped on the side of the highway.

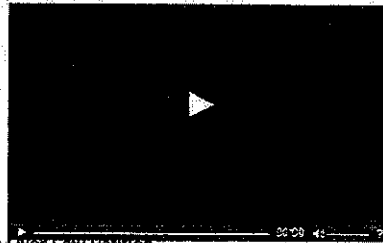
[Read more](#)

Officers will pull over drivers who do not change lanes or lower their speed when they pass them doing their job on the streets.

[Read more](#)

New 'pull over' law goes into effect today: Drivers must give emergency, DOT vehicles wide berth

[Read more](#)



**Move Over Law Petition**

If there is a Move Over law in your State, we urge you to follow it and make others aware. If there is no Move Over law in your State, we urge you to let your state legislators know you want one by signing the petition below.

Let's all pitch in to protect the law enforcement officers who protect us every day.

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P.O. Box 3359  
Ponte Vedra Beach, FL 32004-3359

Partners: [National Safety Commission](#) | [Florida Traffic School](#) | [Texas Defensive Driving](#) | [Texas Driving Safety Course](#) | [National Sheriffs' Association](#) | [National Association of Police Organizations](#) | [American Association of State Troopers](#) | [PoliceOne.com](#)

## **ONGLET 3**

Résumé des dispositions américaines selon les états par ordre alphabétique

## Move Over Law ([Click here for Canada](#))

### United States

#### Alabama

State law requires drivers approaching stationary emergency vehicles that are displaying flashing lights, including wreckers, traveling in the same direction, to vacate the lane closest if safe and possible to do so, or to slow to at least 15mph less than the posted speed limit.

#### Alaska

State law requires drivers approaching stationary emergency vehicles that are displaying flashing lights, including tow trucks, traveling in the same direction, to vacate the lane closest if safe and possible to do so, or to slow to a speed reasonable and prudent for traffic, road, and weather conditions.

#### Arizona

State law requires drivers to reduce speed and, if safe to do so, vacate the lane closest to any stationary vehicles with flashing or warning lights, including emergency vehicles and tow trucks.

#### Arkansas

State law requires drivers approaching stationary emergency response vehicles that are displaying flashing lights, including wreckers or tow vehicles, traveling in the same direction, to move to the farthest lane from the vehicle if safe and possible to do so, or to slow to a speed appropriate for road and weather conditions.

#### California

State law requires drivers to slow down and vacate the lane closest to a stationary emergency response vehicle flashing emergency lights if safe to do so. This includes tow trucks and Caltrans vehicles if displaying flashing amber warning lights.

#### Colorado

State law requires drivers approaching stationary emergency vehicles that are displaying flashing lights, including tow trucks, traveling in the same direction, to vacate the lane closest, if safe and possible to do so, or to reduce to a speed safe for weather, road, and traffic conditions.

#### Connecticut

State law requires drivers approaching one or more stationary emergency vehicles, including tow trucks, traveling in the same direction, to reduce speed and, if safe and reasonable to do so, vacate the lane closest to the stationary vehicle.

#### Delaware

When approaching a stationary emergency vehicle or tow truck with flashing lights, motorists traveling in the same direction are required to move to a lane not adjacent to the vehicle and reduce speed.

#### District of Columbia

The District of Columbia has no move over law.

#### Florida

State law requires drivers to reduce speed to 20mph less than the posted speed limit and, if safe to do so, vacate the lane closest to stationary emergency vehicles, including towing and recovery vehicles, when traveling in the same direction. If such movement cannot be safely accomplished, the driver shall reduce speed.

#### Georgia

State law requires drivers approaching stationary emergency vehicles displaying flashing lights, including towing and recovery vehicles, traveling in the same direction, to vacate the lane closest if safe and possible to do so, or slow to a speed reasonable for road and traffic conditions.

### Hawaii

Hawaii does not have a move over law.

### Idaho

State law requires drivers traveling in the same direction to slow down and vacate the lane closest to a stationary emergency vehicle displaying flashing lights if safe to do so. This includes tow trucks, wreckers, and other recovery vehicles.

### Illinois

State law requires drivers approaching stationary emergency vehicles displaying flashing lights, including towing and recovery vehicles, traveling in the same direction, to vacate the lane closest if safe and possible to do so, or slow to a safe speed.

### Indiana

State law requires drivers approaching a stationary emergency vehicle displaying flashing lights, including towing and recovery vehicles, traveling in the same direction, to vacate the lane closest if safe and possible to do so, or reduce speed at least 10mph below the speed limit.

### Iowa

State law requires drivers approaching a stationary emergency vehicle displaying flashing lights, including towing and recovery vehicles, traveling in the same direction, to vacate the lane closest if safe and possible to do so, or slow to a reasonable speed for road and traffic conditions.

### Kansas

State law requires drivers approaching a stationary emergency vehicle displaying flashing lights, including towing and recovery vehicles, traveling in the same direction, to vacate the lane closest if safe and possible to do so, or slow to a speed safe for road, weather, and traffic conditions.

### Kentucky

State law requires drivers approaching a stationary emergency vehicle displaying flashing lights, including towing and recovery vehicles, traveling in the same direction, to vacate the lane closest if safe and possible to do so, or slow to a speed safe for road, weather, and traffic conditions.

### Louisiana

State law requires drivers approaching a stationary emergency vehicle displaying flashing lights, not including tow trucks, traveling in the same direction, to vacate the lane closest if possible to do so, or slow to a reasonably safe speed.

### Maine

State law requires drivers approaching a stationary emergency vehicle displaying flashing lights, including towing and recovery vehicles, traveling in the same direction, to vacate the lane closest if safe and possible to do so, or to slow to a safe and reasonable speed.

### Maryland

State law requires drivers traveling in the same direction and approaching a stopped emergency vehicle, not including tow trucks, using flashing lights change into a lane not immediately adjacent to the vehicle, if possible, or to slow to a speed safe for weather, road, and traffic conditions.

### Massachusetts

Drivers traveling in the same direction and approaching a stationary emergency vehicle, highway maintenance vehicle, or tow or recovery vehicle with flashing lights must slow down to a safe speed and, if practicable, move to a non-adjacent lane.

### Michigan

State law requires drivers approaching a stationary emergency vehicle displaying flashing lights, including towing and recovery vehicles, traveling in the same direction, to vacate the lane closest if safe and possible to do so, or to slow to a speed safe for weather, road and traffic conditions.

Minnesota

State law requires drivers traveling in the same direction to reduce speed and, if safe to do so, vacate the lane closest to stationary emergency vehicles using flashing lights, including towing and recovery vehicles and road maintenance vehicles.

Mississippi

State law requires drivers approaching a stationary emergency vehicle displaying flashing lights, including towing and recovery vehicles, traveling in the same direction, to vacate the lane closest if safe and possible to do so, or slow to a speed safe for road conditions.

Missouri

State law requires drivers approaching a stationary emergency vehicle displaying flashing lights, including towing and recovery vehicles, traveling in the same direction, to vacate the lane closest if safe and possible to do so, or slow to a speed safe for road conditions.

Montana

State law requires drivers approaching a stationary emergency vehicle displaying flashing lights, including towing and recovery vehicles, traveling in the same direction, to vacate the lane closest if safe and possible to do so, or slow to a safe speed. If on a highway with a speed limit 50mph or greater, the driver must slow by at least 20mph below the posted speed limit.

Nebraska

A driver approaching a stopped emergency vehicle, including tow trucks, with flashing lights and traveling in the same direction to vacate the lane closest to the vehicle or reduce speed and maintain a safe speed while passing the vehicle. If vacating the closest lane if not possible, a driver must slow to a safe speed.

Nevada

State law requires drivers traveling in the same direction to reduce speed and, if safe and possible to do so, vacate the lane closest to stationary emergency vehicles and tow vehicles displaying flashing lights.

New Hampshire

State law requires drivers approaching a crash or emergency area to slow to a safe speed and give wide berth to stationary emergency vehicles displaying flashing lights, including towing and recovery vehicles.

New Jersey

Motor vehicles approaching a stationary authorized emergency vehicle, tow truck, highway maintenance or emergency service vehicle and traveling in the same direction must move over to a non-adjacent lane if possible, or slow down.

New Mexico

State law requires drivers traveling in the same direction to reduce speed and vacate the lane closest to official emergency vehicles, not including tow trucks.

New York

Drivers traveling in the same direction must exercise due care, include moving from a lane immediately adjacent, and reducing speed, to avoid colliding with a vehicle parked, stopped, or standing on the shoulder or any portion of the highway when the vehicle is an authorized emergency vehicle displaying red or combination red and white lights, or a hazard vehicle displaying one or more amber lights.

North Carolina

State law requires drivers approaching a stationary emergency vehicle displaying flashing lights, including towing and recovery vehicles, traveling in the same direction, to vacate the lane closest if safe and possible to do so, or slow to a safe speed.

North Dakota

State law requires drivers approaching a stationary emergency vehicle displaying flashing lights, including wreckers and highway maintenance vehicles, traveling in the same direction, to vacate the lane closest if safe and possible to do so, or slow to a safe speed.

Ohio

State law requires drivers approaching a stationary emergency vehicle displaying flashing lights, including road service vehicles, traveling in the same direction, to vacate the lane closest to it if safe and possible to do so, or slow to a speed safe for road, weather, and traffic conditions.

#### Oklahoma

State law requires drivers approaching a stationary emergency vehicle displaying flashing lights, including wreckers, traveling in the same direction, to vacate the lane closest if safe and possible to do, or slow to a speed safe for road, weather, and traffic conditions.

#### Oregon

State law requires drivers approaching a stationary emergency vehicle displaying flashing lights, including roadside assistance and tow vehicles, traveling in the same direction, to vacate the lane closest if safe and possible to do so, or to reduce speed to at least 5 mph under the posted speed limit.

#### Pennsylvania

State law requires drivers approaching an emergency response area, including areas in which a tow truck is offering assistance, to pass in a non-adjacent lane if safe and possible to do so, or slow to a safe speed.

#### Rhode Island

State law requires drivers approaching a stationary emergency vehicle displaying flashing lights, including roadside assistance vehicles, traveling in the same direction, to vacate the lane closest if safe and possible to do so, and slow to a safe speed.

#### South Carolina

State law requires drivers to reduce speed and, if safe to do so, vacate the lane closest to stationary emergency vehicles, including tow trucks and recovery vehicles.

#### South Dakota

State law requires drivers to reduce speed and vacate the lane closest to official emergency vehicles.

#### Tennessee

State law requires drivers approaching a stationary authorized emergency or utility vehicle, including a tow truck or recovery vehicle, giving a signal by use of flashing lights and traveling in the same direction, to reduce speed and, if safe to do so, vacate the lane closest to the vehicles, or reduce to a speed safe for road conditions.

#### Texas

State law requires drivers approaching a stationary authorized emergency vehicle, including a tow truck, using approved visual signals, and traveling in the same direction, to reduce speed (not to exceed 20 mph more than a posted speed limit of 25 mph or more, or five mpg when the posted speed limit under 25 mph) and vacate the lane closest to the emergency vehicles.

#### Utah

State law requires drivers approaching a stationary authorized emergency vehicle, tow truck or highway maintenance vehicle displaying flashing lights, and traveling in the same direction, to reduce speed and, if safe to do so, vacate the lane closest to stationary vehicles.

#### Vermont

State law requires drivers approaching a stationary law enforcement vehicle, ambulance, fire fighting vehicle, a vehicle used in rescue operations, or a towing and repair vehicle displaying signal lamps, and traveling in the same direction, to reduce speed and, if safe to do so, vacate the lane closest to the stationary vehicles.

#### Virginia

State law requires drivers approaching a stationary vehicle that is displaying a flashing lights and traveling in the same direction to vacate the lane closest to the stationary vehicle if safe to do so, or slow to a speed safe for highway conditions.

#### Washington

State law requires drivers to vacate the lane closest to stationary emergency vehicles, including tow trucks, if they are traveling in the same direction and it is safe to do so, or to slow to a safe speed. If not, drivers are required to slow down and may not exceed the speed limit within 200 feet before and after a stationary emergency vehicle that has its flashing lights activated.

### West Virginia

State law requires drivers approaching and traveling in the same direction as a stationary authorized emergency vehicle, including a tow truck, that is flashing lights, to change to a non-adjacent lane if safe to do so, or to slow to no more than 15 mph on a non-divided highway or 25 mph on a divided highway.

### Wisconsin

State law requires drivers traveling in the same direction and approaching an authorized emergency vehicle, tow truck, or any road machinery or motor vehicle used in highway construction or maintenance that is displaying flashing lights and parked or standing on or within 12 feet of a roadway, to reduce speed and, if safe to do so, vacate the lane closest to the stationary vehicle.

### Wyoming

State law requires drivers approaching an official stationary emergency vehicle making use of appropriate visual signals, not including tow trucks, to merge into the lane farthest from the vehicle when traveling in the same direction, if safe to do so, or to slow to a speed that is 20 miles per hour less than the posted speed limit.

## **Canada**

### Alberta

A motorist may not drive more than 60 kph or the maximum speed limit, whichever is lower, if the vehicle is travelling on the same side of the highway and in the lane immediately adjacent as a stopped emergency vehicle or tow truck, and is passing the stopped emergency vehicle or tow truck when its flashing lamps are operating.

### British Columbia

Drivers approaching a stopped emergency vehicle displaying flashing lights must slow down, and if traffic permits, move over into the adjacent lane in order to pass by.

### Manitoba

Drivers approaching a stopped roadside assistance vehicle, including a tow truck, must slow down and pass the stopped vehicle only if safe to do so.

### New Brunswick

Drivers approaching a stopped emergency vehicle equipped with at least one flashing red light must slow down, proceed with caution, and move to a non-adjacent lane, if possible.

### Newfoundland and Labrador

Newfoundland and Labrador does not have a law specifically addressing the approach of stopped emergency vehicles, but does have a law against generally failing to yield to emergency vehicles.

### Northwest Territories

A driver must reduce his speed to half the posted speed limit when passing within 120m of a stopped emergency or enforcement vehicle with lights flashing.

### Nova Scotia

Drivers passing a stopped emergency vehicle with flashing lights must decrease speed to the speed limit or 60 kph, whichever is less, and must vacate the lane closest to the stopped vehicle, if safe to do so.

### Nunavut

No requirement to slow down and/or move to an adjacent lane when passing stopped emergency vehicles.

Ontario

Upon approaching an emergency vehicle that is stopped on a highway with its emergency lights activated, the driver of a vehicle travelling on the same side of the highway shall slow down and proceed with caution and move to a non-adjacent lane if it is safe to do so.

Prince Edward Island

Drivers passing a stopped emergency vehicle with flashing lights must decrease speed to less than half the posted speed limit, and must vacate the lane closest to the stopped vehicle, if safe to do so.

Quebec

Quebec does not have a Move Over law.

Saskatchewan

Prohibits driving greater than 60kph while passing highway workers or equipment, emergency vehicles stopped with emergency lights flashing, and tow trucks stopped with amber lights flashing, road construction vehicles with lights flashing, and distinctively lit Ministry of Highways vehicles.

Yukon

Yukon has no Move Over law.

## **ONGLET 4**

La réglementation américaine du *Move over law* classée par ordre  
alphabétique

1 HB142  
2 79391-2  
3 By Representative Ford  
4 RFD: Public Safety  
5 First Read: 10-JAN-06  
6 PFD: 01/06/2006

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ENROLLED, An Act,

Relating to motor vehicles; to require a motorist approaching a stationary authorized emergency vehicle in specified circumstances to yield the right-of-way by making a lane change into a lane not adjacent to that of the authorized emergency vehicle.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) A motorist approaching a stationary authorized emergency vehicle that is displaying flashing emergency lights shall yield the right-of-way by making a lane change into a lane not adjacent to that of the authorized emergency vehicle, if possible with due regard to safety and traffic conditions, if on a highway having at least four lanes with not less than two lanes proceeding in the same direction as the approaching vehicle.

(b) If changing lanes would be impossible or unsafe, the motorist shall reduce the speed of the vehicle, maintaining a safe speed for road conditions.

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

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President and Presiding Officer of the Senate

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House of Representatives

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I hereby certify that the within Act originated in  
and was passed by the House 21-FEB-06.

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Greg Pappas  
Clerk

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Senate

17-APR-06

Passed

Sec. 28.35.175. Propane gas detector required.

A person may not sell a recreational motor vehicle manufactured after 1990 or rent a recreational motor vehicle to another if the vehicle is equipped with a propane stove or propane heating device unless the vehicle is also equipped with a propane gas detector.

Sec. 28.35.180. Disobedience to signals of officer regulating traffic prohibited.

A driver of a vehicle may not refuse to obey a lawful order or direction of a peace officer, fire fighter, or authorized flagman regulating and directing traffic. A peace officer or fire fighter regulating or directing traffic shall, upon request of a driver, produce evidence of authorization unless the officer or fire fighter is wearing in view the badge or uniform of office.

Sec. 28.35.182. Failure to stop at direction of peace officer.

(a) A person commits the offense of failure to stop at the direction of a peace officer in the first degree if the person violates (b) of this section, and, during the commission of that offense,

(1) the person violates AS 28.35.400;

(2) the person is committing vehicle theft in the first or second degree; or

(3) as a result of the person's operation or driving, an accident occurs or a person suffers serious physical injury; in this paragraph, "serious physical injury" has the meaning given in AS 11.81.900.

(b) A person commits the offense of failure to stop at the direction of a peace officer in the second degree if the person, while driving or operating a vehicle or motor vehicle or while operating an aircraft or watercraft, knowingly fails to stop as soon as practical and in a reasonably safe manner under the circumstances when requested or signaled to do so by a peace officer.

(c) In a prosecution under this section, it is an affirmative defense, if the peace officer, when requesting or signaling the defendant to stop,

(1) was operating a vehicle, motor vehicle, aircraft, or watercraft, and the vehicle, motor vehicle, aircraft, or watercraft

(A) did not meet lighting and audible signaling requirements of law for law enforcement vehicles; and

(B) was not marked appropriately so that a reasonable person would recognize it as a law enforcement vehicle; or

(2) was not operating a vehicle, motor vehicle, aircraft, or watercraft, and the peace officer was not wearing the uniform of office or displaying a badge or other symbol of authority so as to be reasonably identifiable as a peace officer.

(d) In this section,

(1) "knowingly" has the meaning given in AS 11.81.900;

(2) "signal" means a hand motion, audible mechanical or electronic noise device, visual light device, or combination of them, used in a manner that a reasonable person would understand to mean that the peace officer intends that the person stop.

(e) Failure to stop at the direction of a peace officer in the first degree is a class C felony punishable as provided in AS 12.55. Failure to stop at the direction of a peace officer in the second degree is a class A misdemeanor.

Sec. 28.35.185. Overtaking and passing certain stationary vehicles.

(a) The driver of a vehicle that approaches a stationary emergency vehicle, fire vehicle, law enforcement vehicle, tow truck in the act of picking up a vehicle, or animal control vehicle being used to perform official duties, when the stationary vehicle is 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 vehicle, fire vehicle, law enforcement vehicle, tow truck in the act of picking up a vehicle, or animal control vehicle being used to perform official duties; 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 28.05.091, 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. 28.35.230. [Renumbered as AS 28.90.010].*



<b>Arkansas State Police</b>		<b>Highway Patrol Division</b>					
<a href="#">Home</a>   <a href="#">ASP Information</a>   <a href="#">Divisions</a>   <a href="#">Public Services</a>   <a href="#">Online Services</a>   <a href="#">Contact Us</a>		Search: <input type="text" value="ASP"/>	<input type="button" value="Go"/>				
<table border="1"><tr><td><a href="#">Highway Patrol Commander</a></td></tr><tr><td><a href="#">Troop Commanders</a></td></tr><tr><td><a href="#">Driver Licensing &amp; Examination</a></td></tr><tr><td><a href="#">Fatal Crash Summaries</a></td></tr></table>	<a href="#">Highway Patrol Commander</a>	<a href="#">Troop Commanders</a>	<a href="#">Driver Licensing &amp; Examination</a>	<a href="#">Fatal Crash Summaries</a>	<p><a href="#">&lt; Back</a></p> <h3>Move Over and Give a Lane</h3> <p>Arkansas law enforcement officers ask that you help protect them when they have a vehicle stopped along a multi-lane divided highway.</p> <p>When approaching a law enforcement vehicle with its emergency lights activated and parked along the shoulder of the road, it is the law that drivers of vehicles passing the officers move to the furthest lane of traffic away from the officer's patrol car. Watch this video and learn about the dangers Arkansas State Troopers face when stopping a vehicle along a divided highway.</p>		
<a href="#">Highway Patrol Commander</a>							
<a href="#">Troop Commanders</a>							
<a href="#">Driver Licensing &amp; Examination</a>							
<a href="#">Fatal Crash Summaries</a>							
	<p>Video files require the free Apple Quicktime Player. <a href="#">Download QuickTime Player.</a></p>						
<p><a href="#">Intranet</a>   <a href="#">Privacy Policy</a>   <a href="#">Security Policy</a>   <a href="#">Accessibility Policy</a>   <a href="#">Site Map</a></p>							

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## V C Section 21809 Stationary Emergency Vehicle or Tow Truck

### Freeway: Stationary Vehicles Displaying Emergency or Warning Lights

21809. (a) A person driving a vehicle on a freeway approaching a stationary authorized emergency vehicle that is displaying emergency lights, a stationary tow truck that is displaying flashing amber warning lights, or a stationary marked Department of Transportation vehicle that is displaying flashing amber warning lights shall approach with due caution and, before passing in a lane immediately adjacent to the authorized emergency vehicle, tow truck, or Department of Transportation vehicle, absent other direction by a peace officer, proceed to do one of the following:

(1) Make a lane change into an available lane not immediately adjacent to the authorized emergency vehicle, tow truck, or Department of Transportation vehicle, with due regard for safety and traffic conditions, if practicable and not prohibited by law.

(2) If the maneuver described in paragraph (1) would be unsafe or impracticable, slow to a reasonable and prudent speed that is safe for existing weather, road, and vehicular or pedestrian traffic conditions.

(b) A violation of subdivision (a) is an infraction, punishable by a fine of not more than fifty dollars (\$50).

(c) The requirements of subdivision (a) do not apply if the stationary authorized emergency vehicle that is displaying emergency lights, the stationary tow truck that is displaying flashing amber warning lights, or the stationary marked Department of Transportation vehicle that is displaying flashing amber warning lights is not adjacent to the freeway or is separated from the freeway by a protective physical barrier.

Added Sec. 2, Ch. 375, Stats. 2006, Effective January 1, 2007.

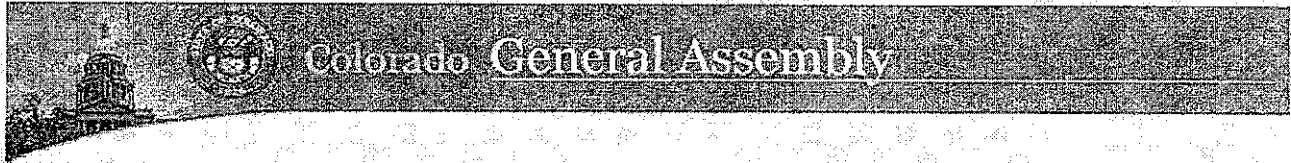
Amended Sec. 1, Ch. 176, Stats. 2009, Effective January 1, 2010.

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## Digest of Bills - 2005

### MOTOR VEHICLES AND TRAFFIC REGULATION

**S.B. 05-9 Human waste dumping - increase in fine.** Increases the amount of the fine imposed as punishment for illicit disposal of containers of human waste upon or along a state highway from \$35 plus a \$5.20 surcharge to a flat fine of \$500. Defines terms.

APPROVED by Governor April 5, 2005  
EFFECTIVE April 5, 2005

**S.B. 05-14 Motor vehicle registration - private sale.** Clarifies that, after a sale, a motor vehicle must be registered or temporarily registered before being driven. Authorizes the purchaser in a private sale to drive the vehicle home before registering such vehicle if the vehicle was purchased outside of normal business hours, is only driven to transport the vehicle from the place of purchase, and the owner possesses a bill of sale and proof of insurance.

APPROVED by Governor June 1, 2005  
EFFECTIVE June 1, 2005

**S.B. 05-36 Minor driver's license restrictions - minor passengers - curfew.** Prohibits a minor driver who has held a license less than 6 months from transporting a passenger who is under 21 years of age. Prohibits a minor driver who has held a license for less than one year from transporting more than one person under 21 years of age. Allows the following exceptions to this prohibition:

- If the motor vehicle also contains the minor's parent or legal guardian or other responsible adult;
- If the motor vehicle also contains a 21-year-old driver or a driving instructor;
- If the passenger is in the vehicle on account of a medical emergency;
- If all the passengers are members of the driver's immediate family.

Prohibits a minor driver who has held a license for less than one year from driving between 12 midnight and 5 a.m. Allows the following exceptions to this curfew:

- If the motor vehicle contains the minor's parent, legal guardian, or other responsible adult;
- If the motor vehicle contains a 21-year-old driver or a driving instructor;
- If the driving is on account of a medical emergency;
- If the driving is on account of school or a school-authorized activity when the school does not provide adequate transportation;
- If the driving is on account of employment when necessary;
- If the minor is emancipated.

Imposes punishment for violating such prohibitions, including community service, fines, and license suspension points.

**APPROVED** by Governor April 21, 2005  
**EFFECTIVE** April 21, 2005

**S.B. 05-38 Motor vehicle titles.** Clarifies, simplifies, and harmonizes the language in the motor vehicle title statutes. Deletes obsolete provisions.

**APPROVED** by Governor June 1, 2005  
**EFFECTIVE** August 8, 2005

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see [page vi](#) of this digest.

**S.B. 05-47 Driver's licenses - identification cards.** Harmonizes the periods of license revocation so that minors without licenses receive the same revocation as drivers who have been licensed. Authorizes a grandparent with power of attorney to:

- Sign a statement certifying that the minor is enrolled in a driver education course;
- Supervise the minor driver on the road;
- Sign an application for the minor to receive a minor's instruction permit; and
- Sign an affidavit of liability.

Specifies that a motorcycle instruction permit shall be valid for 3 years, consistent with other driver instruction permits.

Lowers from 10 to 5 years the length of time a driver's license or identification document is valid. Clarifies the types of government actions by Colorado or other jurisdictions that cause the department of revenue to take an administrative action against a driver's license.

Clarifies that a sworn statement of a person's social security number is made under penalty of law. Authorizes a physician's assistant to sign a medical opinion required by the department. Repeals a licensee's option to waive the duty of the department of revenue ("department") to keep the social security number confidential. Repeals the applicant's option to put the social security number on his or her driver's license or identification card. Repeals an option that authorizes a licensee to have emergency symbols placed on his or her driver's license or identification card.

Lowers the age limit from 66 to 61 years of age when a person may no longer renew a driver's license by mail, conforming to the age of 61 years when a driver's license renewal period changes from 10 years to 5 years. Requires a person renewing a driver's license by mail or by electronic means to attest under penalty of law that he or she has had an eye examination within the last 3 years. Extends from 10 to 30 days the deadline for notifying the department of a name or address change. Requires a person who changes his or her name to apply for a license renewal. Relocates a registration statute concerning the body color of a motor vehicle from the article dealing with driver's licenses to the article dealing with registrations.

Authorizes the department to return a driver's license if it determines that the license was erroneously canceled. Repeals a requirement that a law enforcement officer send to the department a verified report when issuing a citation to a commercial driver for driving under the influence of alcohol. Clarifies that a person whose driving privilege has been restrained and reinstated must apply for a new license instead of receiving the original license back.

**APPROVED** by Governor May 27, 2005  
**EFFECTIVE** May 27, 2005

**S.B. 05-82 Special license plates - Colorado "Kids First" plate - creation.** Creates the Colorado "Kids First" license plate for motor vehicles that do not exceed 16,000 pounds. Authorizes issuance of the plate to persons who pay the appropriate fees plus a one-time fee of \$25 and who have a certificate issued by the rocky mountain research and prevention institute confirming donation to a health promotion and injury prevention fund. Requires the fund to be

used to help promote the health of and prevent injury to children. Requires the institute to report its expenditures of funds generated from the plate to the joint budget committee. Credits the one-time fee to the highway users' tax fund.

VETOED by Governor June 6, 2005

**S.B. 05-153 License plates - replacement program.** Repeals the July 1, 2007, deadline for replacing motor vehicle license plates within Colorado.

APPROVED by Governor April 14, 2005

EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see [page vi](#) of this digest.

**H.B. 05-1008 Name change - motor vehicle business group - division of motor vehicles.** Changes statutory references to the motor vehicle business group in the department of revenue to the division of motor vehicles.

APPROVED by Governor February 23, 2005

EFFECTIVE July 1, 2005

**H.B. 05-1011 Trash and recyclables - transportation - loads.** Exempts a transporter of trash and recyclables from covering a load, or utilizing equivalent technology, when the vehicle is loaded in such a manner, or the nature of the load is such, that the contents will not escape from the vehicle.

APPROVED by Governor April 5, 2005

EFFECTIVE April 5, 2005

**H.B. 05-1019 Motor vehicle applications - personal identification number of applicant or registrant.** Requires applications for registration of a class C, class D, or class F motor vehicle and applications for filing of a certificate of title to a class C, class D, or class F motor vehicle to contain the applicant's or registrant's personal identification number as provided on a state-issued driver's license or assigned by the department of revenue.

APPROVED by Governor June 1, 2005

EFFECTIVE January 1, 2007

**H.B. 05-1045 Radar jamming devices - prohibited - penalty - exclusion - confiscation and destruction.** Makes it a class 2 misdemeanor traffic offense to use, possess, or sell a radar jamming device or to operate a motor vehicle containing a radar jamming device. Excludes certain equipment from the definition of "radar jamming device". Specifies that radar jamming devices may be confiscated and destroyed by court order.

APPROVED by Governor April 22, 2005

EFFECTIVE July 1, 2005

**H.B. 05-1068 Registration - personalized license plates - reserving combination.** Authorizes a person to reserve the unique combination of letters or numbers issued as a personalized license plate after the motor vehicle is no longer registered. Requires an annual fee of \$25 to reserve such unique combination.

APPROVED by Governor April 7, 2005

EFFECTIVE April 7, 2005

**H.B. 05-1069 Collectors - emergency vehicles - emergency signal lamps.** Authorizes a collector of a fire engine, fire suppression vehicle, or ambulance to possess emergency signal lamps. Authorizes a collector or member of a volunteer fire department to operate emergency signals in a parade, funeral, or for other special purposes if the circumstances would not lead a reasonable person to believe the vehicle is responding to an actual emergency. Sets the same standard for nonvolunteer fire departments.

Applies to actions occurring on or after July 1, 2005.

APPROVED by Governor April 7, 2005  
EFFECTIVE July 1, 2005

**H.B. 05-1075 Driver's license - records - minor alcohol offenses.** Prohibits the department of revenue from making public nonmotor vehicle-specific underage alcohol convictions.

APPROVED by Governor June 1, 2005  
EFFECTIVE June 1, 2005

**H.B. 05-1104 Public highway authorities - toll evasion - maximum penalty.** Increases the amount of the maximum civil penalty that a public highway authority may impose for a toll evasion from \$100 to \$250.

APPROVED by Governor May 27, 2005  
EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see [page vi](#) of this digest.

**H.B. 05-1107 Registration - taxation - license plates.** Recodifies the statutes addressing the registration and taxation of motor vehicles to clarify, harmonize, modernize, or substantively amend the law, specifically:

- Standardizes, at 16,000 pounds empty weight, the maximum weight of a vehicle that may be issued certain types of special license plates, including military license plates.
- Extends from 10 to 30 days the deadline for notifying the department of revenue (department) of a name or address change of a registered vehicle's owner.
- Extends from 45 to 60 days the time a person has to register a motor vehicle.
- Repeals the requirement that the executive director of the department of personnel approve the process for counties printing registration tabs.
- Eliminates the weight restriction for issuing a uniform license plate for class B vehicles.
- Clarifies that the department will keep the temporary registration fee for the highway users tax fund if it issues such registration.
- Repeals the 12-month waiting period for lost or destroyed license plates.
- Requires any proposal for additional special interest license plates to be submitted to the transportation legislation review committee.
- Authorizes the issuance of U.S. Army special license plates for motorcycles.
- Clarifies that a person may transfer personalized plates to another vehicle that the person already possesses.
- Authorizes the personalization of designer, American Indian, and collectors' special license plates.
- Authorizes county clerks to issue National Guard license plates and allows the issuance of more than one set of plates per person.
- Clarifies that Medal of Honor awardees are exempted from paying registration fees as well as license plate fees.

- Relocates provisions.

Specifies that amendments to section 42-3-211 (7) shall take effect only if Senate Bill 05-041 is enacted and becomes law.

APPROVED by Governor June 3, 2005

EFFECTIVE August 8, 2005

NOTE: (1) This act was passed without a safety clause. For further explanation concerning the effective date, see [page vi](#) of this digest.

(2) Senate Bill 05-041 was signed by the governor April 5, 2005.

**H.B. 05-1122 Open alcoholic beverage container in motor vehicle - prohibition - exceptions - penalty - local ordinances.** Makes it a class A traffic infraction for a person knowingly to drink an alcoholic beverage or possess an open alcoholic beverage container in the passenger area of a motor vehicle while the vehicle is on a public highway or the right-of-way of a public highway. Creates specified exceptions. Clarifies that a statutory or home rule town, city, or city and county may adopt open alcoholic beverage container ordinances that are no less restrictive than the act.

APPROVED by Governor June 3, 2005

EFFECTIVE July 1, 2005

**H.B. 05-1137 Permitted drivers - prohibition against cell phone use.** Makes driving a motor vehicle by a person holding a temporary instruction permit or a minor's instruction permit while using a cellular telephone or other mobile communication device a secondary traffic offense. Establishes exemptions and a penalty assessment for infractions.

APPROVED by Governor April 14, 2005

EFFECTIVE April 14, 2005

**H.B. 05-1140 Motor vehicle registration - late fees - grace period.** Changes the late fee for registering a motor vehicle from the greater of 10% of the tax or \$10 to not more than \$10. Allows the late fee to be waived. Authorizes the department or the authorized agent to retain the fee. Instructs the department to place a notice on a registration card that Colorado law provides for a 30-day grace period for registration renewal.

Specifies that the act applies to motor vehicles registered on or after July 1, 2005.

APPROVED by Governor April 27, 2005

EFFECTIVE July 1, 2005

**H.B. 05-1151 Traffic violations - highway work zones.** Doubles the fines in construction zones for traffic violations within the following categories:

- General traffic violations;
- Signals, signs, and markings violations;
- Rights-of-way violations;
- Pedestrian violations;
- Turning and stopping violations;
- Driving, overtaking, and passing violations;
- Careless driving, including driving under the influence of drugs or alcohol; and
- Motorcycle offenses.

Creates the highway construction workers' safety account in the highway users tax fund.

Continually appropriates the money in the fund to be used for work zone safety equipment, signs, and law enforcement.

APPROVED by Governor June 3, 2005

EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see [page vi](#) of this digest.

**H.B. 05-1178 Toy vehicle - definition.** For purposes of the prohibition against operating a toy vehicle on any roadway in the state, defines "toy vehicle" to include, without limitation, any mini or "pocket" bike or trike or any other vehicle that is not designed, approved, or intended for use on public roadways or highways.

APPROVED by Governor June 3, 2005

EFFECTIVE June 3, 2005

**H.B. 05-1187 Emergency vehicle - stationary - failure to yield right-of-way - penalty.** Requires drivers of vehicles to yield the right-of-way to stationary authorized emergency vehicles. Specifies that a driver who fails to yield the right-of-way to a stationary authorized emergency vehicle commits the offense of careless driving.

APPROVED by Governor June 1, 2005

EFFECTIVE July 1, 2005

**H.B. 05-1214 Motor vehicles - emissions inspections.** Clarifies the criteria for determining when a vehicle is exempt from emission testing requirements.

APPROVED by Governor June 1, 2005

EFFECTIVE September 1, 2005

**H.B. 05-1218 Bicycle regulation.** Permits bicyclists to ride 2 abreast when traffic will not be impeded. Authorizes bicyclists to indicate a right turn by extending the right arm horizontally. Repeals the requirement that a bicyclist riding along a sidewalk dismount before crossing a roadway, but requires the bicyclist to cross in a manner that is safe for pedestrians. Instructs law enforcement agencies to complete accident reports on bicycle accidents resulting in injury or death.

APPROVED by Governor June 3, 2005

EFFECTIVE July 1, 2005

**H.B. 05-1247 Special license plate - breast cancer awareness - creation.** Creates the breast cancer awareness special license plate for vehicles that do not exceed 16,000 pounds. Directs the department of revenue to work with interested parties to design the plate.

Authorizes issuance of the plate to persons who pay the appropriate fees plus a one-time fee of \$25. Credits the one-time fee to the highway users tax fund. Authorizes issuance of personalized breast cancer awareness special license plates.

APPROVED by Governor June 1, 2005

EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see [page vi](#) of this digest.

**H.B. 05-1313 Special license plate - United States Navy - creation.** Creates the United States Navy special license plate. Requires a person to submit evidence of service in the United States Navy to qualify for the special plate. Clarifies that honorable service in the armed forces of the United States is a distinctive achievement for the purposes of special license plates.

APPROVED by Governor May 27, 2005

EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the

effective date, see [page vi](#) of this digest.

Session Laws of Colorado

Digest of Bills

General Assembly

State of Colorado

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**Sec. 14-283. Rights of emergency vehicles. Obstruction of.** (a) "Emergency vehicle", as used in this section, means any ambulance or vehicle operated by a member of an emergency medical service organization responding to an emergency call, any vehicle used by a fire department or by any officer of a fire department while on the way to a fire or while responding to an emergency call but not while returning from a fire or emergency call, any state or local police vehicle operated by a police officer or inspector of the Department of Motor Vehicles answering an emergency call or in the pursuit of fleeing law violators or any Department of Correction vehicle operated by a Department of Correction officer while in the course of such officer's employment and while responding to an emergency call.

(b) The operator of any emergency vehicle may (1) park or stand such vehicle, irrespective of the provisions of this chapter, (2) proceed past any red light or stop signal or stop sign, but only after slowing down or stopping to the extent necessary for the safe operation of such vehicle, (3) exceed the posted speed limits or other speed limits imposed by or pursuant to section 14-218a or 14-219 as long as such operator does not endanger life or property by so doing, and (4) disregard statutes, ordinances or regulations governing direction of movement or turning in specific directions.

(c) The exemptions herein granted shall apply only when an emergency vehicle is making use of an audible warning signal device, including but not limited to a siren, whistle or bell which meets the requirements of subsection (f) of section 14-80, and visible flashing or revolving lights which meet the requirements of sections 14-96p and 14-96q, and to any state or local police vehicle properly and lawfully making use of an audible warning signal device only.

(d) The provisions of this section shall not relieve the operator of an emergency vehicle from the duty to drive with due regard for the safety of all persons and property.

(e) Upon the immediate approach of an emergency vehicle making use of such an audible warning signal device and such visible flashing or revolving lights or of any state or local police vehicle properly and lawfully making use of an audible warning signal device only, the operator of every other vehicle in the immediate vicinity shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the emergency vehicle has passed, except when otherwise directed by a state or local police officer or a firefighter.

(f) Any officer of a fire department may remove, or cause to be removed, any vehicle upon any public or private way which obstructs or retards any fire department, or any officer thereof, in controlling or extinguishing any fire.

(g) Any person who wilfully or negligently obstructs or retards any ambulance or vehicle operated by a member of an emergency medical service organization while answering any emergency call or taking a patient to a hospital, or any vehicle used by a fire department or any officer or member of a fire department while on the way to a fire, or while responding to an emergency call, or any vehicle used by the state police or any local police department, or any officer of the Division of State Police within the Department of Public Safety or any local police department while on the way to an emergency call or in the pursuit of fleeing law violators, shall be fined not more than two hundred dollars or imprisoned not more than seven days, or both.

(h) Nothing in this section shall be construed as permitting the use of a siren upon any motor vehicle other than an emergency vehicle, as defined in subsection (a) of this section, or a rescue

service vehicle which is registered with the Department of Motor Vehicles pursuant to section 19a-181.

(i) A police officer may issue a written warning or a summons to the owner of a vehicle based upon an affidavit signed by the operator of an emergency vehicle specifying (1) the license plate number, color and type of any vehicle observed violating any provision of subsection (e) or (g) of this section, and (2) the date, approximate time and location of such violation.

(1949 Rev., S. 2424; 1957, P.A. 542, S. 1, 2; March, 1958, P.A. 27, S. 7; 1963, P.A. 112; 1969, P.A. 452, S. 7; 1971, P.A. 538; P.A. 77-340, S. 9; 77-614, S. 486, 587, 610; P.A. 78-303, S. 85, 136; P.A. 79-3; P.A. 80-483, S. 64, 186; P.A. 84-429, S. 66; P.A. 85-217, S. 3; P.A. 00-169, S. 11; P.A. 01-59; 01-192, S. 2; P.A. 05-288, S. 238, 239.)

History: 1963 act included fire department vehicles responding to emergency calls; 1969 act increased fine from \$50 to \$500 maximum and imprisonment from seven days to one year maximum in Subsec. (c); 1971 act replaced previous provisions with new provisions re right-of-way granted to emergency vehicles; P.A. 77-340 added reference to Sec. 14-218a in Subsec. (b); P.A. 77-614 and P.A. 78-303 made state police department a division within the department of public safety, effective January 1, 1979; P.A. 79-3 replaced reference to ambulances and vehicles used by police and fire departments with reference to emergency vehicles and rescue service vehicles in Subsec. (h); P.A. 80-483 replaced reference to Sec. 14-96g with reference to Sec. 14-96q in Subsec. (c); P.A. 84-429 made technical changes for statutory consistency; P.A. 85-217 amended Subsecs. (a) and (g), including emergency medical service organization vehicles in the definition of "emergency vehicle" and imposing a fine on persons who obstruct such vehicles while answering emergency calls; P.A. 00-169 redefined "emergency vehicle" to include vehicles operated by inspectors of the Department of Motor Vehicles; P.A. 01-59 amended Subsec. (a) to redefine "emergency vehicle" to include any Department of Correction vehicle operated by a Department of Correction officer while in the course of such officer's employment and while responding to an emergency call and amended Subsec. (b) to make a technical change for purposes of gender neutrality; P.A. 01-192 amended Subsec. (g) by changing the fine from \$50 to \$200, added Subsec. (i) re allowing a police officer to issue a written warning for violations of Subsec. (e) or (g) and made technical changes for the purposes of gender neutrality in Subsecs. (b) and (c); P.A. 05-288 amended Subsecs. (a) and (g) by replacing "emergency medical service organization vehicle" with "vehicle operated by a member of an emergency medical service organization" and made a technical change in Subsec. (g), effective July 13, 2005.

See Sec. 14-80(f) re use of sirens, whistles or bells as warning signal devices.

The provisions of this section create an exception to section 14-299(b) concerning traffic lights at intersections. 114 C. 400. If a person is preparing for a left turn at an intersection, it may not be practicable to drive to the right-hand side and a jury should be so charged. Under this section sounding of the siren of the cruiser is essential to its right-of-way. 150 C. 349. Effect of statute is merely to displace the conclusive presumption of negligence that ordinarily arises from the violation of traffic rules. 189 C. 601.

Cited. 41 CA 476.

Though ambulance had right-of-way, driver still had duty to look to right on entering intersection. 15 CS 232. Fact that police officer in answering an emergency call had right-of-way did not excuse him from operating his car with reasonable care. 19 CS 32. Cited. 38 CS 377.

Subsec. (b):

Since Subdiv. (4) does not include a safe driving provision, it provides immunity to drivers of emergency vehicles from criminal liability for violating statutes governing direction of movement or turning in specific directions. 60 CA 647.

Subsec. (e):

Court found that "immediate vicinity" included police car with its lights flashing while it was within 1/4 mile of vehicle in question. 108 CA 447.

Subsec. (h):

Cited, 34 CS 555.

Select Year: 2011 [Go]

## The 2011 Florida Statutes

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[Title XXIII](#)[Chapter 316](#)[View Entire Chapter](#)

MOTOR VEHICLES

STATE UNIFORM TRAFFIC CONTROL

### 316.126 Operation of vehicles and actions of pedestrians on approach of authorized emergency vehicle.—

(1)(a) Upon the immediate approach of an authorized emergency vehicle, while en route to meet an existing emergency, the driver of every other vehicle shall, when such emergency vehicle is giving audible signals by siren, exhaust whistle, or other adequate device, or visible signals by the use of displayed blue or red lights, yield the right-of-way to the emergency vehicle and shall immediately proceed to a position parallel to, and as close as reasonable to the closest edge of the curb of the roadway, clear of any intersection and shall stop and remain in position until the authorized emergency vehicle has passed, unless otherwise directed by any law enforcement officer.

(b) When an authorized emergency vehicle making use of any visual signals is parked or a wrecker displaying amber rotating or flashing lights is performing a recovery or loading on the roadside, the driver of every other vehicle, as soon as it is safe:

1. Shall vacate the lane closest to the emergency vehicle or wrecker when driving on an interstate highway or other highway with two or more lanes traveling in the direction of the emergency vehicle or wrecker, except when otherwise directed by a law enforcement officer. If such movement cannot be safely accomplished, the driver shall reduce speed as provided in subparagraph 2.

2. Shall slow to a speed that is 20 miles per hour less than the posted speed limit when the posted speed limit is 25 miles per hour or greater; or travel at 5 miles per hour when the posted speed limit is 20 miles per hour or less, when driving on a two-lane road, except when otherwise directed by a law enforcement officer.

(c) The Department of Highway Safety and Motor Vehicles shall provide an educational awareness campaign informing the motoring public about the Move Over Act. The department shall provide information about the Move Over Act in all newly printed driver's license educational materials after July 1, 2002.

This section does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

(2) Every pedestrian using the road right-of-way shall yield the right-of-way until the authorized emergency vehicle has passed, unless otherwise directed by any police officer.

(3) Any authorized emergency vehicle, when en route to meet an existing emergency, shall warn all other vehicular traffic along the emergency route by an audible signal, siren, exhaust whistle, or other adequate device or by a visible signal by the use of displayed blue or red lights. While en route to such emergency, the emergency vehicle shall otherwise proceed in a manner consistent with the laws regulating vehicular traffic upon the highways of this state.

(4) Nothing herein contained shall diminish or enlarge any rules of evidence or liability in any case involving the operation of an emergency vehicle.

(5) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

(6) A violation of this section is a noncriminal traffic infraction, punishable pursuant to chapter 318 as either a moving violation for infractions of subsection (1) or subsection (3), or as a pedestrian violation for infractions of subsection (2).

History.—s. 1, ch. 71-135; s. 1, ch. 84-204; s. 122, ch. 99-248; s. 2, ch. 2002-217; s. 2, ch. 2004-20; s. 3, ch. 2009-183.

GOVERNOR'S OFFICE OF HIGHWAY SAFETY IN GEORGIA




# MOVE OVER


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## georgia's move over law

# GEORGIA'S MOVE OVER LAW SAVES LIVES

**GEORGIA'S NEW MOVE-OVER LAW SAYS DRIVERS MUST MOVE-OVER FOR EMERGENCY VEHICLES STOPPED ON THE SIDE OF THE HIGHWAY. THE LAW IS MEANT TO KEEP OFFICERS AND TRAFFIC VIOLATORS SAFE FROM CRASHES WITH PASSING CARS.**

**THE MOVE-OVER LAW WAS PASSED IN THE AFTERMATH OF GROWING NUMBERS OF POLICE, EMERGENCY TECHNICIANS AND DOT WORKERS BEING KILLED DURING ROUTINE TRAFFIC STOPS, CRASH RESPONSES AND HIGHWAY CONSTRUCTION PROJECTS AROUND THE NATION. RIGHT NOW, MORE THAN THIRTY STATES HAVE MOVE-OVER LAWS ON THE BOOKS, WITH FINES THAT RANGE AS HIGH AS A THOUSAND DOLLARS OR MORE IN SOME JURISDICTIONS. THE MOVE-OVER FINE IN GEORGIA IS AN "ATTENTION-GETTING" FIVE-HUNDRED-DOLLARS.**

**HOWEVER, FAILURE TO OBEY THE MOVE-OVER LAW CAN LEAD TO CONSEQUENCES FAR MORE SERIOUS THAN FINES. ACCORDING TO FBI STATISTICS, TRAFFIC CRASHES CLAIM THE LIVES OF MORE POLICE PERSONNEL THAN ANY OTHER CAUSE OF DEATH IN THE LINE OF DUTY, INCLUDING SHOOTINGS. THE FBI SAYS LAST YEAR, FORTY-NINE OFFICERS**

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2012 NADD Golden Shield Awards

**DIED IN CRASHES ACROSS THE COUNTRY. THIRTEEN OF THOSE LAW ENFORCEMENT OFFICERS WERE STRUCK AND KILLED BY PASSING VEHICLES WHILE THEY WORKED OUTSIDE THEIR PATROL CARS.**

**“GEORGIA’S MOVE-OVER LAW WAS MEANT TO REDUCE THE NUMBER OF INJURIES AND FATALITIES TO POLICE OFFICERS, PARAMEDICS, FIREFIGHTERS, TOW TRUCK OPERATORS AND HIGHWAY MAINTENANCE WORKERS,” SAID DIRECTOR HARRIS BLACKWOOD OF THE GOVERNOR’S OFFICE OF HIGHWAY SAFETY. REPORTS SHOW EMERGENCY VEHICLES OF ALL TYPES HAVE BEEN STRUCK WHILE PARKED BESIDE GEORGIA HIGHWAYS, EVEN WHILE THEIR EMERGENCY LIGHTS WERE FLASHING.**

**THE GEORGIA MOVE-OVER LAW REQUIRES DRIVERS TO MOVE-OVER ONE LANE WHEN POSSIBLE IF AN EMERGENCY VEHICLE WITH FLASHING LIGHTS IS PARKED ON THE SHOULDER OF THE HIGHWAY. AND IF TRAFFIC IS TOO HEAVY TO MOVE-OVER SAFELY, THE LAW REQUIRES DRIVERS TO SLOW DOWN BELOW THE POSTED SPEED LIMIT INSTEAD AND TO BE PREPARED TO STOP.**

## **MOVE-OVER-LAW: GEORGIA CODE, TITLE 40- 6-16.**

**A. THE OPERATOR OF A MOTOR VEHICLE APPROACHING A STATIONARY AUTHORIZED EMERGENCY VEHICLE THAT IS DISPLAYING FLASHING YELLOW, AMBER, WHITE, RED, OR BLUE LIGHTS SHALL APPROACH THE AUTHORIZED EMERGENCY VEHICLE WITH DUE CAUTION AND SHALL, ABSENT ANY OTHER DIRECTION BY A PEACE OFFICER, PROCEED AS FOLLOWS:**

- 1. MAKE A LANE CHANGE INTO A LANE NOT ADJACENT TO THE AUTHORIZED EMERGENCY VEHICLE IF POSSIBLE IN THE EXISTING SAFETY AND TRAFFIC CONDITIONS; OR**
- 2. IF A LANE CHANGE UNDER PARAGRAPH (1) OF THIS SUBSECTION WOULD BE IMPOSSIBLE, PROHIBITED BY LAW, OR UNSAFE, REDUCE THE SPEED OF THE**

**MOTOR VEHICLE TO A REASONABLE AND PROPER SPEED FOR THE EXISTING ROAD AND TRAFFIC CONDITIONS, WHICH SPEED SHALL BE LESS THAN THE POSTED SPEED LIMIT, AND BE PREPARED TO STOP.**

**B. THE OPERATOR OF A MOTOR VEHICLE APPROACHING A STATIONARY TOWING OR RECOVERY VEHICLE OR A STATIONARY HIGHWAY MAINTENANCE VEHICLE THAT IS DISPLAYING FLASHING YELLOW, AMBER, OR RED LIGHTS SHALL APPROACH THE VEHICLE WITH DUE CAUTION AND SHALL, ABSENT ANY OTHER DIRECTION BY A PEACE OFFICER, PROCEED AS FOLLOWS:**

- 1. MAKE A LANE CHANGE INTO A LANE NOT ADJACENT TO THE TOWING, RECOVERY, OR HIGHWAY MAINTENANCE VEHICLE IF POSSIBLE IN THE EXISTING SAFETY AND TRAFFIC CONDITIONS; OR**
- 2. IF A LANE CHANGE UNDER PARAGRAPH (1) OF THIS SUBSECTION WOULD BE IMPOSSIBLE, PROHIBITED BY LAW, OR UNSAFE, REDUCE THE SPEED OF THE MOTOR VEHICLE TO A REASONABLE AND PROPER SPEED FOR THE EXISTING ROAD AND TRAFFIC CONDITIONS, WHICH SPEED SHALL BE LESS THAN THE POSTED SPEED LIMIT, AND BE PREPARED TO STOP.**

**C. VIOLATION OF SUBSECTION (A) OR (B) OF THIS CODE SECTION SHALL BE PUNISHED BY A FINE OF NOT MORE THAN \$500.00.**

TO VIEW THE MOVE OVER LAW BROCHURE, CLICK ON:

**[HTTP://WWW.GAHIGHWAYSAFETY.ORG/DOCS/MOVEOVERLAW2012.PDF](http://www.gahighwaysafety.org/docs/moveoverlaw2012.pdf)**

TO ORDER MOVE OVER LAW BROCHURES, VISIT THE GOHS SAFETY STORE AT:

**[HTTP://WWW.GAHIGHWAYSAFETY.ORG/GOHSSTORE](http://www.gahighwaysafety.org/gohsstore)**

**GOVERNOR'S OFFICE OF HIGHWAY SAFETY IN GEORGIA**

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### VEHICLES

(625 ILCS 5/) Illinois Vehicle Code.

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**IC 9-21-8-35****Emergency vehicles; yield of right-of-way**

Sec. 35. (a) Upon the immediate approach of an authorized emergency vehicle, when the person who drives the authorized emergency vehicle is giving audible signal by siren or displaying alternately flashing red, red and white, or red and blue lights, a person who drives another vehicle shall do the following unless otherwise directed by a law enforcement officer:

(1) Yield the right-of-way.

(2) Immediately drive to a position parallel to and as close as possible to the right-hand edge or curb of the highway clear of any intersection.

(3) Stop and remain in the position until the authorized emergency vehicle has passed.

(b) Upon approaching a stationary authorized emergency vehicle, when the authorized emergency vehicle is giving a signal by displaying alternately flashing red, red and white, or red and blue lights, a person who drives an approaching vehicle shall:

(1) proceeding with due caution, yield the right-of-way by making a lane change into a lane not adjacent to that of the authorized emergency vehicle, if possible with due regard to

safety and traffic conditions, if on a highway having at least four (4) lanes with not less than two (2) lanes proceeding in the same direction as the approaching vehicle; or

(2) proceeding with due caution, reduce the speed of the vehicle to a speed at least ten (10) miles per hour less than the posted speed limit, maintaining a safe speed for road conditions, if changing lanes would be impossible or unsafe.

(c) Upon approaching a stationary recovery vehicle, a stationary utility service vehicle (as defined in IC 8-1-8.3-5), or a stationary road, street, or highway maintenance vehicle, when the vehicle is giving a signal by displaying alternately flashing amber lights, a person who drives an approaching vehicle shall:

(1) proceeding with due caution, yield the right-of-way by making a lane change into a lane not adjacent to that of the recovery vehicle, utility service vehicle, or road, street, or highway maintenance vehicle, if possible with due regard to safety and traffic conditions, if on a highway having at least four (4) lanes with not less than two (2) lanes proceeding in the same direction as the approaching vehicle; or

(2) proceeding with due caution, reduce the speed of the vehicle to a speed at least ten (10) miles per hour less than the posted speed limit, maintaining a safe speed for road conditions, if changing lanes would be impossible or unsafe.

(d) This section does not operate to relieve the person who drives an authorized emergency vehicle, a recovery vehicle, a utility service vehicle, or a road, street, or highway maintenance vehicle from the duty to operate the vehicle with due regard for the safety of all persons using the highway.

*As added by P.L.2-1991, SEC.9. Amended by P.L.18-1999, SEC.1; P.L.39-2000, SEC.7; P.L.1-2001, SEC.6; P.L.14-2010, SEC.1.*



**Information Maintained by the Office of Code Revision Indiana Legislative Services Agency**  
**IC 9-21-8**

Chapter 8. Vehicle Operation

**IC 9-21-8-0.1**

**Application of certain amendments to chapter**

Sec. 0.1. The following amendments to this chapter apply as follows:

- (1) The addition of section 55 of this chapter by P.L.75-2006 applies only to offenses committed after June 30, 2006.
- (2) The addition of section 56 of this chapter by P.L.40-2007 applies to offenses committed after June 30, 2007.
- (3) The amendments made to section 52 of this chapter by P.L.70-2009 apply only to crimes committed after June 30, 2009.

*As added by P.L.220-2011, SEC.217.*

**IC 9-21-8-0.5**

**Text message**

Sec. 0.5. As used in this chapter, "text message" means a communication in the form of electronic text sent from a telecommunications device.

*As added by P.L.185-2011, SEC.3.*

**IC 9-21-8-1**

**Failure to comply with lawful order or law enforcement officer**

Sec. 1. It is unlawful for a person to knowingly fail to comply with a lawful order or direction of a law enforcement officer invested by law with authority to direct, control, or regulate traffic.

*As added by P.L.2-1991, SEC.9.*

**IC 9-21-8-2**

**Roadways; use of right half; exceptions; traveling at reduced speeds**

Sec. 2. (a) Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway except as follows:

(1) When overtaking and passing another vehicle proceeding in the same direction under the rules governing overtaking and passing.

(2) When the right half of a roadway is closed to traffic under construction or repair.

(3) Upon a roadway divided into three (3) marked lanes for traffic under the rules applicable to a roadway divided into three (3) marked lanes.

(4) Upon a roadway designated and signposted for one-way traffic.

(b) Upon all roadways, a vehicle proceeding at less than the normal speed of traffic at the time and place under the conditions then existing shall be driven:

(1) in the right-hand lane then available for traffic; or

(2) as close as practicable to the right-hand curb or edge of the

roadway;

except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

*As added by P.L. 2-1991, SEC. 9.*

### **IC 9-21-8-3**

#### **Lane use restrictions**

Sec. 3. (a) The Indiana department of transportation may adopt rules to restrict the operation of a truck to a certain lane or lanes of a state maintained highway and to a certain lane or lanes of a street of a city or town that is a part of the state highway system and is maintained by the state.

(b) The Indiana department of transportation may post a state highway or a city or town street that is a part of the state highway system with appropriate directional signs and signals.

*As added by P.L. 2-1991, SEC. 9.*

### **IC 9-21-8-4**

#### **Vehicles proceeding in opposite directions; single lane roadways; passing**

Sec. 4. The persons who drive vehicles proceeding in opposite directions shall pass each other to the right. Upon roadways having width for not more than one (1) lane of traffic in each direction, each person who drives a vehicle subject to this section shall give to the other person who drives a vehicle at least one-half (1/2) of the main traveled part of the roadway as nearly as possible.

*As added by P.L. 2-1991, SEC. 9.*

### **IC 9-21-8-5**

#### **Overtaking and passing; limitations; exceptions**

Sec. 5. The following rules govern the overtaking and passing of vehicles proceeding in the same direction, subject to the limitations, exceptions, and special rules stated:

(1) A person who drives a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left of the other vehicle at a safe distance and may not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(2) Except when overtaking and passing on the right is permitted, a person who drives an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and may not increase the speed of the overtaken vehicle until completely passed by the overtaking vehicle.

*As added by P.L. 2-1991, SEC. 9.*

### **IC 9-21-8-6**

#### **Overtaking and passing on the right; conditions**

Sec. 6. (a) A person who drives a vehicle may overtake and pass upon the right of another vehicle only under the following

conditions:

(1) When the vehicle overtaken is making or about to make a left turn.

(2) Upon a roadway with unobstructed pavement of sufficient width for two (2) or more lanes of vehicles moving lawfully in the direction being traveled by the overtaking vehicle.

(b) A person who drives a vehicle may overtake and pass another vehicle upon the right only under conditions that permit overtaking upon the right in safety. Overtaking upon the right may not be made by driving off the roadway.

*As added by P.L. 2-1991, SEC. 9.*

### **IC 9-21-8-7**

#### **Overtaking and passing on the left; conditions**

Sec. 7. A vehicle may not be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless the left side of the roadway is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit the overtaking and passing to be completely made without interfering with the safe operation of a vehicle approaching from

the opposite direction or a vehicle overtaken. The overtaking vehicle must return to the right-hand side of the roadway before coming within one hundred (100) feet of a vehicle approaching from the opposite direction.

*As added by P.L.2-1991, SEC.9.*

#### **IC 9-21-8-7.5**

##### **Overtaking and passing; worksite no passing zones**

Sec. 7.5. (a) This section applies to a worksite:

(1) upon a highway divided into two (2) or more marked lanes for traffic moving in the same direction; and

(2) for which vehicles are instructed to merge from one (1) lane into another lane by an appropriate sign.

(b) A person who drives a vehicle may not pass another vehicle that is in the lane into which traffic is directed to merge within the posted no passing zone established by the Indiana department of transportation.

*As added by P.L.75-1999, SEC.2.*

#### **IC 9-21-8-8**

##### **Driving to the left side of the roadway; conditions**

Sec. 8. (a) This section does not apply to a one-way roadway.

(b) A vehicle may not be driven to the left side of the roadway under the following conditions:

(1) When approaching the crest of a grade or upon a curve in the highway where the view of the person who drives the vehicle is obstructed within a distance that creates a hazard if another vehicle might approach from the opposite direction.

(2) When approaching within one hundred (100) feet of or traversing an intersection or a railroad grade crossing.

(3) When the view is obstructed upon approaching within one hundred (100) feet of a bridge, viaduct, or tunnel.

*As added by P.L.2-1991, SEC.9.*

#### **IC 9-21-8-9**

##### **One-way streets**

Sec. 9. A vehicle shall be driven upon a roadway designated and signposted for one-way traffic only in the direction designated.

*As added by P.L.2-1991, SEC.9.*

#### **IC 9-21-8-10**

##### **Rotary traffic islands**

Sec. 10. A vehicle passing around a rotary traffic island shall be driven only to the right of the rotary traffic island.

*As added by P.L.2-1991, SEC.9.*

#### **IC 9-21-8-11**

##### **Roadways divided into three or more clearly marked lanes; rules**

Sec. 11. Whenever a roadway has been divided into three (3) or more clearly marked lanes for traffic, the following rules apply:

(1) A vehicle shall be driven as nearly as practicable entirely within a single lane and may not be moved from the lane until the person who drives the vehicle has first ascertained that the movement can be made with safety.

(2) Upon a roadway that is divided into three (3) lanes, a vehicle may not be driven in the center

lane except under any of the following conditions:

(A) When overtaking and passing another vehicle where the roadway is clearly visible and the center lane is clear of traffic within a safe distance.

(B) In preparation for a left turn.

(C) Where the center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of the allocation.

(3) Official signs may be erected directing slow-moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction. A person who drives a vehicle shall obey the directions of each sign.

*As added by P.L.2-1991, SEC.9.*

#### **IC 9-21-8-12**

##### **Interstate highways; lane use restrictions for trucks**

Sec. 12. Except when passing a slower vehicle, entering or leaving a highway, or where a special hazard exists that requires, for safety reasons, the use of an alternate lane, a person may not operate a truck, truck tractor, road tractor, trailer, semitrailer, or pole trailer on an interstate highway in any lane except the far right lane.

*As added by P.L.2-1991, SEC.9.*

#### **IC 9-21-8-13**

##### **Interstate highways consisting of at least three lanes; lane use restrictions for trucks**

Sec. 13. Except when entering or leaving a highway or where a special hazard exists that requires, for safety reasons, the use of an alternate lane, a person may not operate a truck, truck tractor, road tractor, trailer, semitrailer, or pole trailer on an interstate highway consisting of at least three (3) lanes in one (1) direction in any lane other than the two (2) far right lanes.

*As added by P.L.2-1991, SEC.9.*

#### **IC 9-21-8-14**

##### **Following other vehicles; distance restrictions**

Sec. 14. A person who drives a motor vehicle may not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of both vehicles, the time interval between vehicles, and the condition of the highway.

*As added by P.L.2-1991, SEC.9.*

#### **IC 9-21-8-15**

##### **Trucks and tractor-trailers; following other trucks; distance restrictions**

Sec. 15. Except when overtaking and passing, a person who drives a motor truck, motor truck drawing another vehicle, or tractor-trailer combination, when traveling upon a roadway outside of a business or residence district or upon a roadway that is a part of the interstate highway system, whether within or without a business or residence district, may not follow within three hundred (300) feet of another motor truck, motor truck drawing another vehicle, or a tractor-trailer combination.

*As added by P.L.2-1991, SEC.9.*

#### **IC 9-21-8-16**

##### **Caravans and motorcades; distance between vehicles; exceptions**

Sec. 16. (a) This section does not apply to funeral or marching band processions.

(b) Motor vehicles being driven upon a roadway outside of a business or residence district in a caravan or motorcade, whether or not towing other vehicles, must be operated to allow sufficient space between each vehicle or combination of vehicles to enable another vehicle to enter and occupy the space without danger.

*As added by P.L.2-1991, SEC.9.*

#### **IC 9-21-8-17**

##### **Divided highways; restrictions**

Sec. 17. Whenever a highway has been divided into two (2) roadways by:

- (1) leaving an intervening space;
- (2) a physical barrier; or
- (3) a clearly indicated dividing section constructed to impede vehicular traffic;

a vehicle shall be driven only upon the right-hand roadway. A vehicle may not be driven over, across, or within a dividing space, barrier, or section, except through an opening in the physical barrier, dividing section, or space or at a crossover or an intersection established by public authority.

*As added by P.L.2-1991, SEC.9.*

#### **IC 9-21-8-18**

##### **Limited access facilities; entrance and exit to and from**

Sec. 18. A person may not drive a vehicle onto or from a limited access facility except at entrances and exits that are established by the public authority in control of the roadway.

*As added by P.L.2-1991, SEC.9.*

#### **IC 9-21-8-19**

##### **Freeways and interstate highways; entrance and exit to and from; special crossovers; "U" turns**

Sec. 19. A person may not drive a vehicle onto or from a freeway or the interstate highway system except at entrances and exits that are established by the public authority in control of the highway. Whenever special crossovers between the main roadways of a freeway or the interstate highway system are provided for emergency vehicles or maintenance equipment only, the freeway or interstate highway system shall be posted prohibiting "U" turns. A person who drives a vehicle, except an emergency vehicle or maintenance equipment, may not use the crossovers or make a "U" turn anywhere on the freeway or interstate highway system.

*As added by P.L.2-1991, SEC.9.*

#### **IC 9-21-8-20**

##### **Pedestrians, bicycles, and other nonmotorized traffic; prohibition on use of highways**

Sec. 20. The Indiana department of transportation may by resolution or order entered in its minutes, and local authorities may by ordinance, with respect to any freeway or interstate highway system under their respective jurisdictions, prohibit the use of a highway by pedestrians, bicycles, or other nonmotorized traffic or by a person operating a motor-driven cycle. The Indiana department of transportation or the local authority adopting a prohibiting regulation shall erect and maintain official signs on the freeway or interstate highway system on which the regulations are applicable. If signs are erected, a person may not disobey the restrictions stated on the signs.

*As added by P.L.2-1991, SEC.9.*

#### **IC 9-21-8-21**

##### **Intersections; right and left turns**

Sec. 21. (a) A person who drives a vehicle intending to turn at an intersection must do the following:

(1) Make both the approach for a right turn and a right turn as close as practical to the right-hand curb or edge of the roadway.

(2) Make an approach for a left turn in that part of the right half of the roadway nearest the center line of the roadway. After entering the intersection, the person who drives a vehicle must make the left turn so as to leave the intersection to the right of the center line of the roadway being entered.

(3) Make an approach for a left turn from a two-way street into a one-way street in that part of the right half of the roadway nearest the center line of the roadway and pass to the right of the center line where the center line enters the intersection.

(4) Make a left turn from a one-way street into a two-way street by passing to the right of the center line of the street being entered upon leaving the intersection.

(5) Where both streets or roadways are one way, make both the approach for a left turn and a left turn as close as practicable to the left-hand curb or edge of the roadway.

(b) The Indiana department of transportation and local authorities in their respective jurisdictions may cause markers, buttons, or signs to be placed within or adjacent to intersections requiring and directing that a different course from that specified in this section be traveled by vehicles turning at an intersection. When markers, buttons, or signs are placed under this subsection, a person who drives a vehicle may not turn the vehicle at an intersection other than as directed and required by the markers, buttons, or signs.

*As added by P.L.2-1991, SEC.9.*

#### **IC 9-21-8-22**

##### **Grades; proceeding in opposite direction on approach to crest**

Sec. 22. A vehicle may not be turned so as to proceed in the opposite direction upon any curve, or upon the approach to, or near the crest of a grade, where the vehicle cannot be seen by the person who drives any other vehicle approaching from either direction within seven hundred fifty (750) feet.

*As added by P.L.2-1991, SEC.9.*

#### **IC 9-21-8-23**

##### **Starting a vehicle that is stopped, standing, or parked**

Sec. 23. A person may not start a vehicle that is stopped, standing, or parked until the movement can be made with reasonable safety.

*As added by P.L.2-1991, SEC.9.*

#### **IC 9-21-8-24**

##### **Slowing down, turning from a direct course, and changing lanes; performance with reasonable safety; signal**

Sec. 24. A person may not:

- (1) slow down or stop a vehicle;
- (2) turn a vehicle from a direct course upon a highway; or
- (3) change from one (1) traffic lane to another;

unless the movement can be made with reasonable safety. Before making a movement described in this section, a person shall give a clearly audible signal by sounding the horn if any pedestrian may be

affected by the movement and give an appropriate stop or turn signal in the manner provided in sections 27 through 28 of this chapter if any other vehicle may be affected by the movement.

*As added by P.L.2-1991, SEC.9.*

#### **IC 9-21-8-25**

##### **Turn signals**

Sec. 25. A signal of intention to turn right or left shall be given continuously during not less than the last two hundred (200) feet traveled by a vehicle before turning or changing lanes. A vehicle traveling in a speed zone of at least fifty (50) miles per hour shall give a signal continuously for not less than the last three hundred (300) feet traveled by the vehicle before turning or changing lanes.

*As added by P.L.2-1991, SEC.9.*

#### **IC 9-21-8-26**

**Stopping or sudden decrease in speed; signal**

Sec. 26. A person may not stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal to a person who drives a vehicle immediately to the rear when there is opportunity to give a signal.

*As added by P.L.2-1991, SEC.9.*

**IC 9-21-8-27****Stop or turn signals; hand or arm signals; signal lamps; exception for farm equipment; highway travel**

Sec. 27. (a) Except as provided in subsection (b), a stop or turn signal required under this chapter may be given by means of the hand and arm or by a signal lamp or lamps or mechanical signal device.

(b) This subsection does not apply to farm tractors and implements of agriculture designed to be operated primarily in a farm field or on farm premises. A motor vehicle in use on a highway must be equipped with and a required signal shall be given by a signal lamp or lamps or mechanical signal device when either of the following conditions exist:

(1) The distance from the center of the top of the steering post to the left outside limit of the body, cab, or load of the motor vehicle exceeds twenty-four (24) inches.

(2) The distance from the center of the top of the steering post to the rear limit of the body or load of the motor vehicle exceeds fourteen (14) feet. This measurement applies to a single vehicle and a combination of vehicles.

*As added by P.L.2-1991, SEC.9. Amended by P.L.210-2005, SEC.33.*

**IC 9-21-8-28****Hand and arm signals; left turn; right turn; decrease in speed**

Sec. 28. All signals required under this chapter may be given by hand and arm. A signal given under this section shall be given from the left side of the vehicle in the following manner:

(1) A left turn is indicated by extending the hand and arm

horizontally.

(2) A right turn is indicated by extending the hand and arm upward.

(3) A stop or decreased speed is indicated by extending the hand and arm downward.

*As added by P.L.2-1991, SEC.9.*

**IC 9-21-8-29****Intersections; vehicles approaching from different highways; yield of right-of-way**

Sec. 29. Except when approaching through highways and areas in which signs are posted giving other instructions, when two (2) vehicles approach or enter an intersection from different highways at approximately the same time, the person who drives the vehicle on the left shall yield the right-of-way to the vehicle on the right.

*As added by P.L.2-1991, SEC.9.*

**IC 9-21-8-30****Intersections; vehicles approaching from opposite directions; yield of right-of-way**

Sec. 30. A person who drives a vehicle within an intersection intending to turn to the left shall yield the right-of-way to a vehicle approaching from the opposite direction that is within the intersection or so close to the intersection as to constitute an immediate hazard. After yielding and giving a signal as required by this chapter, the person who drives the vehicle may make the left turn, and the persons who drive other vehicles approaching the intersection from the opposite direction shall yield the right-of-way to the vehicle making the left turn.

*As added by P.L.2-1991, SEC.9.*

**IC 9-21-8-31****Entrance to through highways; stopping; yield of right-of-way**

Sec. 31. (a) A person who drives a vehicle shall do the following:

(1) Stop as required under this article at the entrance to a through highway.

(2) Yield the right-of-way to other vehicles that have entered the intersection from the through highway or that are approaching so closely on the through highway as to constitute an immediate hazard.

(b) After yielding as described in subsection (a)(2), the person who drives a vehicle may proceed and persons who drive other vehicles approaching the intersection on the through highway shall yield the right-of-way to the vehicle proceeding into or across the through highway.

*As added by P.L.2-1991, SEC.9.*

**IC 9-21-8-32****Stop signs at intersections; duty to obey**

Sec. 32. A person who drives a vehicle shall stop at an

intersection where a stop sign is erected at one (1) or more entrances to a through highway that are not a part of the through highway and proceed cautiously, yielding to vehicles that are not required to stop.

*As added by P.L.2-1991, SEC.9.*

**IC 9-21-8-33****Yield signs; collision with pedestrian or vehicle**

Sec. 33. (a) A person who drives a vehicle approaching a yield sign shall slow down to a speed reasonable for the existing conditions or stop if necessary. The person shall yield the right-of-way to a pedestrian legally crossing the roadway and to a vehicle in the intersection or approaching on another highway so closely as to present an immediate hazard. After yielding, the person may proceed, and all other vehicles approaching the intersection shall yield to the vehicle proceeding.

(b) If a person who drives a vehicle is involved in a collision with a pedestrian in a crosswalk or a vehicle in the intersection after driving past a yield sign without stopping, the collision is considered prima facie evidence of the person's failure to yield the right-of-way.

*As added by P.L.2-1991, SEC.9.*

**IC 9-21-8-34****Entrance to highway from private road or driveway; yield of right-of-way**

Sec. 34. A person who drives a vehicle that is about to enter or cross a highway from a private road or driveway shall yield the right-of-way to all vehicles approaching on the highway.

*As added by P.L.2-1991, SEC.9.*

**IC 9-21-8-35****Emergency vehicles; yield of right-of-way**

Sec. 35. (a) Upon the immediate approach of an authorized emergency vehicle, when the person who drives the authorized emergency vehicle is giving audible signal by siren or displaying alternately flashing red, red and white, or red and blue lights, a person who drives another vehicle shall do the following unless otherwise directed by a law enforcement officer:

(1) Yield the right-of-way.

(2) Immediately drive to a position parallel to and as close as possible to the right-hand edge or curb of the highway clear of any intersection.

(3) Stop and remain in the position until the authorized emergency vehicle has passed.

(b) Upon approaching a stationary authorized emergency vehicle, when the authorized emergency vehicle is giving a signal by displaying alternately flashing red, red and white, or red and blue lights, a person who drives an approaching vehicle shall:

(1) proceeding with due caution, yield the right-of-way by making a lane change into a lane not adjacent to that of the authorized emergency vehicle, if possible with due regard to

safety and traffic conditions, if on a highway having at least four (4) lanes with not less than two (2) lanes proceeding in the same direction as the approaching vehicle; or

(2) proceeding with due caution, reduce the speed of the vehicle to a speed at least ten (10) miles per hour less than the posted speed limit, maintaining a safe speed for road conditions, if changing lanes would be impossible or unsafe.

(c) Upon approaching a stationary recovery vehicle, a stationary utility service vehicle (as defined in IC 8-1-8.3-5), or a stationary road, street, or highway maintenance vehicle, when the vehicle is giving a signal by displaying alternately flashing amber lights, a person who drives an approaching vehicle shall:

(1) proceeding with due caution, yield the right-of-way by making a lane change into a lane not adjacent to that of the recovery vehicle, utility service vehicle, or road, street, or highway maintenance vehicle, if possible with due regard to safety and traffic conditions, if on a highway having at least four (4) lanes with not less than two (2) lanes proceeding in the same direction as the approaching vehicle; or

(2) proceeding with due caution, reduce the speed of the vehicle to a speed at least ten (10) miles per hour less than the posted speed limit, maintaining a safe speed for road conditions, if changing lanes would be impossible or unsafe.

(d) This section does not operate to relieve the person who drives an authorized emergency vehicle, a recovery vehicle, a utility service vehicle, or a road, street, or highway maintenance vehicle from the duty to operate the vehicle with due regard for the safety of all persons using the highway.

*As added by P.L.2-1991, SEC.9. Amended by P.L.18-1999, SEC.1; P.L.39-2000, SEC.7; P.L.1-2001, SEC.6; P.L.14-2010, SEC.1.*

### **IC 9-21-8-36**

#### **Traffic control signals not in operation**

Sec. 36. Except as provided in IC 9-21-17-8 and IC 9-21-3-7(b)(4)(C), when traffic control signals are not in place or not in operation, a person who drives a vehicle shall yield the right-of-way, slowing down or stopping if necessary to yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling or when the pedestrian is approaching closely from the opposite half of the roadway.

*As added by P.L.2-1991, SEC.9. Amended by P.L.43-2011, SEC.5.*

### **IC 9-21-8-37**

#### **Pedestrians and children; due care; caution**

Sec. 37. Notwithstanding other provisions of this article or a local ordinance, a person who drives a vehicle shall do the following:

(1) Exercise due care to avoid colliding with a pedestrian or a person propelling a human powered vehicle, giving an audible signal when necessary.

(2) Exercise proper caution upon observing a child or an obviously confused, incapacitated, or intoxicated person.

*As added by P.L.2-1991, SEC.9.*

### **IC 9-21-8-38**

#### **Safety zones**

Sec. 38. A vehicle may not be driven through or within a safety zone.

*As added by P.L.2-1991, SEC.9.*

### **IC 9-21-8-39**

#### **Railroad grade crossings**

Sec. 39. Whenever a person who drives a vehicle approaches a railroad grade crossing, the person shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest track of the railroad and may not proceed until the person can do so safely under the following circumstances:

(1) When a clearly visible electric or mechanical signal device gives warning of the immediate approach of a train or other on-track equipment.

(2) When a crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a train or other on-track equipment.

(3) When a railroad train or other on-track equipment approaching within one thousand five hundred (1,500) feet of a highway crossing emits an audible signal and because of speed or nearness to the crossing is an immediate hazard.

(4) When an approaching train or other on-track equipment is plainly visible and is in hazardous proximity to the crossing.

*As added by P.L.2-1991, SEC.9. Amended by P.L.119-1995, SEC.6; P.L.8-2010, SEC.3.*

#### **IC 9-21-8-40**

##### **Heavy equipment or structures; railroad grade crossings; notice; procedure**

Sec. 40. (a) A person may not operate or move a caterpillar tractor, steam shovel, derrick, roller, or any equipment or structure weighing more than ten (10) tons and having a normal operating speed of not more than six (6) miles per hour or a vertical body or load clearance of less than nine (9) inches above the level surface of a roadway upon or across tracks at a railroad grade crossing without first complying with this section.

(b) Notice of an intended crossing under this section shall be given to a superintendent of the railroad, and a reasonable time shall be given to the railroad to provide proper protection at the crossing.

(c) Before making a crossing under this section, the person operating or moving a vehicle or equipment described in subsection (a) shall first stop the vehicle or equipment not less than ten (10) feet and not more than fifty (50) feet from the nearest rail or the railway. While stopped, the person shall listen and look in both directions

along the track for an approaching train or other on-track equipment and for signals indicating the approach of a train or other on-track equipment. The person shall not proceed until the crossing can be made safely.

(d) A crossing may not be made when warning is given by automatic signal, crossing gates, a flagman, or otherwise of the immediate approach of a railroad train or other on-track equipment.

*As added by P.L.2-1991, SEC.9. Amended by P.L.8-2010, SEC.4.*

#### **IC 9-21-8-41**

##### **Traffic control devices; obedience of instructions; highway worksites; extraordinary care; safety controls**

Sec. 41. (a) A person who drives a vehicle or street car may not disobey the instructions of an official traffic control device placed in accordance with this article unless otherwise directed by a police officer.

(b) When a traffic control device or flagman is utilized at a worksite on a highway for traffic control, a person who drives a vehicle shall exercise extraordinary care to secure the mutual safety of all persons and vehicles at the worksite.

(c) All traffic shall observe and obey traffic control devices including signals, signs, and warnings, and all directions, signs, or warning devices that may be given or displayed by a police officer or flagman to safely control traffic movement at a worksite and promote safety at a worksite.

*As added by P.L.2-1991, SEC.9.*

#### **IC 9-21-8-41.5**

##### **Vehicle entering school crossing zone; obedience of instructions**

Sec. 41.5. (a) A person who drives a vehicle shall obey the instructions of a school crossing guard to

stop the vehicle before entering a school crossing zone.

(b) Whenever a person who drives a vehicle approaches a school crossing zone, the person shall exercise extraordinary caution to secure the safety of children in the school crossing zone.

*As added by P.L.116-1993, SEC.3.*

#### **IC 9-21-8-41.7**

##### **Duty of vehicle operator to obey instructions of railroad flagman**

Sec. 41.7. (a) For purposes of this section, "railroad flagman" means a person who furnishes flag protection as prescribed by rules of the carrier.

(b) A person who operates a vehicle shall obey the instructions of a railroad flagman to stop the vehicle before approaching a location in which a train or other on-track equipment is or may be located.

*As added by P.L.8-2010, SEC.5. Amended by P.L.50-2011, SEC.4.*

#### **IC 9-21-8-42**

##### **Sidewalks; approaching from an alley, driveway, or building**

Sec. 42. A person who drives a vehicle within a business or

residence district that is emerging from an alley, a driveway, or a building shall stop the vehicle immediately before driving onto a sidewalk or into the sidewalk area extending across an alleyway or a private driveway.

*As added by P.L.2-1991, SEC.9.*

#### **IC 9-21-8-43**

##### **Loaded vehicles; passengers; obstruction of view; interference with control of vehicle**

Sec. 43. (a) A person may not drive a vehicle when any of the following conditions exist:

(1) The vehicle:

(A) is loaded in a manner; or

(B) has more than three (3) persons in the front seat;

so as to obstruct the view of the person who drives the vehicle to the front or sides of the vehicle.

(2) The vehicle:

(A) is loaded in a manner; or

(B) has more than three (3) persons in the front seat;

so as to interfere with the person's control over the driving mechanism of the vehicle.

(b) A passenger in a vehicle or street car may not do the following:

(1) Ride in a position that interferes with the view ahead or to the sides of the person who drives the vehicle or street car.

(2) Interfere with the person's control over the driving mechanism of the vehicle or street car.

*As added by P.L.2-1991, SEC.9. Amended by P.L.1-1991, SEC.96.*

#### **IC 9-21-8-44**

##### **Coasting in neutral when traveling upon a down grade; prohibition**

Sec. 44. (a) A person who drives a motor vehicle may not coast with the gears of the vehicle in neutral when traveling upon a down grade.

(b) A person who drives a commercial motor vehicle may not coast with the clutch disengaged when traveling upon a down grade.

*As added by P.L.2-1991, SEC.9.*

#### **IC 9-21-8-44.5**

##### **Compression release engine brakes**

Sec. 44.5. (a) As used in this section, "compression release engine brake" means a hydraulically operated device that converts a power producing diesel engine into a power absorbing retarding

mechanism.

(b) A person who drives a motor vehicle equipped with compression release engine brakes on the Indiana toll road in a county having a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000) may not use the motor vehicle's compression release engine brakes instead of the service brake system, except in the case

of failure of the service brake system.

*As added by P.L.23-2001, SEC.2. Amended by P.L.1-2002, SEC.42.*

#### **IC 9-21-8-45**

##### **Farm wagons; interstate and state highways; prohibitions**

Sec. 45. (a) A farm wagon may not be operated on an interstate highway.

(b) In addition to the prohibition set forth in subsection (a), a farm wagon (as defined in IC 9-13-2-60 (a)(2)) may not be operated on a highway designated as a part of the state highway system under IC 8-23-4-2, except that a farm wagon may cross a state highway, other than a limited access highway, at right angles for the purpose of getting from one (1) farm field to another when the operation can be done safely. The operator shall bring the farm wagon to a complete stop before proceeding across the state highway and shall yield the right-of-way to all traffic.

*As added by P.L.2-1991, SEC.9. Amended by P.L.150-2009, SEC.13.*

#### **IC 9-21-8-46**

##### **Implements of agriculture on interstate highways**

Sec. 46. A person may not drive or operate:

(1) an implement of agriculture designed to be operated primarily in a farm field or on farm premises; or

(2) a piece of special machinery;  
upon any part of an interstate highway.

*As added by P.L.2-1991, SEC.9. Amended by P.L.210-2005, SEC.34.*

#### **IC 9-21-8-47**

##### **Vehicles that must be operated to avoid damage to highways or interference with traffic**

Sec. 47. The following vehicles must be moved or operated so as to avoid any material damage to the highway or unreasonable interference with other highway traffic:

(1) Machinery or equipment used in highway construction or maintenance by the Indiana department of transportation, counties, or municipalities.

(2) Farm drainage machinery.

(3) Implements of agriculture.

(4) Firefighting apparatus owned or operated by a political subdivision or a volunteer fire department (as defined in IC 36-8-12-2).

(5) Farm vehicles loaded with farm products.

*As added by P.L.2-1991, SEC.9. Amended by P.L.1-1999, SEC.31; P.L.210-2005, SEC.35.*

#### **IC 9-21-8-48**

##### **Vehicles with contents escaping; prohibition from operation; exceptions**

Sec. 48. A vehicle, except:

(1) a vehicle containing poultry or livestock being transported  
to market; or

(2) a highway maintenance vehicle engaged in spreading sand or deicing chemicals;  
may not be driven or moved on a highway if the vehicle's contents are dripping, sifting, leaking, or otherwise escaping from the vehicle.

*As added by P.L.2-1991, SEC.9. Amended by P.L.79-1991, SEC.4.*

**IC 9-21-8-49**

**Violations; Class C infraction**

Sec. 49. Except as provided in sections 50, 51, 52, 54, 55, 56, and 58 of this chapter, a person who violates this chapter commits a Class C infraction.

*As added by P.L.2-1991, SEC.9. Amended by P.L.18-1999, SEC.2; P.L.40-2007, SEC.4; P.L.65-2010, SEC.4.*

**IC 9-21-8-50**

**Reckless operation of a tractor-trailer combination; Class B misdemeanor**

Sec. 50. A person who operates a tractor-trailer combination in a reckless or deliberate attempt to:

- (1) endanger the safety or property of others; or
- (2) block the proper flow of traffic;

commits a Class B misdemeanor.

*As added by P.L.2-1991, SEC.9.*

**IC 9-21-8-51**

**Blinding lights; failure to dim; Class B infraction**

Sec. 51. A person who:

- (1) operates a vehicle; and
- (2) fails to dim bright or blinding lights when meeting another vehicle or pedestrian;

commits a Class B infraction.

*As added by P.L.2-1991, SEC.9.*

**IC 9-21-8-52**

**Reckless driving; passing a school bus with extended stop arm; penalty; license suspension**

Sec. 52. (a) A person who operates a vehicle and who recklessly:

- (1) drives at such an unreasonably high rate of speed or at such an unreasonably low rate of speed under the circumstances as to:
  - (A) endanger the safety or the property of others; or
  - (B) block the proper flow of traffic;
- (2) passes another vehicle from the rear while on a slope or on a curve where vision is obstructed for a distance of less than five hundred (500) feet ahead;
- (3) drives in and out of a line of traffic, except as otherwise permitted; or
- (4) speeds up or refuses to give one-half (1/2) of the roadway to a driver overtaking and desiring to pass;

commits a Class B misdemeanor.

(b) A person who operates a vehicle and who recklessly passes a school bus stopped on a roadway when the arm signal device specified in IC 9-21-12-13 is in the device's extended position commits a Class B misdemeanor. However, the offense is a Class A misdemeanor if it causes bodily injury to a person.

(c) If an offense under subsection (a) or (b) results in damage to the property of another person or bodily injury to another person, the court shall recommend the suspension of the current driving license of the person for a fixed period of:

- (1) not less than thirty (30) days; and
- (2) not more than one (1) year.

*As added by P.L.2-1991, SEC.9. Amended by P.L.127-1993, SEC.1; P.L.1-2005, SEC.103; P.L.70-2009, SEC.3.*

**IC 9-21-8-53****Speed violations; complaint or affidavit; summons, warrant, or notice; contents; negligence**

Sec. 53. (a) In every charge of violation of a speed regulation under this article, the complaint or affidavit and the summons, warrant, or notice to appear must specify the following:

- (1) The speed at which the defendant is alleged to have driven.
- (2) The prima facie or fixed speed applicable within the district or at the location.

(b) The provisions of this article declaring or providing for fixed and prima facie speed limitations may not be construed to relieve the plaintiff in a civil action from the burden of proving negligence on the part of the defendant as the proximate cause of the damage alleged.

*As added by P.L.2-1991, SEC.9.*

**IC 9-21-8-54****Penalty for improper approach to stationary emergency vehicle**

Sec. 54. (a) A person who violates section 35(b) or section 35(c) of this chapter commits a Class A infraction.

(b) If a violation of section 35(b) of this chapter results in damage to the property of another person, in addition to any other penalty imposed, the court shall recommend that the person's driving privileges be suspended for a fixed period of not less than ninety (90) days and not more than one (1) year.

(c) If a violation of section 35(c) of this chapter results in damage to the property of another person of at least two hundred fifty dollars (\$250), in addition to any other penalty imposed, the court shall recommend that the person's driving privileges be suspended for a fixed period of not less than ninety (90) days and not more than one (1) year.

(d) If a violation of section 35(b) or section 35(c) of this chapter results in injury to another person, in addition to any other penalty imposed, the court shall recommend that the person's driving privileges be suspended for a fixed period of not less than one

hundred eighty (180) days and not more than two (2) years.

(e) If a violation of section 35(b) or section 35(c) of this chapter results in the death of another person, in addition to any other penalty imposed, the court shall recommend that the person's driving privileges be suspended for two (2) years.

(f) The bureau shall, upon receiving a record of a judgment entered against a person under this section:

- (1) suspend the person's driving privileges for a mandatory period; or
- (2) extend the period of an existing suspension for a fixed period;

of not less than ninety (90) days and not more than two (2) years. The bureau shall fix this period in accordance with the recommendation of the court that entered the judgment.

*As added by P.L.18-1999, SEC.3. Amended by P.L.39-2000, SEC.8.*

**IC 9-21-8-55****Aggressive driving**

Sec. 55. (a) This section does not apply to a law enforcement official engaged in the law enforcement official's official duties.

(b) For purposes of this section, a person engages in aggressive driving if, during one (1) episode of continuous driving of a vehicle, the person does or commits at least three (3) of the following:

- (1) Following a vehicle too closely in violation of IC 9-21-8-14.
- (2) Unsafe operation of a vehicle in violation of IC 9-21-8-24.
- (3) Overtaking another vehicle on the right by driving off the roadway in violation of IC 9-21-8-6.
- (4) Unsafe stopping or slowing a vehicle in violation of IC 9-21-8-26.
- (5) Unnecessary sounding of the horn in violation of IC 9-19-5-2.
- (6) Failure to yield in violation of IC 9-21-8-29 through IC 9-21-8-34.
- (7) Failure to obey a traffic control device in violation of IC 9-21-8-41.

(8) Driving at an unsafe speed in violation of IC 9-21-5.

(9) Repeatedly flashing the vehicle's headlights.

(c) A person who, with the intent to harass or intimidate a person in another vehicle, knowingly or intentionally engages in aggressive driving commits aggressive driving, a Class A misdemeanor, except as provided in IC 9-21-8-56(d), (f), (g), and (h).

*As added by P.L. 75-2006, SEC.2. Amended by P.L. 40-2007, SEC. 5.*

### **IC 9-21-8-56**

#### **Highway work zones; penalties for violations**

Sec. 56. (a) For purposes of this section, "highway work zone" has the meaning set forth in IC 8-23-2-15.

(b) Except as provided in subsections (f) through (h), a person who recklessly operates a vehicle in the immediate vicinity of a highway work zone when workers are present commits a Class A

misdemeanor.

(c) Except as provided in subsections (f) through (h), a person who knowingly, intentionally, or recklessly operates a motor vehicle in the immediate vicinity of a highway work zone when workers are present with the intent to:

(1) damage traffic control devices; or

(2) inflict bodily injury on a worker;

commits a Class A misdemeanor.

(d) Except as provided in subsections (f) through (h), a person who knowingly, intentionally, or recklessly engages in:

(1) aggressive driving, as defined in section 55 of this chapter; or

(2) a speed contest, as prohibited under IC 9-21-6-1;

in the immediate vicinity of a highway work zone when workers are present commits a Class A misdemeanor.

(e) Except as provided in subsections (f) through (h), a person who recklessly fails to obey a traffic control device or flagman, as prohibited under section 41 of this chapter, in the immediate vicinity of a highway work zone when workers are present commits a Class A misdemeanor.

(f) An offense under subsection (b), (c), (d), or (e) is a Class D felony if the person who commits the offense:

(1) has a prior unrelated conviction under this section in the previous five (5) years; or

(2) is operating the vehicle in violation of IC 9-30-5-1 or IC 9-30-5-2.

(g) An offense under subsection (b), (c), (d), or (e) is a Class D felony if the offense results in bodily injury to a worker in the worksite.

(h) An offense under subsection (b), (c), (d), or (e) is a Class C felony if the offense results in the death of a worker in the worksite.

(i) A person who knowingly, intentionally, or recklessly engages in an act described in section 55(b)(1), 55(b)(2), 55(b)(3), 55(b)(4), 55(b)(5), or 55(b)(6) of this chapter in the immediate vicinity of a highway work zone when workers are present commits a Class B infraction. Notwithstanding IC 34-28-5-5(c), the funds collected as judgments for an infraction under this subsection shall be transferred to the Indiana department of transportation to pay the costs of hiring off duty police officers to perform the duties described in IC 8-23-2-15(b).

*As added by P.L. 40-2007, SEC.6. Amended by P.L. 66-2011, SEC. 2.*

### **IC 9-21-8-57**

#### **Operation of golf cart on highway**

Sec. 57. A golf cart may not be operated on a highway except in accordance with an ordinance adopted under IC 9-21-1-3(a)(14) and IC 9-21-1-3.3(a) authorizing the operation of a golf cart on the highway.

*As added by P.L.182-2009(ss), SEC.293.*

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#### **IC 9-21-8-58**

##### **Intrastate carriers of metal coils; certification**

Sec. 58. (a) This section applies only to intrastate carriers of metal coils.

(b) 49 CFR 393.120 is adopted as Indiana law.

(c) A motor carrier (as defined in IC 8-2.1-17-10) may not initiate or terminate the commercial transport within Indiana by commercial motor vehicle of one (1) or more metal coils that, individually or grouped together, weigh at least two thousand two hundred sixty-eight (2,268) kilograms (five thousand (5,000) pounds), as provided in 49 CFR 393.120, unless the operator of the commercial motor vehicle transporting the metal coil or coils is certified in proper load securement as provided in 49 CFR 393.120.

(d) An operator of a commercial motor vehicle may not initiate or terminate the commercial transport within Indiana by the commercial motor vehicle of one (1) or more metal coils that, individually or grouped together, weigh at least two thousand two hundred sixty-eight (2,268) kilograms (five thousand (5,000) pounds), as provided in 49 CFR 393.120, unless the operator of the commercial motor vehicle transporting the metal coil or coils is certified in proper load securement as provided in 49 CFR 393.120.

(e) The department of revenue shall adopt and enforce rules under IC 4-22-2 concerning the certification in proper load securement (as provided in 49 CFR 393.120) of operators of commercial motor vehicles engaged in the commercial transport of one (1) or more metal coils, as provided in 49 CFR 393.120. The rules adopted under this subsection must recognize metal coil shipping certificates issued by other states.

(f) A person who knowingly or intentionally violates subsection (c) or (d) commits a Class A misdemeanor.

*As added by P.L.65-2010, SEC.5.*

#### **IC 9-21-8-59**

##### **Use of telecommunications device while operating a moving motor vehicle**

Sec. 59. (a) A person may not use a telecommunications device to:

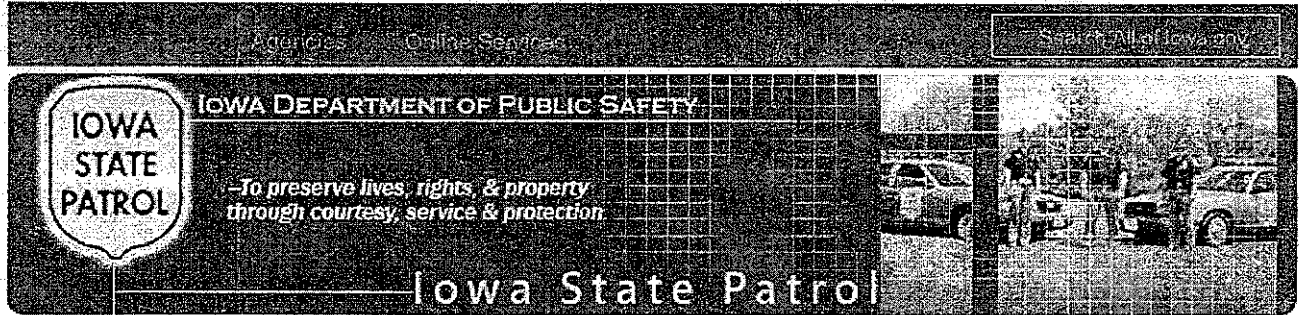
- (1) type a text message or an electronic mail message;
- (2) transmit a text message or an electronic mail message; or
- (3) read a text message or an electronic mail message;

while operating a moving motor vehicle unless the device is used in conjunction with hands free or voice operated technology, or unless the device is used to call 911 to report a bona fide emergency.

(b) A police officer may not confiscate a telecommunications device for the purpose of determining compliance with this section or confiscate a telecommunications device and retain it as evidence pending trial for a violation of this section.

*As added by P.L.185-2011, SEC.4.*

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**IOWA LAW - 321.323A**  
**Approaching certain stationary vehicles**  
**(effective July 1, 2002)**

**"MOVE OVER, SLOW DOWN"**



This State Patrol vehicle was struck while parked along the interstate with lights flashing.

This catch phrase is being used in reference to the new law regarding what you should do when approaching emergency vehicles displaying flashing lights.

The law is as follows:

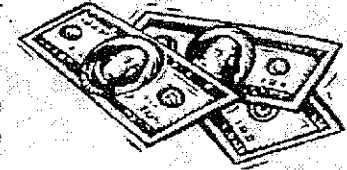
1. The operator of a motor vehicle approaching a stationary authorized vehicle that is displaying flashing yellow, amber, white, red, or red and blue lights shall proceed in one of the following manners, absent any other direction by a peace officer.
  - a. Make a lane change into a lane not adjacent to the authorized emergency vehicle, if possible in the existing safety and traffic conditions.
  - b. If a lane change under paragraph "a" would be impossible, prohibited by law, or unsafe; reduce the speed of the motor vehicle to a reasonable and proper speed for the existing road

and traffic conditions, which speed shall be less than the posted speed limit, and be prepared to stop.

2. The law also applies to operators of a motor vehicle approaching a stationary towing or recovery vehicle, or a stationary highway maintenance vehicle, that is displaying flashing yellow, amber or red lights.

**FINE** - For a violation under section 321.323A or 321.324, the scheduled fine is fifty dollars (\$50)

The Iowa State Patrol appreciates your assistance and compliance with this new law to ensure the safety of the public and Iowa law enforcement.



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kansas

**8-1530: Duty of driver upon approach of authorized emergency vehicle.** (a) Upon the immediate approach of an authorized emergency vehicle making use of an audible signal meeting the requirements of subsection (d) of K.S.A. 8-1738, and amendments thereto, and visual signals meeting the requirements of K.S.A. 8-1720, and amendments thereto, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall do the following unless otherwise directed by a police officer:

- (1) Yield the right-of-way;
- (2) immediately drive to a position parallel to and as close as possible to the right-hand edge or curb of the roadway clear of any intersection; and
- (3) stop and remain in such position until the authorized emergency vehicle has passed.

(b) The driver of a motor vehicle upon approaching a stationary authorized emergency vehicle, when the authorized emergency vehicle is making use of visual signals meeting the requirements of K.S.A. 8-1720, and amendments thereto, or subsection (d) of K.S.A. 8-1722, and amendments thereto, shall do either of the following:

- (1) If the driver of the motor vehicle is traveling on a highway that consists of at least two lanes that carry traffic in the same direction of travel as that of the driver's motor vehicle, the driver shall proceed with due caution and, if possible and with due regard to the road, weather and traffic conditions, shall change lanes into a lane that is not adjacent to that of the stationary authorized emergency vehicle; or
- (2) if the driver is not traveling on a highway of a type described in paragraph (1), or if the driver is traveling on a highway of that type but it is not possible to change lanes or if to do so would be unsafe, the driver shall proceed with due caution, reduce the speed of the motor vehicle and maintain a safe speed for the road, weather and traffic conditions.

(c) From and after the effective date of this act and prior to July 1, 2001, a law enforcement officer shall issue a warning citation to anyone violating the provisions of subsection (b).

(d) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

**History:** L. 1974, ch. 33, § 8-1530; L. 2000, ch. 179, § 20; July 1.

Kentucky

**189.930 Right-of-way to emergency vehicles -- Blocking or following emergency vehicles -- Driving over unprotected hoses of fire department.**

- (1) Upon the approach of an emergency vehicle equipped with, and operating, one (1) or more flashing, rotating, or oscillating red or blue lights, visible under normal conditions from a distance of five hundred (500) feet to the front of such vehicle; or the driver is given audible signal by siren, exhaust whistle, or bell, the driver of every other vehicle shall yield the right-of-way, immediately drive to a position parallel to, and as close as possible to, the edge or curb of the highway clear of any intersection, and stop and remain in such position until the emergency vehicle has passed, except when otherwise directed by a police officer or firefighter.
- (2) Upon the approach of any emergency vehicle, operated in conformity with the provisions of subsection (1) of this section, the operator of every vehicle shall immediately stop clear of any intersection and shall keep such position until the emergency vehicle has passed, unless directed otherwise by a police officer or firefighter.
- (3) No operator of any vehicle, unless he is on official business, shall follow any emergency vehicle being operated in conformity with the provisions of subsection (1) of this section closer than five hundred (500) feet, nor shall he drive into, or park the vehicle into, or park the vehicle within, the block where the vehicle has stopped in answer to an emergency call or alarm unless he is directed otherwise by a police officer or firefighter.
- (4) No vehicle, train, or other equipment shall be driven over any unprotected hose of a fire department when the hose is laid down on any street, private driveway, or track for use at any fire or fire alarm unless the fire department official in command consents that the hose be driven over.
- (5) Upon approaching a stationary emergency vehicle or public safety vehicle, when the emergency vehicle or public safety vehicle is giving a signal by displaying alternately flashing yellow, red, red and white, red and blue, or blue lights, a person who drives an approaching vehicle shall, while proceeding with due caution:
  - (a) Yield the right-of-way by moving to a lane not adjacent to that of the authorized emergency vehicle, if:
    1. The person is driving on a highway having at least four (4) lanes with not fewer than two (2) lanes proceeding in the same direction as the approaching vehicle; and
    2. If it is possible to make the lane change with due regard to safety and traffic conditions; or
  - (b) Reduce the speed of the vehicle, maintaining a safe speed to road conditions, if changing lanes would be impossible or unsafe.
- (6) This section does not operate to relieve the person who drives an emergency vehicle from the duty to operate the vehicle with due regard for the safety of all persons using the highway.

Effective: June 24, 2003

**History:** Amended 2003 Ky. Acts ch. 63, sec. 1, effective June 24, 2003. -- Amended 2000 Ky. Acts ch. 215, sec. 1, effective July 14, 2000. -- Amended 1980 Ky. Acts ch. 371, sec. 2, effective July 15, 1980. -- Created 1970 Ky. Acts ch. 93, sec. 3.

§125. Procedure on approach of an authorized emergency vehicle; passing a parked emergency vehicle

A. Upon the immediate approach of an authorized emergency vehicle making use of audible or visual signals, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the highway clear of any intersection, and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

B. When any vehicle making use of any visual signals as authorized by law, including the display of alternately flashing amber or yellow warning lights, is parked on or near the highway, the driver of every other vehicle shall:

(1) When driving on an interstate highway or other highway with two or more lanes traveling in the same direction, yield the right-of-way by making a lane change into a lane not adjacent to the parked vehicle, if possible with due regard to safety and traffic conditions. If a lane change is not possible, the driver shall slow to a reasonably safe speed.

(2) Maintain a safe speed for road conditions, if unable or unsafe to change lanes, or driving on a two-lane road or highway.

C. This Section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

D. Any person who violates the provisions of this Section shall, upon conviction, be subject to a fine not to exceed two hundred dollars.

Acts 1962, No. 310, §1. Amended by Acts 1980, No. 160, §1; Acts 2001, No. 583, §1; Acts 2008, No. 429, §1, eff. June 21, 2008; Acts 2008, No. 746, §1.

## Maine Revised Statutes

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 PT. A, §2 (NEW); PT. B, §5 (AFF)**

### §2413. Driving to endanger

**1. Definition.** A person commits a Class E crime if, with criminal negligence as defined in Title 17-A, that person drives a motor vehicle in any place in a manner that endangers the property of another or a person, including the operator or passenger in the motor vehicle being driven.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**1-A. Aggravated punishment category.** Notwithstanding subsection 1, a person commits a Class C crime if, with criminal negligence as defined in Title 17-A, section 35, that person drives a motor vehicle in any place in a manner that endangers the property of another or a person, including the operator or passenger in the motor vehicle being driven, and causes serious bodily injury, as defined in Title 17-A, section 2, subsection 23, to another person.

[ 2005, c. 441, §1 (NEW) .]

**2. Allegation of facts.** In pleading under this section, it is not necessary to allege specifically the facts that constitute criminal negligence.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Penalties.** In addition to any other penalty, the court shall suspend the driver's license of a person convicted under subsection 1 for not less than 30 days nor more than 180 days, which minimum may not be suspended. In addition to any other penalty, the court shall suspend the driver's license of a person convicted under subsection 1-A for not less than 180 days nor more than 2 years, which minimum may not be suspended. If the court fails to suspend the license, the Secretary of State shall impose the minimum period of suspension. The court shall impose a sentencing alternative that involves a fine of not less than \$575, which may not be suspended.

[ 2005, c. 683, Pt. B, §23 (RPR) .]

**4. Exception.** This section does not apply to the operation of a vehicle:

A. In racing events and exhibitions at which the public does not have access to the operating area; or [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. On private land to which the public does not have access when used by or with authorization of the landowner. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. Notice.** The court shall give notice of the suspension and take physical custody of a driver's license as provided in section 2434.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2005, c. 12, §JJ2 (AMD). 2005, c. 441, §§1,2 (AMD). 2005, c. 683, §B23 (AMD).

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Maryland

# HOUSE BILL 499

R5

(01r2064)

## ENROLLED BILL

— Environmental Matters/Judicial Proceedings —

Introduced by ~~Delegate Malone~~ Delegates Malone, Bates, Conaway, Anderson, and Norman

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Motor Vehicles - Approaching Emergency Vehicles and Personnel**

3 FOR the purpose of requiring drivers approaching an emergency vehicle that is  
4 stopped, standing, or parked on a highway and using any visual signals, unless  
5 otherwise directed by a police officer or traffic control device, to ~~vacate the lane~~  
6 ~~closest~~ make a lane change into an available lane not immediately adjacent to  
7 the emergency vehicle under certain circumstances or to slow to a reasonable  
8 and prudent speed that ~~ensures the safety of the emergency services personnel~~  
9 is safe for certain existing conditions under certain circumstances; and generally  
10 relating to the rules of the road when approaching emergency vehicles and  
11 personnel.

12 BY repealing and reenacting, with amendments,  
13 Article - Transportation

**EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics* indicate opposite chamber / conference committee amendments.



1 Section 21-405  
2 Annotated Code of Maryland  
3 (2009 Replacement Volume and 2009 Supplement)

4 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
5 MARYLAND, That the Laws of Maryland read as follows:

6 **Article - Transportation**

7 21-405.

8 (a) On the immediate approach of an emergency vehicle using audible and  
9 visual signals that meet the requirements of § 22-218 of this article or of a police  
10 vehicle lawfully using an audible signal, the driver of every other vehicle, unless  
11 otherwise directed by a police officer, shall yield the right-of-way.

12 (b) On the immediate approach of an emergency vehicle using audible and  
13 visual signals that meet the requirements of § 22-218 of this article or of a police  
14 vehicle lawfully using an audible signal, the driver of every other vehicle, unless  
15 otherwise directed by a police officer, shall drive immediately to a position parallel to  
16 and as close as possible to the edge or curb of the roadway, clear of any intersection.

17 (c) On the immediate approach of an emergency vehicle using audible and  
18 visual signals that meet the requirements of § 22-218 of this article or of a police  
19 vehicle lawfully using an audible signal, the driver of every other vehicle, unless  
20 otherwise directed by a police officer, shall stop and stay in this position until the  
21 emergency vehicle has passed.

22 (d) A driver, when proceeding in the same direction as an emergency or  
23 police vehicle, may not pass an emergency vehicle using audible and visual signals  
24 that meet the requirements of § 22-218 of this article or a police vehicle lawfully using  
25 an audible signal unless:

26 (1) The emergency vehicle has stopped; or

27 (2) Otherwise directed by a police officer.

28 (e) **UNLESS OTHERWISE DIRECTED BY A POLICE OFFICER OR A TRAFFIC**  
29 **CONTROL DEVICE, WHEN AN EMERGENCY VEHICLE USING ANY VISUAL SIGNAL**  
30 **THAT MEETS THE REQUIREMENTS OF § 22-218 OF THIS ARTICLE IS STOPPED,**  
31 **STANDING, OR PARKED ON A HIGHWAY, THE DRIVER OF A MOTOR VEHICLE**  
32 **APPROACHING THE EMERGENCY VEHICLE FROM THE REAR SHALL:**

33 ~~(1) ON A HIGHWAY THAT IS DIVIDED INTO TWO OR MORE~~  
34 ~~CLEARLY MARKED LANES FOR VEHICULAR TRAFFIC MOVING IN THE SAME~~  
35 ~~DIRECTION, VACATE THE LANE CLOSEST TO THE EMERGENCY VEHICLE IF~~

1 PRACTICABLE AND NOT OTHERWISE PROHIBITED, MAKE A LANE CHANGE INTO  
 2 AN AVAILABLE LANE NOT IMMEDIATELY ADJACENT TO THE EMERGENCY VEHICLE  
 3 WITH DUE REGARD FOR SAFETY AND TRAFFIC CONDITIONS; OR

4 (2) IF THE DRIVER OF THE MOTOR VEHICLE IS UNABLE TO  
 5 ~~VACATE THE LANE CLOSEST TO THE EMERGENCY VEHICLE, OR ON A HIGHWAY~~  
 6 ~~THAT HAS ONLY ONE LANE OF TRAVEL MOVING TOWARD THE EMERGENCY~~  
 7 ~~VEHICLE, REDUCE THE SPEED OF THE MOTOR VEHICLE TO A REASONABLE AND~~  
 8 ~~PRUDENT SPEED THAT ENSURES THE SAFETY OF THE EMERGENCY SERVICES~~  
 9 ~~PERSONNEL~~ MAKE A LANE CHANGE IN ACCORDANCE WITH ITEM (1) OF THIS  
 10 SUBSECTION, SLOW TO A REASONABLE AND PRUDENT SPEED THAT IS SAFE FOR  
 11 EXISTING WEATHER, ROAD, AND VEHICULAR OR PEDESTRIAN TRAFFIC  
 12 CONDITIONS.

13 (F) This section does not relieve the driver of an emergency vehicle from the  
 14 duty to drive with due regard for the safety of all persons.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 16 October 1, 2010.

Approved:

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Governor.

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Speaker of the House of Delegates.

---

President of the Senate.



THE 187<sup>TH</sup> GENERAL COURT OF THE COMMONWEALTH OF MASSACHUSETTS

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CHAPTER 89 LAW OF THE ROAD

PREV NEXT

Section 7C Lane change upon approach of stationary emergency response vehicle, highway maintenance vehicle or recovery vehicle; penalty

PREV NEXT

Section 7C. (a) As used in this section the following words shall, unless the context clearly requires otherwise, have the following meanings:

"Emergency response vehicle", a fire apparatus, police vehicle, ambulance, or disaster vehicle.

"Highway maintenance vehicle", a vehicle used for the maintenance of highways and roadways: (1) that is owned or operated by the executive office of transportation and public works; a county, a municipality or any political subdivision thereof; or (2) that is owned or operated by a person under contract with the executive office of transportation and public works, a county, a municipality or any political subdivision thereof.

"Operator", any person who operates a motor vehicle as defined in section 1 of chapter 90.

"Person", a natural person, corporation, association, partnership or other legal entity.

"Recovery vehicle", a vehicle that is specifically designed to assist a disabled vehicle or to tow a disabled vehicle.

(b) Upon approaching a stationary emergency vehicle, highway maintenance vehicle or recovery vehicle with flashing lights an operator shall:

(1) proceed with due caution, reduce the speed of the vehicle to that of a reasonable and safe speed for road conditions, and, if practicable and on a highway having at least 4 lanes with not less than 2 lanes proceeding in the same direction as the operator's vehicle, yield the right-of-way by making a lane change into a lane not adjacent to that of the emergency response vehicle, highway maintenance vehicle or recovery vehicle; or

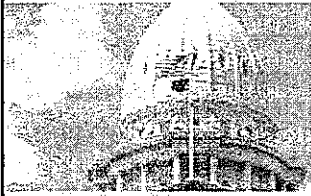
(2) if changing lanes is impracticable, proceed with due caution and reduce the speed of the vehicle to that of a reasonable and safe speed for road conditions.

(c) Violation of this section shall be punished by a fine of not more than \$100.

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# MICHIGAN LEGISLATURE

96th Legislature Regular Session  
 Michigan Compiled Laws Complete Through PA 55 of 2012  
 House: Adjourned until Tuesday, April 17, 2012 1:30:00 PM  
 Senate: Adjourned until Tuesday, April 17, 2012 10:00:00 AM

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## Section 257.653a

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### MICHIGAN VEHICLE CODE (EXCERPT) Act 300 of 1949

#### **257.653a Stationary emergency vehicle giving visual signal; duty of approaching vehicle to exhibit due care and caution; violation; penalty.**

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Sec. 653a.

(1) Upon approaching and passing a stationary authorized emergency vehicle that is giving a visual signal by means of flashing, rotating, or oscillating red, blue, or white lights as permitted by section 698, the driver of an approaching vehicle shall exhibit due care and caution, as required under the following:

(a) On any public roadway with at least 2 adjacent lanes proceeding in the same direction of the stationary authorized emergency vehicle, the driver of the approaching vehicle shall proceed with caution and yield the right-of-way by moving into a lane at least 1 moving lane or 2 vehicle widths apart from the stationary authorized emergency vehicle, unless directed otherwise by a police officer. If movement to an adjacent lane or 2 vehicle widths apart is not possible due to weather, road conditions, or the immediate presence of vehicular or pedestrian traffic in parallel moving lanes, the driver of the approaching vehicle shall proceed as required in subdivision (b).

(b) On any public roadway that does not have at least 2 adjacent lanes proceeding in the same direction as the stationary authorized emergency vehicle, or if the movement by the driver of the vehicle into an adjacent lane or 2 vehicle widths apart is not possible as described in subdivision (a), the approaching vehicle shall reduce and maintain a safe speed for weather, road conditions, and vehicular or pedestrian traffic and proceed with due care and caution, or as directed by a police officer.

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(2) Except as provided in subsections (3) and (4), a person who violates this section is guilty of a misdemeanor punishable by a fine of not more than \$500.00 or imprisonment for not more than 90 days, or both.

(3) A person who violates this section and causes injury to a police officer, firefighter, or other emergency response personnel in the immediate area of the stationary authorized emergency vehicle is guilty of a felony punishable by a fine of not more than \$1,000.00 or imprisonment for not more than 2 years, or both.

(4) A person who violates this section and causes death to a police officer, firefighter, or other emergency response personnel in the immediate area of the stationary authorized emergency vehicle is guilty of a felony punishable by a fine of not more than \$7,500.00 or by imprisonment for not more than 15 years, or both.

**History:** Add. 2000, Act 458, Eff. Mar. 28, 2001.

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## 169.14, Minnesota Statutes 2007

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### 169.14 SPEED LIMITS, ZONES; RADAR.

**Subdivision 1. Duty to drive with due care.** No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions. Every driver is responsible for becoming and remaining aware of the actual and potential hazards then existing on the highway and must use due care in operating a vehicle. In every event speed shall be so restricted as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

**Subd. 1a. License revocation for extreme speed.** The driver's license of a person who violates any speed limit established in this section, by driving in excess of 100 miles per hour, is revoked for six months under section [171.17](#), or for a longer minimum period of time applicable under section [169A.53](#), [169A.54](#), or [171.174](#).

**Subd. 2. Speed limits.** (a) Where no special hazard exists the following speeds shall be lawful, but any speeds in excess of such limits shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful; except that the speed limit within any municipality shall be a maximum limit and any speed in excess thereof shall be unlawful:

(1) 30 miles per hour in an urban district or on a town road in a rural residential district;

(2) 65 miles per hour on noninterstate freeways and expressways, as defined in section [160.02, subdivision 19](#);

(3) 55 miles per hour in locations other than those specified in this section;

(4) 70 miles per hour on interstate highways outside the limits of any urbanized area with a population of greater than 50,000 as defined by order of the commissioner of transportation;

(5) 65 miles per hour on interstate highways inside the limits of any urbanized area with a population of greater than 50,000 as defined by order of the commissioner of transportation;

(6) ten miles per hour in alleys; and

(7) 25 miles per hour in residential roadways if adopted by the road authority having jurisdiction over the residential roadway.

(b) A speed limit adopted under paragraph (a), clause (7), is not effective unless the road authority has erected signs designating the speed limit and indicating the beginning and end of the residential roadway on which the speed limit applies.

(c) For purposes of this subdivision, "rural residential district" means the territory contiguous to and including any town road within a subdivision or plat of land that is built up with dwelling houses at intervals of less than 300 feet for a distance of one-quarter mile or more.

(d) Notwithstanding section [609.0331](#) or [609.101](#) or other law to the contrary, a person who violates a speed limit established in this subdivision, or a speed limit designated on an appropriate sign under subdivision 4, 5, 5b, 5c, or 5e, by driving 20 miles per hour or more in excess of the applicable speed limit, is assessed an additional surcharge equal to the amount of the fine imposed for the speed violation, but not less than \$25.

**Subd. 3. Reduced speed required.** (a) The driver of any vehicle shall, consistent with the requirements, drive at an appropriate reduced speed when approaching or passing an authorized emergency vehicle stopped with emergency lights flashing on any street or highway, when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazards exist with respect to pedestrians or other traffic or by reason

of weather or highway conditions.

(b) A person who fails to reduce speed appropriately when approaching or passing an authorized emergency vehicle stopped with emergency lights flashing on a street or highway shall be assessed an additional surcharge equal to the amount of the fine imposed for the speed violation, but not less than \$25.

Subd. 4. **Establishment of zones by commissioner.** On determining upon the basis of an engineering and traffic investigation that any speed set forth in this section is greater or less than is reasonable or safe under the conditions found to exist on any trunk highway or upon any part thereof, the commissioner may erect appropriate signs designating a reasonable and safe speed limit thereat, which speed limit shall be effective when such signs are erected. Any speeds in excess of such limits shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful; except that any speed limit within any municipality shall be a maximum limit and any speed in excess thereof shall be unlawful. On determining upon that basis that a part of the trunk highway system outside a municipality should be a zone of maximum speed limit, the commissioner may establish that part as such a zone by erecting appropriate signs showing the beginning and end of the zone, designating a reasonable and safe speed therefor, which may be different than the speed set forth in this section, and that it is a zone of maximum speed limit. The speed so designated by the commissioner within any such zone shall be a maximum speed limit, and speed in excess of such limit shall be unlawful. The commissioner may in the same manner from time to time alter the boundary of such a zone and the speed limit therein or eliminate such zone.

Subd. 4a. [Repealed, 1997 c 143 s 20]

Subd. 5. **Zoning within local area.** When local authorities believe that the existing speed limit upon any street or highway, or part thereof, within their respective jurisdictions and not a part of the trunk highway system is greater or less than is reasonable or safe under existing conditions, they may request the commissioner to authorize, upon the basis of an engineering and traffic investigation, the erection of appropriate signs designating what speed is reasonable and safe, and the commissioner may authorize the erection of appropriate signs designating a reasonable and safe speed limit thereat, which speed limit shall be effective when such signs are erected. Any speeds in excess of these speed limits shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful; except that any speed limit within any municipality shall be a maximum limit and any speed in excess thereof shall be unlawful. Alteration of speed limits on streets and highways shall be made only upon authority of the commissioner except as provided in subdivision 5a.

Subd. 5a. **Speed zoning in school zone; surcharge.** (a) Local authorities may establish a school speed limit within a school zone of a public or nonpublic school upon the basis of an engineering and traffic investigation as prescribed by the commissioner of transportation. The establishment of a school speed limit on any trunk highway shall be with the consent of the commissioner of transportation. Such school speed limits shall be in effect when children are present, going to or leaving school during opening or closing hours or during school recess periods. The school speed limit shall not be lower than 15 miles per hour and shall not be more than 30 miles per hour below the established speed limit on an affected street or highway.

(b) The school speed limit shall be effective upon the erection of appropriate signs designating the speed and indicating the beginning and end of the reduced speed zone. Any speed in excess of such posted school speed limit is unlawful. All such signs shall be erected by the local authorities on those streets and highways under their respective jurisdictions and by the commissioner of transportation on trunk highways.

(c) For the purpose of this subdivision, "school zone" means that section of a street or highway which abuts the grounds of a school where children have access to the street or highway from the school property or where an established school crossing is located provided the school advance sign prescribed by the manual on uniform traffic control devices adopted by the commissioner of transportation pursuant to section 169.06 is in place. All signs erected

by local authorities to designate speed limits in school zones shall conform to the Manual on Uniform Control Devices.

(d) Notwithstanding section 609.0331 or 609.101 or other law to the contrary, a person who violates a speed limit established under this subdivision is assessed an additional surcharge equal to the amount of the fine imposed for the violation, but not less than \$25.

**Subd. 5b. Segment in urban district.** When any segment of at least a quarter-mile in distance of any city street, municipal state-aid street, or town road on which a speed limit in excess of 30 miles per hour has been established pursuant to an engineering and traffic investigation by the commissioner meets the definition of "urban district" as defined in section 169.01, subdivision 5, the governing body of the city or town may by resolution declare the segment to be an urban district and may establish on the segment the speed limit for urban districts prescribed in subdivision 2. The speed limit so established shall be effective upon the erection of appropriate signs designating the speed and indicating the beginning and end of the segment on which the speed limit is established, and any speed in excess of such posted limits shall be unlawful. A copy of the resolution shall be transmitted to the commissioner at least ten days prior to the erection of the signs.

**Subd. 5c. Speed zoning in alleyway.** Local authorities may regulate speed limits for alleyways as defined in section 169.01 based on their own engineering and traffic investigations. Alleyway speed limits established at other than ten miles per hour shall be effective when proper signs are posted.

**Subd. 5d. Speed zoning in work zone; surcharge.** (a) The commissioner, on trunk highways and temporary trunk highways, and local authorities, on streets and highways under their jurisdiction, may authorize the use of reduced maximum speed limits in highway work zones. The commissioner or local authority is not required to conduct an engineering and traffic investigation before authorizing a reduced speed limit in a highway work zone.

(b) The minimum highway work zone speed limit is 20 miles per hour. The work zone speed limit must not reduce the established speed limit on the affected street or highway by more than 15 miles per hour, except that the highway work zone speed limit must not exceed 40 miles per hour. The commissioner or local authority shall post the limits of the work zone. Highway work zone speed limits are effective on erection of appropriate regulatory speed limit signs. The signs must be removed or covered when they are not required. A speed greater than the posted highway work zone speed limit is unlawful.

(c) Notwithstanding paragraph (b), on divided highways the commissioner or local authority may establish a highway work zone speed limit that does not exceed 55 miles per hour.

(d) For purposes of this subdivision, "highway work zone" means a segment of highway or street where a road authority or its agent is constructing, reconstructing, or maintaining the physical structure of the roadway, its shoulders, or features adjacent to the roadway, including underground and overhead utilities and highway appurtenances, when workers are present.

(e) Notwithstanding section 609.0331 or 609.101 or other law to the contrary, a person who violates a speed limit established under paragraph (b) or (c), or who violates any other provision of this section while in a highway work zone, is assessed an additional surcharge equal to the amount of the fine imposed for the speed violation, but not less than \$25.

**Subd. 5e. Speed limit on park road.** The political subdivision with authority over a park may establish a speed limit on a road located within the park. A speed limit established under this subdivision on a trunk highway is effective only with the commissioner's approval. A speed limit established under this subdivision must be based on an engineering and traffic investigation prescribed by the commissioner of transportation and must not be lower than 20 miles per hour, and no speed limit established under this subdivision may reduce existing speed limits by more than 15 miles per hour. A speed limit established under this subdivision is effective on the erection of appropriate signs designating the speed limit and indicating the beginning and end of the reduced speed zone. Any speed in excess of the posted speed is unlawful.

Subd. 6. [Repealed, Ex1971 c 27 s 49]

Subd. 7. **Burden of proof.** The provisions of this chapter declaring speed limitation shall not be construed to relieve the plaintiff in any civil action from the burden of proving negligence on the part of the defendant as the proximate cause of an accident.

Subd. 8. **Minimum speeds.** On determining upon the basis of an engineering and traffic investigation that a speed at least as great as, or in excess of, a specified and determined minimum is necessary to the reasonable and safe use of any trunk highway or portion thereof, the commissioner may erect appropriate signs specifying the minimum speed on such highway or portion thereof. The minimum speed shall be effective when such signs are erected. Any speeds less than the posted minimum speeds shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful.

Subd. 9. **Standards of evidence.** In any prosecution in which the rate of speed of a motor vehicle is relevant, evidence of the speed of a motor vehicle as indicated on the speedometer thereof shall be admissible on a showing that a vehicle is regularly used in traffic law enforcement and that the speedometer thereon is regularly and routinely tested for accuracy and a record of the results of said tests kept on file by the agency having control of said vehicle. Evidence as to the speed indicated on said speedometer shall be prima facie evidence that the said vehicle was, at the time said reading was observed, traveling at the rate of speed so indicated; subject to correction by the amount of error, if any, shown to exist by the test made closest in time to the time of said reading.

Records of speedometer tests kept in the regular course of operations of any law enforcement agency shall be admissible without further foundation, as to the results of said tests. Such records shall be available to the defendant upon demand. Nothing herein shall be construed to preclude or interfere with the cross examination or impeachment of evidence of rate of speed as indicated by speedometer readings, pursuant to the Rules of Evidence.

Subd. 10. **Radar; speed-measuring device; standards of evidence.** (a) In any prosecution in which the rate of speed of a motor vehicle is relevant, evidence of the speed as indicated on radar or other speed-measuring device is admissible in evidence, subject to the following conditions:

- (1) the officer operating the device has sufficient training to properly operate the equipment;
- (2) the officer testifies as to the manner in which the device was set up and operated;
- (3) the device was operated with minimal distortion or interference from outside sources; and
- (4) the device was tested by an accurate and reliable external mechanism, method, or system at the time it was set up.

(b) Records of tests made of such devices and kept in the regular course of operations of any law enforcement agency are admissible in evidence without further foundation as to the results of the tests. The records shall be available to a defendant upon demand. Nothing in this subdivision shall be construed to preclude or interfere with cross examination or impeachment of evidence of the rate of speed as indicated on the radar or speed-measuring device.

Subd. 11. **Hand-held police traffic radar.** (a) Law enforcement agencies that use hand-held radar units shall establish operating procedures to reduce the operator's exposure to microwave radiation.

(b) The procedures, at a minimum, must require:

- (1) that the operator turn the unit off when it is not in use;
- (2) if the unit has a stand-by mode, that the operator use this mode except when measuring a vehicle's speed;
- (3) that the operator not allow the antenna to rest against the operator's body while it is in operation; and
- (4) that the operator always point the antenna unit away from the operator and any other person in very close proximity to the unit.

Subd. 12. **Radar jammer.** For purposes of this section, "radar jammer" means any instrument, device, or equipment designed or intended for use with a vehicle or otherwise to jam or interfere in any manner with a speed-measuring device operated by a peace officer.

No person shall sell, offer for sale, use, or possess any radar jammer in this state.

**History:** (2720-178) 1937 c 464 s 28; 1939 c 430 s 6; 1947 c 428 s 12,13; 1955 c 802 s 1,2; 1957 c 580 s 1; 1963 c 843 s 1-4; 1969 c 623 s 1; 1975 c 53 s 1; 1975 c 363 s 1,2; 1976 c 166 s 7; 1979 c 60 s 1; 1980 c 498 s 4; 1984 c 417 s 24,25; 1986 c 444; 1987 c 319 s 1; 1991 c 298 art 4 s 9; 1993 c 26 s 1; 1993 c 61 s 1; 1994 c 635 art 1 s 12; 1994 c 640 s 1; 1994 c 645 s 1; 1995 c 118 s 1; 1995 c 265 art 2 s 18; 1996 c 455 art 1 s 5,6; 1997 c 143 s 9-11; 1997 c 159 art 2 s 20,21; 1999 c 44 s 1; 2001 c 213 s 9; 1Sp2003 c 19 art 2 s 27; 1Sp2005 c 6 art 3 s 41,42

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# MISSISSIPPI STATUTES

## “Emergency Vehicle”

<http://198.187.128.12/mississippi/lpext.dll?f=templates&fn=fs-main.htm>

**Document 1 of 1**

**Source:**

Mississippi Code/TITLE 63 MOTOR VEHICLES AND TRAFFIC REGULATIONS /CHAPTER 3 TRAFFIC REGULATIONS AND RULES OF THE ROAD /ARTICLE 17. RIGHT-OF-WAY /§ 63-3-809. Procedure upon approach of authorized emergency vehicles; duty of driver of emergency vehicle.

**§ 63-3-809. Procedure upon approach of authorized emergency vehicles; duty of driver of emergency vehicle.**

(1) Upon the immediate approach of an authorized emergency vehicle, when the driver is giving audible signal by siren, exhaust whistle, or bell, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the highway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

(2) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

**Sources:** Codes, 1942, § 8199; Laws, 1938, ch. 200.

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**Document 1 of 1**

**Source:**

Mississippi Code/TITLE 63 MOTOR VEHICLES AND TRAFFIC REGULATIONS /CHAPTER 3 TRAFFIC REGULATIONS AND RULES OF THE ROAD /ARTICLE 3. DEFINITIONS / VEHICLES, EQUIPMENT AND THE LIKE DEFINED /§ 63-3-103. Vehicles.

**§ 63-3-103. Vehicles.**

- (a) "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon stationary rails or tracks.
- (b) "Motor vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails. The term "motor vehicle" shall not include electric personal assistive mobility devices.
- (c) "Motorcycle" means every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground but excluding a tractor.
- (d) "Authorized emergency vehicle" means every vehicle of the fire department (fire patrol), every police vehicle, every 911 Emergency Communications District vehicle, every such ambulance and special use EMS vehicle as defined in Section 41-59-3, and every emergency vehicle of municipal departments or public service corporations as is designated or authorized by the commission or the chief of police of an incorporated city.
- (e) "School bus" means every motor vehicle operated for the transportation of children to or from any school, provided same is plainly marked "School Bus" on the front and rear thereof and meets the requirements of the State Board of Education as authorized under Section 37-41-1.
- (f) "Recreational vehicle" means a vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle and includes travel trailers, fifth wheel trailers, camping trailers, truck campers and motor homes.
- (g) "Motor home" means a motor vehicle that is designed and constructed primarily to provide temporary living quarters for recreational, camping or travel use.
- (h) "Electric assistive mobility device" means a self-balancing two-tandem wheeled device, designed to transport only one (1) person, with an electric propulsion system that limits the maximum speed of the device to fifteen (15) miles per hour.

**Sources:** Codes, 1942, § 8127; Laws, 1938, ch. 200; Laws, 1973, ch. 338, § 1; Laws, 1976, ch. 348; Laws, 1980, ch. 316, § 2; Laws, 1983, ch. 350, § 1; Laws, 1986, ch. 459, § 35; Laws, 2000, ch. 318, § 1; Laws, 2003, ch. 485, § 9; Laws, 2004, ch. 425, § 3, eff from and after July 1, 2004.

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Mississippi Code/TITLE 63 MOTOR VEHICLES AND TRAFFIC REGULATIONS /CHAPTER 3 TRAFFIC REGULATIONS AND RULES OF THE ROAD /ARTICLE 3. DEFINITIONS / VEHICLES, EQUIPMENT AND THE LIKE DEFINED /§ 63-3-103. Vehicles.

**§ 63-3-103. Vehicles.**

- (a) "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon stationary rails or tracks.
- (b) "Motor vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails. The term "motor vehicle" shall not include electric personal assistive mobility devices.
- (c) "Motorcycle" means every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground but excluding a tractor.
- (d) "Authorized emergency vehicle" means every vehicle of the fire department (fire patrol), every police vehicle, every 911 Emergency Communications District vehicle, every such ambulance and special use EMS vehicle as defined in Section 41-59-3, and every emergency vehicle of municipal departments or public service corporations as is designated or authorized by the commission or the chief of police of an incorporated city.
- (e) "School bus" means every motor vehicle operated for the transportation of children to or from any school, provided same is plainly marked "School Bus" on the front and rear thereof and meets the requirements of the State Board of Education as authorized under Section 37-41-1.
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- (h) "Electric assistive mobility device" means a self-balancing two-tandem wheeled device, designed to transport only one (1) person, with an electric propulsion system that limits the maximum speed of the device to fifteen (15) miles per hour.

**Sources:** Codes, 1942, § 8127; Laws, 1938, ch. 200; Laws, 1973, ch. 338, § 1; Laws, 1976, ch. 348; Laws, 1980, ch. 316, § 2; Laws, 1983, ch. 350, § 1; Laws, 1986, ch. 459, § 35; Laws, 2000, ch. 318, § 1; Laws, 2003, ch. 485, § 9; Laws, 2004, ch. 425, § 3, eff from and after July 1, 2004.

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**Source:**

Mississippi Code/TITLE 63 MOTOR VEHICLES AND TRAFFIC REGULATIONS /CHAPTER 3 TRAFFIC REGULATIONS AND RULES OF THE ROAD /ARTICLE 11. RESTRICTIONS ON SPEED; USE OF RADAR /§ 63-3-517. Applicability of speed restrictions to emergency vehicles; duties of drivers of emergency vehicles.

**§ 63-3-517. Applicability of speed restrictions to emergency vehicles; duties of drivers of emergency vehicles.**

The speed limitations set forth in this article shall not apply to authorized emergency vehicles when responding to emergency calls and the drivers thereof sound audible signal by bell, siren, or exhaust whistle. This section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the street, nor shall it protect the driver of any such vehicle from the consequence of a reckless disregard of the safety of others.

**Sources:** Codes, 1942, § 8180; Laws, 1938, ch. 200; Laws, 1948, ch. 328, § 4.

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**Source:**

Mississippi Code/TITLE 63 MOTOR VEHICLES AND TRAFFIC REGULATIONS /CHAPTER 3 TRAFFIC REGULATIONS AND RULES OF THE ROAD /ARTICLE 7. TRAFFIC SIGNS, SIGNALS AND MARKINGS /§ 63-3-315. Obedience of official traffic-control devices by emergency vehicles.

**§ 63-3-315. Obedience of official traffic-control devices by emergency vehicles.**

The driver of any authorized emergency vehicle when responding to an emergency call upon approaching a red or stop signal or any stop sign shall slow down as necessary for safety but may proceed cautiously past such red or stop sign or signal. At other times drivers of authorized emergency vehicles shall stop in obedience to a stop sign or signal.

**Sources:** Codes, 1942, § 8148; Laws, 1938, ch. 200.

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**Source:**

Mississippi Code/TITLE 63 MOTOR VEHICLES AND TRAFFIC REGULATIONS /CHAPTER 3 TRAFFIC REGULATIONS AND RULES OF THE ROAD /ARTICLE 13. DRIVING ON RIGHT SIDE OF ROADWAY: OVERTAKING AND PASSING; FOLLOWING /§ 63-3-621. Distance to be maintained between vehicle and traveling or parked fire apparatus.

**§ 63-3-621. Distance to be maintained between vehicle and traveling or parked fire apparatus.**

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred (500) feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. The driver of any vehicle other than an official emergency vehicle shall not follow any moving ambulance that is engaged in an emergency medical call closer than five hundred (500) feet, or park the vehicle within two hundred (200) feet of where the ambulance has stopped to pick up or deliver a patient or otherwise render care at the scene of an ambulance call.

**Sources:** Codes, 1942, § 8223; Laws, 1938, ch. 200; Laws, 2004, ch. 425, § 4, eff from and after July 1, 2004.

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Mississippi Code/TITLE 63 MOTOR VEHICLES AND TRAFFIC REGULATIONS /CHAPTER 3 TRAFFIC REGULATIONS AND RULES OF THE ROAD /ARTICLE 17. RIGHT-OF-WAY /§ 63-3-809. Procedure upon approach of authorized emergency vehicles; duty of driver of emergency vehicle.

**§ 63-3-809. Procedure upon approach of authorized emergency vehicles; duty of driver of emergency vehicle.**

- (1) Upon the immediate approach of an authorized emergency vehicle, when the driver is giving audible signal by siren, exhaust whistle, or bell, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the highway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.
- (2) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

**Sources:** Codes, 1942, § 8199; Laws, 1938, ch. 200.

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**Source:**

Mississippi Code/TITLE 63 MOTOR VEHICLES AND TRAFFIC REGULATIONS /CHAPTER 3 TRAFFIC REGULATIONS AND RULES OF THE ROAD /ARTICLE 19. STOPPING, STANDING AND PARKING /§ 63-3-913. Designation of areas of private property as restricted for emergency vehicle access; parking in or blocking restricted access areas.

**§ 63-3-913. Designation of areas of private property as restricted for emergency vehicle access; parking in or blocking restricted access areas.**

- (1) The designation of areas on private property which are clearly marked to restrict access thereto to emergency vehicles shall be considered permission by the owner of such property that law enforcement officers may enter such private property to enforce such restricted access; and all municipal, county and state law enforcement officers are authorized to enforce such restriction.
- (2) It is unlawful to park a motor vehicle, other than an emergency vehicle responding to an emergency, in an area which has been marked as provided in subsection (1) of this section; and any person who unlawfully parks a motor vehicle in such an area or who blocks access thereto is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than One Hundred Dollars (\$100.00) for each violation. For the third and any subsequent offense under this section, the offender's driver's license shall be suspended for ninety (90) days in accordance with Section 63-1-53, Mississippi Code of 1972, in addition to any fine imposed.
- (3) For the purpose of this section "emergency vehicle" means fire department vehicles, law enforcement vehicles, ambulances and any other vehicle designated as an emergency vehicle by the governing authority of the county or municipality within which the private property is located.

**Sources:** Laws, 1995, ch. 461, § 1, eff from and after July 1, 1995.

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**Source:**

Mississippi Code/TITLE 63 MOTOR VEHICLES AND TRAFFIC REGULATIONS /CHAPTER 7 EQUIPMENT AND IDENTIFICATION / GENERAL PROVISIONS /§ 63-7-20. Use of blue and red lights and alternating flashing headlights.

**§ 63-7-20. Use of blue and red lights and alternating flashing headlights.**

(1) It is unlawful for any person, other than a law enforcement officer on duty, to use or display blue lights on a motor vehicle as provided for in Section 63-7-19.

(2) It is unlawful for any person to use or display red lights on a motor vehicle except as provided for in Section 63-7-19. It is not unlawful for the red lights authorized for private or department-owned vehicles used by firemen of volunteer fire departments, as provided in Section 63-7-19, to remain mounted on such vehicles when the lights are not in use.

(3) It is unlawful for any vehicle to use alternating flashing headlights except an emergency vehicle as provided in Section 63-7-19.

(4) A person violating this section is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00).

**Sources:** Codes, 1942, § 8229-08.5; Laws, 1972, ch. 352, § 1; Laws, 1979, ch. 398, § 2; Laws, 1987, ch. 333, § 2; Laws, 1994, ch. 517, § 2; Laws, 1995, ch. 581, § 2; Laws, 1997, ch. 565, § 1, eff from and after passage (approved April 23, 1997).

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**Source:**

Mississippi Code/TITLE 63 MOTOR VEHICLES AND TRAFFIC REGULATIONS /CHAPTER 7 EQUIPMENT AND IDENTIFICATION / GENERAL PROVISIONS /§ 63-7-65. Horns and other warning devices.

**§ 63-7-65. Horns and other warning devices.**

- (1) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred (200) feet. The driver of a motor vehicle shall, when reasonably necessary to insure safe operation, give audible warning with his horn but shall not otherwise use such horn upon a highway. No horn or other warning device shall emit an unreasonably loud or harsh sound or a whistle.
- (2) Any authorized emergency vehicle may be equipped with a siren, whistle, or bell, capable of emitting sound audible under normal conditions from a distance of not less than five hundred (500) feet and of a type approved by the department. No such siren shall be used except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which said latter events the driver of such vehicle shall sound such siren when necessary to warn pedestrians and other drivers of the approach thereof.
- (3) No vehicle shall be equipped with nor shall any person use upon a vehicle any siren, whistle, or bell, except as otherwise permitted in this section. No bicycle shall be equipped with nor shall any person use upon a bicycle any siren or whistle.
- (4) Any vehicle may be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal.

**Sources:** Codes, 1942, § 8250; Laws, 1938, ch. 200; Laws, 1994, ch. 324, § 1, eff from and after July 1, 1994.

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## *Missouri Revised Statutes*

### **Chapter 304 Traffic Regulations Section 304.010**

August 28, 2011

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#### **Definitions--maximum speed limits--cities, towns, villages, certain counties, may set speed limit, how set--slower speeds set, when--violations, penalty.**

304.010. 1. As used in this section, the following terms mean:

- (1) "Expressway", a divided highway of at least ten miles in length with four or more lanes which is not part of the federal interstate system of highways which has crossovers or accesses from streets, roads or other highways at the same grade level as such divided highway;
- (2) "Freeway", a limited access divided highway of at least ten miles in length with four or more lanes which is not part of the federal interstate system of highways which does not have any crossovers or accesses from streets, roads or other highways at the same grade level as such divided highway within such ten miles of divided highway;
- (3) "Rural interstate", that part of the federal interstate highway system that is not located in an urban area;
- (4) "Urbanized area", an area of fifty thousand population at a density at or greater than one thousand persons per square mile.

2. Except as otherwise provided in this section, the uniform maximum speed limits are and no vehicle shall be operated in excess of the speed limits established pursuant to this section:

- (1) Upon the rural interstates and freeways of this state, seventy miles per hour;
- (2) Upon the rural expressways of this state, sixty-five miles per hour;
- (3) Upon the interstate highways, freeways or expressways within the urbanized areas of this state, sixty miles per hour;
- (4) All other roads and highways in this state not located in an urbanized area and not provided for in subdivisions (1) to (3) of this subsection, sixty miles per hour;
- (5) All other roads provided for in subdivision (4) of this subsection shall not include any state two-lane road which is identified by letter. Such lettered roads shall not exceed fifty-five miles per hour unless set at a higher speed as established by the department of transportation, except that no speed limit shall be set higher than sixty miles per hour;
- (6) For the purposes of enforcing the speed limit laws of this state, it is a rebuttable presumption that the posted speed limit is the legal speed limit.

3. On any state road or highway where the speed limit is not set pursuant to a local ordinance, the highways and transportation commission may set a speed limit higher or lower than the uniform maximum speed limit provided in subsection 2 of this section, if a higher or lower speed limit is recommended by the department of

transportation. The department of public safety, where it believes for safety reasons, or to expedite the flow of traffic a higher or lower speed limit is warranted, may request the department of transportation to raise or lower such speed limit, except that no speed limit shall be set higher than seventy miles per hour.

4. Notwithstanding the provisions of section 304.120 or any other provision of law to the contrary, cities, towns and villages may regulate the speed of vehicles on state roads and highways within such cities', towns' or villages' corporate limits by ordinance with the approval of the state highways and transportation commission. Any reduction of speed in cities, towns or villages shall be designed to expedite the flow of traffic on such state roads and highways to the extent consistent with public safety. The commission may declare any ordinance void if it finds that such ordinance is:

- (1) Not primarily designed to expedite traffic flow; and
- (2) Primarily designed to produce revenue for the city, town or village which enacted such ordinance.

If an ordinance is declared void, the city, town or village shall have any future proposed ordinance approved by the highways and transportation commission before such ordinance may take effect.

5. The county commission of any county of the second, third or fourth classification may set the speed limit or the weight limit or both the speed limit and the weight limit on roads or bridges on any county, township or road - district road in the county and, with the approval of the state highways and transportation commission, on any state road or highway not within the limits of any incorporated city, town or village, lower than the uniform maximum speed limit as provided in subsection 2 of this section where the condition of the road or the nature of the area requires a lower speed. The maximum speed limit set by the county commission of any county of the second, third, or fourth classification for any road under the commission's jurisdiction shall not exceed fifty-five miles per hour if such road is properly marked by signs indicating such speed limit. If the county commission does not mark the roads with signs indicating the speed limit, the speed limit shall be fifty miles per hour. The commission shall send copies of any order establishing a speed limit or weight limit on roads and bridges on a county, township or road district road in the county to the chief engineer of the state department of transportation, the superintendent of the state highway patrol and to any township or road district maintaining roads in the county. After the roads have been properly marked by signs indicating the speed limits and weight limits set by the county commission, the speed limits and weight limits shall be of the same effect as the speed limits provided for in subsection 1 of this section and shall be enforced by the state highway patrol and the county sheriff as if such speed limits and weight limits were established by state law.

6. The county commission of any county of the second, third, or fourth classification may by ordinance set a countywide speed limit on roads within unincorporated areas of any county, township, or road district in the county and may establish reasonable speed regulations for motor vehicles within the limit of such county. No person who is not a resident of such county and who has not been within the limits thereof for a continuous period of more than forty-eight hours shall be convicted of a violation of such ordinances, unless it is shown by competent evidence that there was posted at the place where the boundary of such county road enters the county a sign displaying in black letters not less than four inches high and one inch wide on a white background the speed fixed by such county so that such signs may be clearly seen by operators and drivers from their vehicles upon entering such county. The commission shall send copies of any order establishing a countywide speed limit on a county, township, or road district road in the county to the chief engineer of the Missouri department of transportation, the superintendent of the state highway patrol, and to any township or road district maintaining roads in the county. After the boundaries of the county roads entering the county have been properly marked by signs indicating the speed limits set by the county commission, the speed limits shall be of the same effect as the speed limits provided for in subsection 1 of this section and shall be enforced by the state highway patrol and the county sheriff as if such speed limits were established by state law.

7. All road signs indicating speed limits or weight limits shall be uniform in size, shape, lettering and coloring and shall conform to standards established by the department of transportation.

8. The provisions of this section shall not be construed to alter any speed limit set below fifty-five miles per hour

by any ordinance of any county, city, town or village of the state adopted before March 13, 1996.

9. The speed limits established pursuant to this section shall not apply to the operation of any emergency vehicle as defined in section 304.022.

10. A violation of the provisions of this section shall not be construed to relieve the parties in any civil action on any claim or counterclaim from the burden of proving negligence or contributory negligence as the proximate cause of any accident or as the defense to a negligence action.

11. Any person violating the provisions of this section is guilty of a class C misdemeanor, unless such person was exceeding the posted speed limit by twenty miles per hour or more then it is a class B misdemeanor.

(RSMo 1939 § 8383, A.L. 1957 p. 631, A.L. 1965 pp. 95, 594, A.L. 1969 H.B. 46 & 483, A.L. 1972 H.B. 1297, A.L. 1979 S.B. 44, A.L. 1985 H.B. 288, et al. merged with S.B. 408, A.L. 1987 S.B. 83, A.L. 1991 H.B. 25, A.L. 1995 H.B. 717, A.L. 1996 H.B. 1047, A.L. 2004 H.B. 795, et al.)

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Missouri General Assembly

MONT CODE ANN § 61-8-346 : Montana Code - Section 61-8-346: OPERATION OF VEHICLES ON APPROACH OF AUTHORIZED EMERGENCY VEHICLES OR POLICE VEHICLES -- APPROACHING STATIONARY EMERGENCY VEHICLES OR POLICE VEHICLES

**Search MONT CODE ANN § 61-8-346 : Montana Code - Section 61-8-346: OPERATION OF VEHICLES ON APPROACH OF AUTHORIZED EMERGENCY VEHICLES OR POLICE VEHICLES -- APPROACHING STATIONARY EMERGENCY VEHICLES OR POLICE VEHICLES**

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(1) Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of 61-9-402 or of a police vehicle properly and lawfully making use of an audible signal only, the operator of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in that position until the authorized emergency vehicle or police vehicle has passed, except when otherwise directed by a police officer or highway patrol officer.

(2) This section does not relieve the driver of an authorized emergency vehicle or police vehicle from the duty to drive with due regard for the safety of all persons using the highway.

(3) Except as provided in subsection (4), upon approaching a stationary authorized emergency vehicle or police vehicle that is displaying visible signals of flashing or rotating amber, blue, red, or green lights, the operator of the approaching vehicle shall:

(a) reduce the vehicle's speed, proceed with caution, and, if possible considering safety and traffic conditions, move to a lane that is not adjacent to the lane in which the authorized emergency vehicle or police vehicle is located or move as far away from the authorized emergency vehicle or police vehicle as possible; or

(b) if changing lanes is not possible or is determined to be unsafe, reduce the vehicle's speed, proceed with caution, and maintain a reduced speed, appropriate to the road and the

conditions, through the area where the authorized emergency vehicle or police vehicle is stopped.

(4) Upon approaching a stationary authorized emergency vehicle or police vehicle that is displaying visible signals of flashing or rotating amber, blue, red, or green lights on a public highway with a posted speed limit of 50 miles per hour or greater when driving in a lane that is directly next to the emergency vehicle or police vehicle, the operator of the approaching vehicle shall reduce the vehicle's speed by at least 20 miles per hour below the posted speed limit.

**History:** En. Sec. 72, Ch. 263, L. 1955; amd. Sec. 4, Ch. 169, L. 1957; amd. Sec. 3, Ch. 153, L. 1975; R.C.M. 1947, 32-2175; amd. Sec. 1, Ch. 217, L. 1989; amd. Sec. 1, Ch. 157, L. 2001; amd. Sec. 28, Ch. 352, L. 2003; amd. Sec. 1, Ch. 520, L. 2007.



## Nebraska Office of Highway Safety

### NEBRASKA "MOVE OVER" LAW PENALTIES

- **Effective August 30, 2009**
- A driver in a vehicle on a controlled access highway approaching a stopped emergency or road assistance vehicle with flashing lights must vacate the lane closest to that vehicle if safe to do so or reduce speed and maintain a safe speed while passing.
- Any person who violates this is guilty of a traffic infraction and for a first offense may be fined up to \$100.00.
- Any person who subsequently (second or more) violates this provision may be sentenced up to 7 days in jail and/or a fine of up to \$500.00.

To receive a copy of the "Move Over! Protect Officers and Other Emergency Workers on the Road" brochure go to:

[www.roads.ne.gov/nohs/pdf/materials.pdf](http://www.roads.ne.gov/nohs/pdf/materials.pdf) or to

[www.roads.ne.gov/nohs](http://www.roads.ne.gov/nohs)

click on Items/Publications/Equipment

click on Materials Order Form

go to page 4.

Brian Sandoval  
Governor



February 9, 2011

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### Media Release

#### State of Nevada's Move Over Law

Being a Nevada Highway Patrol Trooper comes with inherent dangers. One of those dangers is being struck while on a traffic stop or investigating an accident. Within the past 60 days, 7 NHP vehicles have been struck while performing these duties, sending 1 Trooper to the hospital with injuries. Many drivers are unaware of Nevada's Move Over Law (NRS 484B.607). It is in place to protect Troopers, as well as Officers from other agencies, from this danger. The law reads as follows:

**NRS 484B.607 Duties of driver when approaching authorized emergency vehicle which is stopped and using flashing lights or tow car which is stopped and using flashing amber warning lights; penalty.**

1. Upon approaching an authorized emergency vehicle which is stopped and is making use of flashing lights meeting the requirements of subsection 3 of NRS 484A.480 or a tow car which is stopped and is making use of flashing amber warning lights meeting the requirements of NRS 484B.748, the driver of the approaching vehicle shall, in the absence of other direction given by a peace officer:

- (a) **Decrease the speed of the vehicle** to a speed that is:
- (1) **Reasonable and proper**, pursuant to the criteria set forth in subsection 1 of NRS 484B.600; and
  - (2) **Less than the posted speed limit**, if a speed limit has been posted;
- (b) **Proceed with caution**;
- (c) **Be prepared to stop**; and
- (d) If possible, **drive in a lane that is not adjacent to the lane in which the emergency vehicle or tow car is stopped**, unless roadway, traffic, weather or other conditions make doing so unsafe or impossible.
2. A person who violates subsection 1 is guilty of a misdemeanor.

A driver who violates this law is facing a fine up to \$395.00 and 4 points on their driver's license. The consequences could even be more severe if you happen to hurt or even kill a Trooper/Officer.

Troopers wear bright colored safety vests and use emergency flashing lights on their patrol vehicles to warn oncoming traffic of possible hazards or road closures.

We want our Troopers, as well as other agency's Officers, here in southern Nevada to be as safe as possible. We want to make the motoring public aware of this law so they know what to do when approaching an emergency vehicle on the side of the road or even in the travel lane.

**SLOW DOWN AND BE SAFE!!**

XXX

New Hampshire

# TITLE XXI MOTOR VEHICLES

## CHAPTER 265 RULES OF THE ROAD

### Pedestrians' Rights and Duties

#### Section 265:37-a

**265:37-a Motorist Duties When Approaching Highway Emergencies.** – When in or approaching an incident involving a fire, collision, disaster, or other emergency resulting in partial or complete blockage of a highway, or a location where a police officer has made a traffic stop, every driver other than the driver of an emergency response vehicle, shall:

- I. Maintain a reduced speed.
- II. Obey the directions of any authorized person directing traffic and of all applicable emergency signals and traffic control devices.
- III. Vacate as soon as possible any lane wholly or partially blocked.
- IV. Give a wide berth, without endangering oncoming traffic, to public safety personnel, any persons in the roadway, and stationary vehicles displaying blue, red, or amber emergency or warning lights.

**Source.** 2004, 193:3, eff. Jan. 1, 2005. 2008, 146:1, eff. Aug. 5, 2008.



THE STATE OF NEW JERSEY

DEPARTMENT OF LAW & PUBLIC SAFETY

OFFICE OF THE ATTORNEY GENERAL

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**For Immediate Release:**  
March 25, 2009

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- Colonel Rick Fuentes, *Superintendent*

**Move Over. It's the Law.**  
**State Police and Highway Safety officials join forces to draw attention to the new law**

Cranbury, N.J. - A coalition of agencies promoted the new "Move Over Law" at the State Police's New Jersey Turnpike Headquarters today to bring attention to a recently enacted law protecting roadside emergency workers. The outreach effort marks the beginning of a public awareness campaign to educate the state's drivers on the legislation, which was signed into law by Gov. Jon S. Corzine on Jan. 27.

The coalition supporting today's Move Over Law event included the Office of the Attorney General, the New Jersey State Police, the Division of Highway Traffic Safety, the New Jersey Motor Vehicle Commission, the Department of Transportation, the NJ Fire and Emergency Medical Services Institute, and AAA Clubs of New Jersey.

Public education for the Move Over Law has begun on a number of fronts. The Department of Transportation is transmitting a message over their Highway Advisory Radio (HAR) system telling motorists about the new law. Variable message signs on state highways and toll roads are pointing drivers to the radio frequencies for those messages. Today, the Office of the Attorney General launched a new website with Move Over Law information. This site will have links on other state government websites. The web address is [www.moveoverlaw.com](http://www.moveoverlaw.com).

The new law requires motor vehicle operators to reduce their speed and change lanes when approaching authorized vehicles displaying emergency lights. Such vehicles include police, fire and medical services vehicles, and also highway maintenance, tow trucks and official motorist aid vehicles displaying amber emergency lights. Where possible, drivers are required to move over to create an empty lane next to the emergency vehicle. When safely changing lanes is not possible, drivers must slow down below the posted speed limit prior to passing emergency vehicles. Drivers should also be prepared to stop, if necessary.

"Motorists approaching stationery flashing lights, whether an ambulance, police, fire or tow truck, must heed the warning and safely move over to another lane, or slow down below the posted speed limit," said Division of Highway Traffic Safety Director Pam Fischer.

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"Remember, emergency responders are there to help. Give them the space they need, so they can work safely."

Major Matt Walker, who commands troopers on the Turnpike, has seen more than a few troopers and patrol vehicles hit by passing motorists. He outlined the risks that workers face while serving the public at roadside emergencies. Walker mentioned a crash two days ago (Monday) that injured a trooper on a traffic stop on Route 78 in Hillside, Union County. Nationwide since 1997, more than 150 law enforcement officers have been killed after being struck by vehicles along America's highways.

"New Jersey contains some of the busiest highways in the nation," said Major Walker. "This law is a critical step in protecting the very workers that are protecting all motorists. But the second and most important step involves drivers obeying this law, and the State Police is ready to 'encourage' the public to do just that."

Walker added: "To borrow a line from a law enforcement video, a Kevlar vest can stop a speeding bullet, but it cannot stop a speeding vehicle."

Fines for violating this law run from \$100 to \$500 and will be determined by the municipal court in which the violator is charged.

Fischer said a public service message on the law will be distributed to minor league ballparks and other outdoor recreational venues this spring and summer. Posters with information on the law are also being developed for use by local and state law enforcement, community, traffic safety and emergency responders in New Jersey.

The New Jersey Motor Vehicle Commission will incorporate provisions of the law into their driver improvement program, and will be sending literature to driver training schools throughout the state. The agency will also be updating driver testing materials to reflect the new mandate.

"As with any new motor vehicle law, educating our state's drivers is essential," said MVC Deputy Chief Administrator Shawn Sheekey. "Through the use of the MVC's educational tools, such as the New Jersey Driver Manual, we will be able share the Move Over message with a very important segment of the driving population - new drivers preparing for a lifetime behind the wheel."

"Motorists' best bet is to merge safely away from emergency workers in the shoulder, providing an empty lane of protection while they work. Slowing down significantly is the next best move if this is not possible," AAA Clubs of New Jersey spokesman David Weinstein said. "AAA commends the Governor for signing this safety measure into law and law enforcement, particularly the New Jersey State Police, for informing motorists and enforcing the Move Over law, which acknowledges that the safety of emergency workers on our roadways is paramount."

"We are delighted to see such a rapid and comprehensive response to this important new law by so many agencies," said Paul Roman, president of the NJ Fire and Emergency Medical Services Institute. "Our effort will surely result in saved lives and safer working conditions for thousands of emergency response personnel in our state, many of whom are civilian volunteers."

New Jersey is the 44th state to pass a Move Over Law. Thirty of those states, including New Jersey, include tow trucks and highway maintenance vehicles as part of the move over requirement. New Jersey was among seven states in 2008 to move a bill like this.

Additional public education materials can also be found on the Division's web site, at [www.njsaferoads.com/move-over-law](http://www.njsaferoads.com/move-over-law). The full text of the Move Over statute follows:

*New Jersey Statute 39:4-92.2*

*Procedure for motorist approaching stationary authorized emergency vehicle, tow truck, highway maintenance or emergency service vehicle.*

1. a. The operator of a motor vehicle approaching a stationary authorized emergency vehicle as defined in R.S.39:1-1 that is displaying a flashing, blinking or alternating red or blue light or, any configuration of lights containing one of these colors, shall approach the authorized emergency vehicle with due caution and shall, absent any other direction by a law enforcement officer, proceed as follows:

(1) Make a lane change into a lane not adjacent to the authorized emergency vehicle if possible in the existing safety and traffic conditions; or

(2) If a lane change pursuant to paragraph (1) of subsection a. of this section would be impossible, prohibited by law or unsafe, reduce the speed of the motor vehicle to a reasonable and proper speed for the existing road and traffic conditions, which speed shall be less than the posted speed limit, and be prepared to stop.

b. The operator of a motor vehicle approaching a stationary tow truck as defined in section 1 of P.L.1999, c.396 (C.39:3-84.6) that is displaying a flashing amber light or a stationary highway maintenance or emergency service vehicle that is operated by the State, an authority or a county or municipality and displaying flashing yellow, amber, or red lights shall approach the vehicle with due caution and shall, absent any other direction by a law enforcement officer, proceed as follows:

(1) Make a lane change into a lane not adjacent to the tow truck or highway maintenance or emergency service vehicle if possible in the existing safety and traffic conditions; or  
(2) If a lane change under paragraph (1) of subsection b. of this section would be impossible, prohibited by law or unsafe, reduce the speed of the motor vehicle to a reasonable and proper speed for the existing road and traffic conditions, which speed shall be less than the posted speed limit, and be prepared to stop.

c. A violation of this section shall be punished by a fine of not less than \$100 and not more than \$500.

L. 2009, c.5, s.1.

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# Traffic Safety Bulletin

NEW JERSEY DIVISION OF HIGHWAY TRAFFIC SAFETY

FEBRUARY 2009, BULLETIN NUMBER 4

## GOVERNOR CORZINE SIGNS TRAFFIC SAFETY LAW PROTECTING EMERGENCY PERSONNEL

FEBRUARY 2009

On January 27, 2009, Governor Jon S. Corzine signed into law a bill that requires drivers approaching stationary emergency vehicles, tow trucks and other highway safety vehicles displaying certain flashing lights to move over one lane or, if not safe to move over, then to slow down below the posted speed limit.

- Failure to move over or slow down is punishable by a fine of \$100 to \$500; no points will be assessed for the offense.
- This law took effect upon Governor Corzine's signature.
- The complete text of the law can be found at [http://www.njleg.state.nj.us/2008/Bills/PL09/5\\_.PDF](http://www.njleg.state.nj.us/2008/Bills/PL09/5_.PDF).
- If you have any questions regarding the terms or enforcement of this new law, please consult your local prosecutor.



Office Of The Attorney General  
Division Of Highway Traffic Safety

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\*The Traffic Safety Bulletin is for informational purposes only. Its content does not represent legal advice from the Office of the Attorney General/Division of Criminal Justice.

**The Law*****New Jersey Statute 39:4-92.2***

*Procedure for motorist approaching stationary authorized emergency vehicle, tow truck, highway maintenance or emergency service vehicle.*

*1. a. The operator of a motor vehicle approaching a stationary authorized emergency vehicle as defined in R.S.39:1-1 that is displaying a flashing, blinking or alternating red or blue light or, any configuration of lights containing one of these colors, shall approach the authorized emergency vehicle with due caution and shall, absent any other direction by a law enforcement officer, proceed as follows:*

*(1) Make a lane change into a lane not adjacent to the authorized emergency vehicle if possible in the existing safety and traffic conditions; or*

*(2) If a lane change pursuant to paragraph (1) of subsection a. of this section would be impossible, prohibited by law or unsafe, reduce the speed of the motor vehicle to a reasonable and proper speed for the existing road and traffic conditions, which speed shall be less than the posted speed limit, and be prepared to stop.*

*b. The operator of a motor vehicle approaching a stationary tow truck as defined in section 1 of P.L.1999, c.396 (C.39:3-84.6) that is displaying a flashing amber light or a stationary highway maintenance or emergency service vehicle that is operated by the State, an authority or a county or municipality and displaying flashing yellow, amber, or red lights shall approach the vehicle with due caution and shall, absent any other direction by a law enforcement officer, proceed as follows:*

*(1) Make a lane change into a lane not adjacent to the tow truck or highway maintenance or emergency service vehicle if possible in the existing safety and traffic conditions; or*

*(2) If a lane change under paragraph (1) of subsection b. of this section would be impossible, prohibited by law or unsafe, reduce the speed of the motor vehicle to a reasonable and proper speed for the existing road and traffic conditions, which speed shall be less than the posted speed limit, and be prepared to stop.*

*c. A violation of this section shall be punished by a fine of not less than \$100 and not more than \$500.*

*L. 2009, c.5, s.1.*

## New York's Move Over Law Has Changed

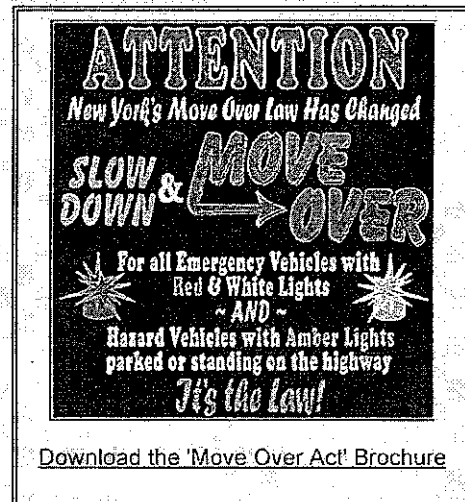
Effective January 1, 2012

Protects law enforcement officers, emergency workers, tow and service vehicle operators and other maintenance workers stopped along roadways while performing their duties.

- Drivers **must** use due care when approaching an emergency vehicle that displays red and/or white emergency lighting:
  - On all roads and highways, drivers **must** reduce speed;
- On Parkways and other controlled access highways with multiple lanes, when approaching an emergency vehicle that displays red and/or white emergency lighting or a hazard vehicle displaying flashing amber lighting, drivers **must** move from the lane immediately adjacent to the emergency or hazard vehicle, **unless** traffic or other hazards exist to prevent doing so safely.

### Penalties:

- Violations of this law are punishable as a moving violation.



**§ 20-157. Approach of law enforcement, fire department or rescue squad vehicles or ambulances; driving over fire hose or blocking fire-fighting equipment; parking, etc., near law enforcement, fire department, or rescue squad vehicle or ambulance.**

(a) Upon the approach of any law enforcement or fire department vehicle or public or private ambulance or rescue squad emergency service vehicle giving warning signal by appropriate light and by audible bell, siren or exhaust whistle, audible under normal conditions from a distance not less than 1000 feet, the driver of every other vehicle shall immediately drive the same to a position as near as possible and parallel to the right-hand edge or curb, clear of any intersection of streets or highways, and shall stop and remain in such position unless otherwise directed by a law enforcement or traffic officer until law enforcement or fire department vehicle or public or private ambulance or rescue squad emergency service vehicle shall have passed. Provided, however, this subsection shall not apply to vehicles traveling in the opposite direction of the vehicles herein enumerated when traveling on a four-lane limited access highway with a median divider dividing the highway for vehicles traveling in opposite directions, and provided further that the violation of this subsection shall be negligence per se. Violation of this subsection is a Class 2 misdemeanor.

(b) It shall be unlawful for the driver of any vehicle other than one on official business to follow any fire apparatus traveling in response to a fire alarm closer than one block or to drive into or park such vehicle within one block where fire apparatus has stopped in answer to a fire alarm.

(c) Outside of the corporate limits of any city or town it shall be unlawful for the driver of any vehicle other than one on official business to follow any fire apparatus traveling in response to a fire alarm closer than 400 feet or to drive into or park such vehicle within a space of 400 feet from where fire apparatus has stopped in answer to a fire alarm.

(d) It shall be unlawful to drive a motor vehicle over a fire hose or any other equipment that is being used at a fire at any time, or to block a fire-fighting apparatus or any other equipment from its source of supply regardless of its distance from the fire.

(e) It shall be unlawful for the driver of a vehicle, other than one on official business, to park and leave standing such vehicle within 100 feet of law enforcement or fire department vehicles, public or private ambulances, or rescue squad emergency vehicles which are engaged in the investigation of an accident or engaged in rendering assistance to victims of such accident.

(f) When an authorized emergency vehicle as described in subsection (a) of this section or any public service vehicle is parked or standing within 12 feet of a roadway and is giving a warning signal by appropriate light, the driver of every other approaching vehicle shall, as soon as it is safe and when not otherwise directed by an individual lawfully directing traffic, do one of the following:

- (1) Move the vehicle into a lane that is not the lane nearest the parked or standing authorized emergency vehicle or public service vehicle and continue traveling in that lane until safely clear of the authorized emergency vehicle. This paragraph applies only if the roadway has at least two lanes for traffic proceeding in the direction of the approaching vehicle and if the approaching vehicle may change lanes safely and without interfering with any vehicular traffic.
- (2) Slow the vehicle, maintaining a safe speed for traffic conditions, and operate the vehicle at a reduced speed and be prepared to stop until completely past the authorized emergency vehicle or public service vehicle. This paragraph applies only if the roadway has only one lane for traffic proceeding in the direction of the approaching vehicle or if the approaching vehicle may not change lanes safely and without interfering with any vehicular traffic.

For purposes of this section, "public service vehicle" means a vehicle that is being used to assist motorists or law enforcement officers with wrecked or disabled vehicles, or is a vehicle being used to restore electric utility service due to an unplanned event, and is operating an amber-colored flashing

light authorized by G.S. 20-130.2. Violation of this subsection shall be negligence per se.

(g) Except as provided in subsections (a), (h), and (i) of this section, violation of this section shall be an infraction punishable by a fine of two hundred fifty dollars (\$250.00).

(h) A person who violates this section and causes damage to property in the immediate area of the authorized emergency vehicle or public service vehicle in excess of five hundred dollars (\$500.00), or causes injury to a law enforcement officer, a firefighter, an emergency vehicle operator, an Incident Management Assistance Patrol member, a public service vehicle operator, or any other emergency response person in the immediate area of the authorized emergency vehicle or public service vehicle is guilty of a Class 1 misdemeanor.

(i) A person who violates this section and causes serious injury or death to a law enforcement officer, a firefighter, an emergency vehicle operator, an Incident Management Assistance Patrol member, a public service vehicle operator, or any other emergency response person in the immediate area of the authorized emergency vehicle or public service vehicle is guilty of a Class I felony. The Division may suspend, for up to six months, the drivers license of any person convicted under this subsection. If the Division suspends a person's license under this subsection, a judge may allow the licensee a limited driving privilege for a period not to exceed the period of suspension, provided the person's license has not also been revoked or suspended under any other provision of law. The limited driving privilege shall be issued in the same manner and under the terms and conditions prescribed in G.S. 20-16.1(b). (1937, c. 407, s. 119; 1955, cc. 173, 744; 1971, c. 366, ss. 1, 2; 1985, c. 764, s. 31; 1985 (Reg. Sess., 1986), c. 852, s. 17; 1993, c. 539, s. 372; 1994, Ex. Sess., c. 24, s. 14(c); 2001-331, s. 1; 2005-189, s. 1; 2006-259, s. 9; 2007-360, s. 1; 2010-132, s. 12.)

**CHAPTER 39-10  
GENERAL RULES OF THE ROAD****39-10-01. Provisions of title refer to vehicles upon the highways - Exceptions.**

1. The provisions of this title relating to the operation of vehicles apply to the operation of vehicles upon highways or other places open to the public for the operation of vehicles except when a different place is specifically referred to in a given section.
2. The provisions of this title, or equivalent ordinances, relating to reporting of accidents, careless driving, exhibition driving, drag racing, reckless or aggravated reckless driving, driving while under the influence of intoxicating liquor or controlled substances, or fleeing or attempting to elude a peace officer apply upon highways and elsewhere.

**39-10-01.1. Required obedience to traffic laws.**

It is unlawful and, unless otherwise declared in this chapter or in chapter 39-06.1 with respect to particular offenses, it is a class B misdemeanor for any person to do any act forbidden or fail to perform any act required in this chapter.

**39-10-02. Obedience to police officer or firefighter.**

No person may willfully refuse to comply with any lawful order or direction of any police officer or firefighter invested by law with authority to direct, control, or regulate traffic.

**39-10-02.1. Person riding animal or driving animal-drawn vehicle.**

In addition to any special regulations, any person riding an animal or driving any animal-drawn vehicle upon a roadway must be granted all of the rights and is subject to all of the duties applicable to the driver of a vehicle by this chapter, except those provisions which by their very nature can have no application.

**39-10-03. Class A authorized emergency vehicles.**

1. The driver of a class A authorized emergency vehicle may:
  - a. Park or stand, irrespective of the provisions of this chapter.
  - b. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
  - c. Exceed the speed limit so long as the driver does not endanger life or property.
  - d. Disregard regulations governing direction of movement or turning in specified directions.
2. The exceptions herein granted to a class A authorized emergency vehicle apply only:
  - a. When the authorized emergency vehicle is in pursuit of or apprehension of a violator or a suspected violator requiring the use of these exemptions.
  - b. When the class A authorized emergency vehicle is being operated in response to a reported emergency involving a possible personal injury, death, or damage to property, and when giving adequate warning by use of a flashing red or combination red and white lights that are visible under normal atmospheric conditions for at least five hundred feet [152.4 meters] and if appropriate, giving audible signal by siren or airhorn. A law enforcement vehicle that is otherwise a class A authorized emergency vehicle may display a flashing blue light in addition to and under the same conditions as the other colors allowed in this subdivision.
  - c. In any instance when the head of a law enforcement agency deems advisable within the area of that person's jurisdiction for the protection of person and property and when giving audible signal by siren or when giving adequate warning by use of a flashing red or combination red and white lights which are visible under normal atmospheric conditions for at least five hundred feet [152.4 meters]. A law enforcement vehicle that is otherwise a class A authorized emergency vehicle may display a flashing blue light in addition to and under the same conditions as the other colors allowed in this subdivision.

3. An emergency vehicle may not display or permit to be displayed any red lamp except when operated on official business.
4. Any law enforcement officer as provided in paragraph 2 of subdivision a of subsection 2 of section 39-01-01 having stopped another vehicle along a highway, and while still involved in that incident, or any other related activity, may use amber lights, visible under normal atmospheric conditions for at least five hundred feet [152.4 meters], for the purpose of maintaining traffic flow.

**39-10-03.1. Class B authorized emergency vehicles.**

1. The driver of a class B authorized emergency vehicle may:
  - a. Park or stand, irrespective of the provisions of this chapter.
  - b. Exceed the speed limit so long as the driver does not endanger life or property during the time of a local or national disaster.
  - c. Disregard regulations governing direction of movement or turning in specified directions.
2. The exceptions herein granted to a class B authorized emergency vehicle apply only when the authorized emergency vehicle is displaying an amber light visible under normal atmospheric conditions for a distance of five hundred feet [152.4 meters] in any direction, and:
  - a. When it is necessary for the authorized emergency vehicle to use these exemptions for the immediate protection of life or property;
  - b. When an authorized emergency vehicle is stopped on a highway for the purpose of performing a duty as required of the driver; or
  - c. When traveling at a speed slower than the normal flow of traffic.

**39-10-03.2. Class C authorized emergency vehicles.**

All class B specifications apply to class C authorized emergency vehicles except that a blue flashing light must be displayed in place of an amber light as provided in section 39-10-03.1.

**39-10-04. Obedience to and required traffic-control devices.**

1. The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the provisions of this chapter, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this chapter.
2. No provision of this chapter for which traffic-control devices are required may be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a state statute does not state that devices are required, such statute is effective even though no devices are erected or in place.
3. Whenever official traffic-control devices are placed in positions approximately conforming to the requirements of this title, such devices must be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary is established by competent evidence.
4. Any official traffic-control device placed pursuant to the provisions of this title and purporting to conform to the lawful requirements pertaining to such devices must be presumed to comply with the requirements of this title, unless the contrary is established by competent evidence.

**39-10-05. Traffic-control signal legend.**

Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red, and yellow may be used, except for special pedestrian signals carrying a word or legend, and said lights must indicate and apply to drivers of vehicles and pedestrians as follows:

1. Green indications:

- a. Vehicular traffic facing a circular green indication may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right of way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.
  - b. Vehicular traffic facing a green arrow indication, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
  - c. Unless otherwise directed by a pedestrian-control signal as provided for in section 39-10-06, pedestrians facing any green indication, except when the sole green indication is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.
2. Steady yellow indication:
- a. Vehicular traffic facing a steady circular yellow or yellow arrow indication is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic may not enter the intersection.
  - b. Pedestrians facing a steady circular yellow or yellow arrow indication, unless otherwise directed by a pedestrian-control signal as provided for in section 39-10-06, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian may then start to cross the roadway.
3. Steady red indication:
- a. Vehicular traffic facing a steady circular red indication alone shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection and shall remain standing until an indication to proceed is shown, except as provided for in subdivision c.
  - b. Vehicular traffic facing a steady red arrow indication may not enter the intersection to make the movement indicated by the arrow and, unless entering the intersection to make a movement permitted by another indication, must stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection and must remain standing until an indication permitting the movement indicated by the red arrow is shown except as provided for in subdivision c.
  - c. Except when a sign is in place prohibiting a turn, vehicular traffic facing any steady red indication may cautiously enter the intersection to turn right, or to turn left from a one-way street into a one-way street, after stopping as required by subdivisions a and b. Such vehicular traffic shall yield the right of way to pedestrians lawfully within adjacent crosswalk and to other traffic lawfully using the intersection.
  - d. Unless otherwise directed by a pedestrian-control signal as provided for in section 39-10-06, pedestrians facing a steady circular red or red arrow indication alone may not enter the roadway.
4. In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section are applicable, except as to those provisions which by their nature can have no application. Any stop required must be made at a sign or marking on the pavement indicating where the stop must be made, but in the absence of any such sign or marking the stop must be made at the signal.

### **39-10-06. Pedestrian control signals.**

Whenever special pedestrian-control signals exhibiting the words "Walk" or "Don't Walk" or the symbols of a walking person, symbolizing "Walk", or an upraised hand, symbolizing "Don't Walk" are in place, such signals must indicate as follows:

1. "Walk": Pedestrians facing such indication may proceed across the roadway in the direction of the indication and must be given the right of way by the drivers of all vehicles.
2. "Don't Walk" (steadily illuminated): A pedestrian may not start to cross the roadway in the direction of such indication.
3. "Don't Walk" (flashing): A pedestrian may not start to cross the roadway in the direction of the indication, but any pedestrian who has partially completed a crossing during the "Walk" signal must proceed in the direction of the indication to a sidewalk or safety island.

### **39-10-07. Flashing signals.**

1. Whenever an illuminated flashing red or yellow light is used in a traffic signal or with a traffic sign, it requires obedience by vehicular traffic as follows:
  - a. Flashing red (stop indication). When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line, or, if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it, and the right to proceed is subject to the rules applicable after making a stop at a stop sign.
  - b. Flashing yellow (caution indication). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such indication only with caution.
  - c. Flashing red arrow and flashing yellow arrow indications have the same meaning as the corresponding flashing circular indications, except that they apply only to drivers of vehicles intending to make the movement indicated by the arrow.
2. This section does not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings is governed by the requirements set forth in section 39-10-41.

#### **39-10-07.1. Lane-direction-control signals.**

When lane-direction-control signals are placed over the individual lanes of a street or highway, vehicular traffic may travel in any lane over which a green signal is shown, but may not enter or travel in any lane over which a red signal is shown.

#### **39-10-07.2. Display of unauthorized signs, signals, or markings.**

1. No person may place, maintain, or display upon or in view of any highway, any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of an official traffic-control device or any railroad sign or signal.
2. No person may place or maintain nor may any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising.
3. This section may not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.
4. Every such prohibited sign, signal, or marking is hereby declared to be a public nuisance and the authority having jurisdiction over the highway is hereby empowered to remove the same or cause it to be removed without notice when located on highway right of way.

5. No person may place, maintain, or display upon or within the right of way of any highway any sign, post, pole, mailbox, or signal which has a red lamp or red reflector visible to traffic. The provisions of this subsection do not apply to official traffic devices, lamps, or reflectors on motor vehicles or bicycles, or railroad signals or signs.
6. This section does not prohibit the use of portable battery-powered warning devices emitting a flashing red light placed upon a highway to alert oncoming traffic to a disabled or stopped motor vehicle.

**39-10-07.3. Interference with official traffic-control device or railroad sign or signal.**

A person may not, without lawful authority, attempt to or in fact alter, deface, injure, knock down, remove, or interfere with the operation of any official traffic-control device or any railroad sign or signal or any inscription, shield, or insignia thereon, or any other part thereof.

**39-10-08. Drive on right side of roadway - Exceptions.**

1. Upon all roadways of sufficient width a vehicle must be driven upon the right half of the roadway, except as follows:
  - a. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;
  - b. When an obstruction exists making it necessary to drive to the left of the center of the highway; provided, any person so doing shall yield the right of way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;
  - c. Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon; or
  - d. Upon a roadway restricted to one-way traffic.
2. Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing must be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn in an intersection or into a private road or driveway.
3. Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle may be driven to the left of the centerline of the roadway, except when authorized by official traffic-control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted under subdivision b of subsection 1. However, this subsection may not be construed as prohibiting the crossing of the centerline in making a left turn into or from an alley, private road, or driveway.

**39-10-09. Passing vehicles proceeding in opposite directions.**

Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction each driver shall give to the other at least one-half of the main-traveled portion of the roadway as nearly as possible.

**39-10-10. Use of multiple-beam road-lighting equipment.**

Repealed by S.L. 1963, ch. 283, § 20.

**39-10-11. Overtaking a vehicle on the left.**

The following rules govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions, and special rules hereinafter stated:

1. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and may not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

2. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and may not increase the speed of that driver's vehicle until completely passed by the overtaking vehicle.

**39-10-12. When overtaking on the right is permitted.**

1. The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:
  - a. When the vehicle overtaken is making or about to make a left turn; or
  - b. Upon a roadway with unobstructed pavement of sufficient width for two or more lines of vehicles moving lawfully in the direction being traveled by the overtaking vehicle.
2. The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. Such movement may not be made by driving off the roadway.

**39-10-13. Limitations on overtaking on the left.**

No vehicle may be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable, and in the event the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within two hundred feet [60.96 meters] of any approaching vehicle.

**39-10-14. Further limitations on driving on left of center of roadway.**

1. No vehicle may be driven to the left side of the roadway under any of the following conditions:
  - a. When approaching or upon the crest of a grade or a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction.
  - b. When approaching within one hundred feet [30.48 meters] of or traversing any intersection or railroad grade crossing.
  - c. When the view is obstructed upon approaching within one hundred feet [30.48 meters] of any bridge, viaduct, or tunnel.
2. The foregoing limitations do not apply upon a one-way roadway, nor under the conditions described in section 39-10-08, nor to the driver of a vehicle turning left into or from an alley, private road, or driveway.

**39-10-15. No-passing zones.**

1. The director and local authorities are hereby authorized to determine those portions of any highway under their respective jurisdiction where overtaking and passing or driving on the left side of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the beginning and end of such zones and when such signs or markings are in place and clearly visible to an ordinarily observant person, every driver of a vehicle shall obey the directions thereof.
2. Where signs or markings are in place to define a no-passing zone as set forth in subsection 1, no driver may at any time drive on the left side of the roadway within such no-passing zone or on the left side of any pavement striping designed to mark such no-passing zone throughout its length.
3. This section does not apply under the conditions described in section 39-10-08 nor to the driver of a vehicle turning left into or from an alley, private road, or driveway.

**39-10-16. One-way roadways and rotary traffic islands.**

1. The director and local authorities with respect to highways under their respective jurisdictions may designate any highway, roadway, part of a roadway, or specific lanes upon which vehicular traffic shall proceed in one direction at all or such times as shall be indicated by official traffic-control devices.
2. Upon a roadway so designated for one-way traffic, a vehicle shall be driven only in the direction designated at all or at such times as shall be indicated by official traffic-control devices.
3. A vehicle passing around a rotary traffic island must be driven only to the right of such island.

**39-10-17. Driving on roadways laned for traffic.**

Whenever any roadway has been divided into two or more clearly marked lanes for traffic, the following rules in addition to all others consistent herewith apply:

1. A vehicle must be driven as nearly as practicable entirely within a single lane and may not be moved from such lane until the driver has first ascertained that such movement can be made with safety.
2. Upon a roadway which is divided into three lanes and provides for two-way traffic, a vehicle may not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction when such center lane is clear of traffic within a safe distance, or in preparation for making a left turn or where such center lane is at the time allocated exclusively to traffic moving in the same direction that the vehicle is proceeding and such allocation is designated by official traffic-control devices.
3. Official traffic-control devices may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such device.
4. Official traffic-control devices may be installed prohibiting the changing of lanes on sections of roadway and drivers of vehicles shall obey the directions of every such device.

**39-10-18. Following too closely.**

1. The driver of a motor vehicle may not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.
2. The driver of any truck or motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residence district and which is following another truck or motor vehicle drawing another vehicle shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger, except that this does not prevent a truck or motor vehicle drawing another vehicle from overtaking and passing any vehicle or combination of vehicles.
3. Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade whether or not towing other vehicles must be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This provision does not apply to funeral processions.

**39-10-19. Driving on divided highway.**

Whenever any highway has been divided into two or more roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle must be driven only upon the right-hand roadway, unless directed or permitted to use another roadway by official traffic-control devices or police officers. No vehicle may be driven over, across, or within any such dividing space, barrier, or section, except through an opening in such physical barrier or dividing section or space or at a

crossover or intersection as established by public authority, unless such crossing is specifically prohibited and such prohibition is indicated by appropriate traffic-control devices.

**39-10-20. Restricted access.**

No person may drive a vehicle onto or from any controlled-access roadway except at such entrances and exits as are established by public authority.

**39-10-21. Restrictions on use of controlled-access roadway.**

The director may by order, and local authorities may by ordinance, with respect to any controlled-access roadway under their respective jurisdictions, prohibit the use of any such roadway by any class or kind of traffic which is found incompatible with the normal and safe movement of traffic.

The director or the local authority adopting any such prohibition shall erect and maintain official traffic-control devices on the controlled-access roadway on which such prohibitions are applicable and when in place no person may disobey the restrictions stated on such devices.

**39-10-21.1. Closing road because of hazardous conditions - Posting of official traffic-control devices - Entering closed road prohibited.**

1. The highway patrol or local law enforcement authorities having jurisdiction over a road may close a road temporarily due to hazardous conditions for the protection and safety of the public. If such a closing is made, the authority ordering the closing shall make every reasonable attempt to notify the public and, when practical, may post appropriate official traffic-control devices to advise motorists of the closing.
2. An individual, while operating a motor vehicle, may not knowingly enter a road closed which is posted with an appropriate traffic-control device at the point of entry.

**39-10-22. Vehicle approaching or entering intersection.**

1. If a vehicle approaches or enters an intersection that does not have an official traffic-control device and another vehicle approaches or enters from a different highway at approximately the same time, the driver of the vehicle on the left shall yield the right of way to the vehicle on the right. If the intersection is T-shaped and does not have an official traffic-control device, the driver of the vehicle on the terminating street or highway shall yield to the vehicle on the continuing street or highway.
2. If a vehicle approaches an intersection that has traffic-control signals that usually exhibit different colored lights and the signals are not lit, the driver of the vehicle shall stop and yield as required under subsection 2 of section 39-10-24.
3. The right-of-way rule declared in this section is modified at through highways and otherwise as stated in this chapter.

**39-10-22.1. Entering freeways - Right of way.**

A vehicle entering a freeway, as defined in section 24-01-01.1, from an acceleration lane, ramp, or any other approach road shall yield the right of way to a vehicle on the main roadway entering the merging area at the same time, regardless of whether the approach road is to the left or the right of the main roadway, unless posted signs indicate otherwise.

**39-10-23. Vehicle turning left.**

The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right of way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.

**39-10-24. Stop signs and yield signs.**

1. Preferential right of way may be indicated by stop signs or yield signs as authorized in section 39-07-03.

2. Except when directed to proceed by a police officer, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After having stopped, the driver shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time when such driver is moving across or within the intersection or junction of roadways.
3. The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, or, if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After slowing or stopping, the driver shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection or junction of roadways. Provided, however, that if a driver is involved in a collision with a vehicle in the intersection or junction of roadways after driving past a yield sign without stopping, such collision is deemed prima facie evidence of the driver's failure to yield the right of way.

**39-10-25. Vehicle entering roadway.**

The driver of a vehicle about to enter or cross a roadway from any place other than another roadway shall yield the right of way to all vehicles approaching on the roadway to be entered or crossed.

**39-10-26. Vehicle to stop or yield the right of way for authorized emergency vehicle or vehicle used for maintaining the state highway system - Penalty.**

1. Upon the immediate approach of an authorized emergency vehicle displaying a visible flashing, revolving, or rotating blue, white, or red light, the driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in that position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.
2. If an authorized emergency vehicle is parked or stopped at the scene of an emergency and is displaying a flashing, revolving, or rotating blue, white, or red light, approaching traffic shall move to the right-hand edge or curb of the roadway and shall stop, but once having stopped, traffic may proceed past the scene at its own risk when the roadway is clear, except when otherwise directed by a police officer. If an authorized emergency vehicle is otherwise parked or stopped on the interstate system or on a multilane highway outside the limits of a city, and the authorized emergency vehicle is displaying a flashing, revolving, or rotating amber, blue, white, or red light, the driver of an approaching vehicle shall proceed with caution and yield the right of way by moving to a lane that is not adjacent to the authorized emergency vehicle if the move may be made with due regard to safety and traffic conditions or if not, the driver shall proceed with due caution, reduce the speed of the vehicle, and maintain a safe speed for the road conditions.
3. If a vehicle operated by or under the control of the director used for maintaining the state highway system is parked or stopped on the interstate system or on a multilane highway outside the limits of a city, and the vehicle is displaying a flashing, revolving, or rotating amber or white light, the driver of an approaching vehicle shall proceed with caution and yield the right of way by moving to a lane that is not adjacent to the vehicle if the move may be made with due regard to safety and traffic conditions or if not, the driver shall proceed with due caution, reduce the speed of the vehicle, and maintain a safe speed for the road conditions.
4. This section does not operate to relieve the driver of an authorized emergency vehicle or a vehicle operated by or under the control of the director used for maintaining the

state highway system from the duty to drive with due regard for the safety of all persons using the highway.

5. a. Any individual who violates subsection 2 and causes an accident with an authorized emergency vehicle while the authorized emergency vehicle is displaying a visible flashing, revolving, or rotating amber, blue, white, or red light is guilty of an infraction.
- b. An individual who violates subsection 3 and causes an accident with a vehicle operated by or under the control of the director used for maintaining the state highway system while the vehicle is displaying a visible flashing, revolving, or rotating amber or white light is guilty of an infraction.

**39-10-26.1. Highway construction and maintenance.**

1. The driver of a vehicle shall yield the right of way to any authorized vehicle or pedestrian actually engaged in work upon a highway within any highway construction or maintenance area indicated by official traffic-control devices.
2. The driver of a vehicle shall yield the right of way to any authorized vehicle obviously and actually engaged in work upon a highway wherever such vehicle displays flashing lights meeting the requirements of section 39-21-28.

**39-10-26.2. Permitting use of vehicle to violate section 39-10-26 prohibited - Presumption of permission - Defense - Dual prosecution prohibited.**

The registered owner of a motor vehicle may not permit that motor vehicle to be operated in violation of section 39-10-26. If a motor vehicle is seen violating section 39-10-26, it is a disputable presumption that the registered owner of the motor vehicle permitted that violation. It is a defense to a charge of violating this section that the registered owner of the vehicle was not operating the vehicle, if that registered owner identifies the person authorized by that owner to operate the motor vehicle at the time of the violation of section 39-10-26, or if that motor vehicle had been taken without the registered owner's permission. A person may not be charged both with violating this section and with violating section 39-10-26. Violation of this section is not a lesser included offense of violation of section 39-10-26.

**39-10-27. Pedestrian obedience to traffic-control devices and traffic regulations.**

1. A pedestrian shall obey the instructions of any official traffic-control device specially applicable to the pedestrian, unless otherwise directed by a police officer.
2. Pedestrians are subject to traffic-control and pedestrian-control signals as provided for in sections 39-10-05 and 39-10-06.

**39-10-28. Pedestrian's right of way in crosswalk.**

1. When traffic-control signals are not in place or not in operation, the driver of a vehicle shall yield the right of way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.
2. No pedestrian may suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute an immediate hazard.
3. Subsection 1 does not apply under the conditions stated in subsection 2 of section 39-10-29.
4. Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the highway, the driver of any other vehicle approaching from the rear may not overtake and pass such stopped vehicle.

**39-10-29. Crossing at other than crosswalk.**

1. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of way to all vehicles upon the roadway.
2. Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right of way to all vehicles upon the roadway.
3. Between adjacent intersections at which traffic-control devices are in operation, pedestrians may not cross at any place except in a marked crosswalk.
4. No pedestrian may cross a roadway intersection diagonally unless authorized by official traffic-control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic-control devices pertaining to such crossing movements.

**39-10-30. Driver to exercise due care.**

Notwithstanding other provisions of this chapter or the provisions of any local ordinance, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused, incapacitated, or intoxicated person.

**39-10-31. Protection of blind or incapacitated pedestrians.**

Repealed by S.L. 1975, ch. 347, § 25.

**39-10-32. Pedestrians to use right half of crosswalks.**

Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

**39-10-33. Pedestrian on roadway.**

1. Where a sidewalk is provided and its use is practicable, it is unlawful for any pedestrian to walk along and upon an adjacent roadway.
2. Where a sidewalk is not available, any pedestrian walking along and upon a highway shall walk only on a shoulder, as far as practicable from the edge of the roadway.
3. Where neither a sidewalk nor a shoulder is available, any pedestrian walking along and upon a highway shall walk as near as practicable to an outside edge of the roadway, and, if on a two-way roadway, shall walk only on the left side of the roadway.
4. Except as otherwise provided for in this chapter, any pedestrian upon a roadway shall yield the right of way to all vehicles upon the roadway.

**39-10-33.1. Pedestrian's right of way on sidewalk.**

The driver of a vehicle shall yield the right of way to any pedestrian on a sidewalk.

**39-10-33.2. Pedestrian to yield to authorized emergency vehicles.**

1. Upon the immediate approach of an authorized emergency vehicle making use of an audible signal by bell, siren, or exhaust whistle and displaying a visible flashing, revolving, or rotating blue, white, or red light, every pedestrian shall yield the right of way to the authorized emergency vehicle.
2. This section does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway nor from the duty to exercise due care to avoid colliding with any pedestrian.

**39-10-33.3. Blind pedestrian right of way.**

The driver of a vehicle shall yield the right of way to an individual who is blind or visually impaired and carrying a clearly visible white cane or to an individual with a disability who is accompanied by an assistance dog.

**39-10-33.4. Pedestrian under influence of alcohol or drugs.**

A pedestrian who is under the influence of alcohol or any drug to a degree which renders the pedestrian a hazard may not walk or be upon a roadway.

**39-10-33.5. Bridge and railroad signals.**

No pedestrian may pass through, around, over, or under any crossing gate or barrier at a railroad grade crossing or bridge while such gate or barrier is closed or is being opened or closed.

**39-10-34. Pedestrian soliciting ride or business.**

1. No person may stand in a roadway for the purpose of soliciting a ride.
2. No person may stand in a roadway for the purpose of soliciting employment, business, or contributions from the occupant of any vehicle.
3. No person may stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

**39-10-35. Required position and method of turning.**

The driver of a vehicle intending to turn shall do so as follows:

1. Right turns. Both the approach for a right turn and a right turn must be made as close as practicable to the right-hand curb or edge of the roadway.
2. Left turns. The driver of a vehicle intending to turn left shall approach the turn in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle. Whenever practicable, the left turn must be made to the left of the center of the intersection and so as to leave the intersection or other location in the extreme left-hand lane lawfully available to traffic moving in the same direction as such vehicle on the roadway being entered.
3. The director and local authorities in their respective jurisdictions may cause official traffic-control devices to be placed and thereby require and direct that a different course from that specified in this section be traveled by turning vehicles, and when such devices are so placed, no driver of a vehicle may turn it other than as directed and required by such devices.

**39-10-36. Limitations on turning around.**

1. The driver of any vehicle may not turn such vehicle so as to proceed in the opposite direction unless such movement can be made in safety and without interfering with other traffic.
2. No vehicle may be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred feet [152.4 meters].

**39-10-37. Starting parked vehicle.**

No person may start a vehicle which is stopped, standing, or parked unless and until such movement can be made with reasonable safety.

**39-10-38. Turning movements and required signals.**

1. No person may turn a vehicle or move right or left upon a roadway unless and until such movement can be made with reasonable safety without giving an appropriate signal in the manner hereinafter provided.
2. A signal of intention to turn or move right or left when required must be given continuously during not less than the last one hundred feet [30.48 meters] traveled by the vehicle before turning.

3. No person may stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.
4. The signals required on vehicles by subsection 2 of section 39-10-39 may not be flashed on one side only on a disabled vehicle, flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear, nor be flashed on one side only of a parked vehicle except as may be necessary for compliance with this section.

**39-10-39. Signals by hand and arm or signal lamps.**

1. Any stop or turn signal when required herein must be given either by means of the hand and arm or by signal lamps, except as otherwise provided in subsection 2.
2. Any motor vehicle in use on a highway must be equipped with, and required signals must be given by, signal lamps when the distance from the center of the top of the steering post to the left outside limit of the body, cab, or load of such motor vehicle exceeds twenty-four inches [60.96 centimeters], or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen feet [4.27 meters]. The latter measurement applies to any single vehicle and to any combination of vehicles.

**39-10-40. Method of giving hand-and-arm signals.**

All signals herein required given by hand and arm must be given from the left side of the vehicle in the following manner and such signals must indicate as follows:

1. Left turn: hand and arm extended horizontally.
2. Right turn: hand and arm extended upward.
3. Stop or decrease speed: hand and arm extended downward.

**39-10-41. Obedience to signal indicating approach of train.**

1. Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within fifty feet [15.24 meters] but not less than fifteen feet [4.57 meters] from the nearest rail of such railroad, and may not proceed until the driver can do so safely. The foregoing requirements apply when:
  - a. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;
  - b. A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train;
  - c. A railroad train approaching within approximately one thousand three hundred twenty feet [402.34 meters] of the highway crossing emits a signal audible from such distance and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard; or
  - d. An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.
2. No person may drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed. No person may drive any vehicle past any human flagman at a railroad crossing until the flagman signals that the way is clear to proceed.

**39-10-42. All vehicles must stop at certain railroad grade crossings.**

The department of transportation and local authorities, with respect to highways under their respective jurisdiction, are hereby authorized to designate particularly dangerous highway grade crossings of railroads and to erect stop signs thereat. When such stop signs are erected, the driver of any vehicle shall stop within fifty feet [15.24 meters] but not less than fifteen feet [4.57 meters] from the nearest rail of such railroad and shall proceed only upon exercising due care.

**39-10-43. Certain vehicles must stop at all railroad grade crossings.**

1. The driver of a bus carrying passengers, or of any schoolbus, or of any vehicle carrying any chlorine, empty or loaded cargo tank vehicles used to transport dangerous articles or any liquid having a flashpoint below two hundred degrees Fahrenheit [93.33 degrees Celsius], cargo tank vehicles transporting a commodity having a temperature above its flashpoint at the time of loading, certain cargo tank vehicles transporting commodities under special permits issued by the hazardous materials regulations board, and every motor vehicle which must have the following placards: "explosives", "poison", "flammable oxidizers", "compressed gas", "corrosives", "flammable gas", "radioactive", or "dangerous", before crossing at grade any track or tracks of a railroad, shall stop such vehicle within fifty feet [15.24 meters] but not less than fifteen feet [4.57 meters] from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train and may not proceed until the driver can do so safely. After stopping as required herein and upon proceeding when it is safe to do so, the driver of any said vehicle shall cross only in such gear of the vehicle that there will be no necessity for manually changing gears while traversing such crossing and the driver may not manually shift gears while crossing the track or tracks.
2. No stop need be made at any such crossing at which traffic is controlled by a police officer. For the purposes of this section, a United States marshal must be considered a police officer.
3. No stop need be made at a crossing that the director has designated as an out-of-service crossing and which is clearly marked by signs bearing the words "Tracks out of service" or "Exempt" in conspicuous places on each side of the crossing.
4. The designation must be limited to use at crossings where track has been abandoned or its use discontinued.
5. The director shall notify the road authority and any railway company of a crossing under the jurisdiction of that railway company which the director has designated as an out-of-service crossing under this section and the road authority shall erect signs bearing the words "Tracks out of service" or "Exempt" in conspicuous places on each side of the crossing.
6. All signs must conform to the manual on uniform traffic-control devices as provided under section 39-13-06.

**39-10-44. Stop signs and yield signs.**

1. Preferential right of way at an intersection may be indicated by stop signs or yield signs as authorized in section 39-07-03.
2. Every stop sign and every yield sign must be erected as near as practicable to the nearest line of the crosswalk on the near side of the intersection or, if there is no crosswalk, then as near as practicable to the nearest line of the intersecting roadway.
3. Except when directed to proceed by a police officer or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.
4. The driver of a vehicle approaching a yield sign if required for safety to stop shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.

**39-10-45. Emerging from alley, driveway, private road, or building.**

The driver of a vehicle emerging from an alley, driveway, private road, or building within a business or residence district shall stop such vehicle immediately prior to driving onto a

sidewalk or onto the sidewalk area extending across such alley, building entrance, road, or driveway, or in the event there is no sidewalk area, shall stop at the point nearest the street to be entered where the driver has a view of approaching traffic thereon.

**39-10-46. Overtaking and passing schoolbus.**

1. The driver of a vehicle meeting or overtaking from either direction any schoolbus stopped on the highway shall stop the vehicle before reaching the schoolbus when there is in operation on the schoolbus the flashing red lights or the stop sign on the control arm specified in section 39-21-18, and the driver may not proceed until the schoolbus resumes motion, the driver is signaled by the schoolbus driver to proceed, or the flashing red lights and the stop sign on the control arm are no longer actuated.
2. Every schoolbus must bear upon the front and rear thereof plainly visible signs containing the word "SCHOOLBUS" in letters not less than eight inches [20.32 centimeters] in height. When a schoolbus is being operated upon a highway for purposes other than the actual transportation of children either to or from school or for a school-sanctioned activity, all markings thereon indicating "SCHOOLBUS" must be covered or concealed.
3. The operator of a schoolbus equipped with amber caution lights may activate those lights at a distance of not less than three hundred feet [91.44 meters] nor more than five hundred feet [152.4 meters] from the point where schoolchildren are to be received or discharged from the bus.
4. Every schoolbus must be equipped with a stop sign on a control arm and red visual signals meeting the requirements of section 39-21-18, which may only be actuated by the driver of the schoolbus whenever the vehicle is stopped on the highway to receive or discharge schoolchildren.
5. The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a schoolbus which is on a different roadway or when upon a controlled-access highway and the schoolbus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.
6. Every schoolbus must bear on the rear of the bus a plainly visible sign containing the words "THIS SCHOOLBUS STOPS AT ALL RAILROAD CROSSINGS".

**39-10-46.1. Permitting use of vehicle to violate section 39-10-46 prohibited - Presumption of permission - Defense - Dual prosecution prohibited.**

The registered owner of a motor vehicle may not permit that motor vehicle to be operated in violation of section 39-10-46. If a motor vehicle is seen violating section 39-10-46, it is a disputable presumption that the registered owner of the motor vehicle permitted that violation. It is a defense to a charge of violating this section that the registered owner of the vehicle was not operating the vehicle, if that registered owner identifies the person authorized by that owner to operate the motor vehicle at the time of the violation of section 39-10-46, or if that motor vehicle had been taken without the registered owner's permission. A person may not be charged both with violating this section and with violating section 39-10-46. Violation of this section is not a lesser included offense of violation of section 39-10-46.

**39-10-47. Stopping, standing, or parking outside of business or residence districts.**

1. Upon any highway outside of a business or residence district no person may stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled part of the highway when it is practicable to stop, park, or so leave such vehicle off such part of said highway, but in every event an unobstructed width of the highway of not less than twelve feet [3.66 meters] opposite a standing vehicle must be left for the free passage of other vehicles and a clear view of such stopped vehicles must be available from a distance of two hundred feet [60.96 meters] in each direction upon such highway.

2. This section and sections 39-10-49 and 39-10-50 do not apply to the driver of any vehicle which is disabled while on the paved or main-traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position.

**39-10-48. Officer authorized to remove illegally stopped vehicle.**

1. Whenever any police officer finds a vehicle standing upon a highway in violation of any of the provisions of section 39-10-47, such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or main-traveled part of such highway.
2. Whenever any police officer finds a vehicle unattended upon any highway, bridge, or causeway, or in any tunnel where such vehicle constitutes an obstruction to traffic, such officer is hereby authorized to provide for the removal of such vehicle to the nearest garage or other place of safety.
3. Any police officer is hereby authorized to remove or cause to be removed to the nearest garage or other place of safety any vehicle found upon a highway when:
  - a. A report has been made that such vehicle has been stolen or taken without the consent of its owner;
  - b. The person or persons in charge of such vehicle are unable to provide for its custody or removal; or
  - c. The person driving or in control of such vehicle is arrested for an alleged offense for which the officer is required by law to take the person arrested before a proper magistrate without unnecessary delay.
4. Whenever any authorized law enforcement officer finds, on state charitable or penal institution property or on the state capitol grounds, a vehicle standing, stopped, or parked in a dangerous location or in violation of any official traffic-control device prohibiting or restricting the stopping, standing, or parking of any vehicle, the officer shall place a written warning on the vehicle for the first offense and thereafter an authorized traffic citation may be issued. However, no traffic citation may be issued for a violation of this subsection occurring on the state capitol grounds during a legislative session.

**39-10-49. Stopping, standing, or parking prohibited in specified places.**

No person may stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, in any of the following places:

1. On a sidewalk.
2. In front of a public or private driveway.
3. Within an intersection.
4. Within ten feet [3.05 meters] of a fire hydrant.
5. On a crosswalk.
6. Within ten feet [3.05 meters] of a crosswalk at an intersection.
7. Within fifteen feet [4.57 meters] upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway.
8. Between a safety zone and the adjacent curb or within fifteen feet [4.57 meters] of points on the curb immediately opposite the ends of a safety zone, unless the department or local authority indicates a different length by signs or markings.
9. Within fifteen feet [4.57 meters] of the nearest rail of a railroad crossing.
10. Within twenty feet [6.10 meters] of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet [22.86 meters] of said entrance when properly signposted.
11. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic.
12. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
13. Upon any bridge or other elevated structure upon a highway or within a highway tunnel.

14. At any place where official signs prohibit stopping.  
No person shall move a vehicle not lawfully under the person's control into any such prohibited area or away from a curb such distance as is unlawful.

**39-10-50. Additional parking regulations.**

1. Except as otherwise provided in this section, every vehicle stopped or parked upon a two-way roadway must be so stopped or parked with the right-hand wheels of such vehicle parallel to and within twelve inches [30.48 centimeters] of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder.
2. Except where otherwise provided by local ordinance, every vehicle stopped or parked upon a one-way roadway must be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within twelve inches [30.48 centimeters] of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder, or with its left-hand wheels within twelve inches [30.48 centimeters] of the left-hand curb or as close as practicable to the left edge of the left-hand shoulder.
3. Local authorities may by ordinance permit angle parking on any roadway, except that angle parking is not permitted on any federal-aid or state highway without first obtaining the written authorization of the director.
4. The department with respect to highways under its jurisdiction may place official traffic-control devices prohibiting or restricting the stopping, standing, or parking of vehicles on any highway where in its opinion such stopping, standing, or parking is dangerous to those using the highway or where the stopping, standing, or parking of vehicles would unduly interfere with the free movement of traffic thereon. No person may stop, stand, or park any vehicle in violation of the restrictions indicated by such devices.
5. The department, with respect to streets, roadways, and parking areas of any state charitable or penal institution and on the state capitol grounds, may authorize the purchase and placement by the supervisory agency of official traffic-control devices prohibiting or restricting the stopping, standing, or parking of vehicles. The placement of signs pursuant to this section must be done when, in the department's opinion, the stopping, standing, or parking is dangerous or would unduly interfere with the free movement of traffic, especially the free flow of traffic required for proper fire protection. No person may stop, stand, or park any vehicle in violation of the restriction indicated by any official traffic-control device. Any registered owner must be presumed to have been the operator of a vehicle that is parked in violation of any official traffic-control device prohibiting or restricting the stopping, standing, or parking of vehicles on any highway, state charitable or penal institution property, or on the state capitol grounds. This presumption may be rebutted by a showing of clear and convincing evidence to the contrary. However, no traffic citation may be issued for a violation of this subsection occurring on the state capitol grounds during a legislative session, except that a written warning must be placed on any vehicle for such a violation.

**39-10-51. Unattended motor vehicle.**

No person driving or in charge of a motor vehicle may permit it to stand unattended without first stopping the engine, effectively setting the brake thereon, and, when standing upon any grade, turning the front wheels to the curb or side of the highway.

**39-10-51.1. Parking violations - Lessor responsibility.**

The registered owner of a motor vehicle stopped, stood, or parked in violation of this chapter or section 39-01-15 or an equivalent ordinance is not responsible for the violation if the owner furnishes an affidavit indicating that the vehicle was at the time of the violation in the care, custody, or control of another person pursuant to a lease or rental agreement. The affidavit must contain the name, address, and operator's license number of the person to whom the vehicle was leased or rented at the time of the violation and must be submitted to the

appropriate clerk of court within thirty days of notification to the owner of the violation. The owner is responsible for the violation and the payment of any fees or fines if the affidavit is not submitted within the thirty-day period.

**39-10-52. Limitations on backing.**

1. The driver of a vehicle may not back the same unless such movement can be made with safety and without interfering with other traffic.
2. The driver of a vehicle may not back the same upon any shoulder or roadway of any controlled-access highway.

**39-10-52.1. Driving upon sidewalk.**

No person may drive any vehicle upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway.

**39-10-52.2. Riding in housetrailer.**

No person may be on or inside a housetrailer while it is being moved upon a public highway. Such prohibition does not apply to fifth-wheel vehicles, which are defined as mobile homes, mounted on single or tandem axles, coupled by a fifth-wheel hitch to and pivoting on a mount located immediately above or in front of the rear axle of a motor vehicle other than a passenger car.

**39-10-53. Riding on motorcycles.**

Repealed by S.L. 1975, ch. 348, § 17.

**39-10-54. Obstruction to driver's view or driving mechanism.**

1. No person may drive a vehicle when it is so loaded, or when there are in the front seat such a number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.
2. No passenger in a vehicle may ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with the driver's control over the driving mechanism of the vehicle.

**39-10-54.1. Opening and closing vehicle door.**

No person may open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so and can be done without interfering with the movement of other traffic, nor may any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

**39-10-55. Driving on mountain highways.**

The driver of a motor vehicle traveling through defiles or canyons or on mountain highways shall hold such motor vehicle under control and as near the right-hand edge of the highway as reasonably possible and, except when driving entirely to the right of the center of the roadway, shall give audible warning with the horn of such motor vehicle upon approaching any curve where the view is obstructed within a distance of two hundred feet [60.96 meters] along the highway.

**39-10-56. Coasting prohibited.**

1. The driver of any motor vehicle when traveling upon a downgrade may not coast with the gears or transmission of such vehicle in neutral.
2. The driver of a truck or bus when traveling upon a downgrade may not coast with the clutch disengaged.

**39-10-57. Following emergency vehicle too closely prohibited - Stopping by emergency vehicle.**

The driver of a vehicle other than one on official business may not follow closer than five hundred feet [152.4 meters] behind an emergency vehicle displaying the appropriate light for that vehicle in an emergency. A driver of a vehicle other than one on official business may not stop the vehicle within two hundred feet [60.96 meters] of any emergency vehicle stopped in answer to a 911 emergency.

**39-10-58. Crossing firehose.**

No vehicle may be driven over any unprotected hose of a fire department when laid down on any street, private road, or driveway to be used at any fire or alarm of fire without the consent of the fire department official in command.

**39-10-59. Garbage, glass, rubbish, and injurious materials on highway prohibited.**

1. An individual may not deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans, rubbish, or any other litter. In addition, an individual may not deposit upon a highway any other substance likely to injure a person, animal, or vehicle.
2. An individual who deposits, or permits to be deposited, upon a highway a destructive or injurious material shall immediately remove or cause to be removed the material.
3. An individual removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from the vehicle.

**39-10-60. Riding on bicycles.**

Repealed by S.L. 1975, ch. 348, § 17.

**39-10-61. Clinging to vehicles.**

Repealed by S.L. 1975, ch. 348, § 17.

**39-10-62. Riding on roadways and bicycle paths.**

Repealed by S.L. 1975, ch. 348, § 17.

**39-10-63. Carrying articles.**

Repealed by S.L. 1975, ch. 348, § 17.

**39-10-63.1. Lamps and other equipment on bicycles.**

Repealed by S.L. 1975, ch. 348, § 17.

**39-10-64. Driving through safety zone prohibited.**

No vehicle shall at any time be driven through or within a safety zone.

**39-10-65. Operation of motor vehicle, tractor, or other vehicle prohibited on flood protective works - Exception - Penalty.**

1. Unless authorized by the authority in charge thereof, no person shall operate a motor vehicle, tractor, or other vehicle upon or across any flood protective works, including any dike or flood protective works constructed by a state or federal agency, or by any municipality or local subdivision of the state.
2. Any person violating the provisions of this section shall be liable to any person suffering injury as a result of the violation; and in addition, shall be guilty of a class B misdemeanor.

**39-10-66. Vehicle approaching a yield right of way sign.**

Repealed by S.L. 1963, ch. 283, § 20.

**39-10-67. Moving heavy equipment at railroad grade crossing.**

1. No person may operate or move any crawler-type tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating speed of ten or less miles [16.09 or less kilometers] per hour or a vertical body or load clearance of less than one-half inch per foot [12.7 millimeters] of the distance between any two adjacent axles or in any event of less than nine inches [22.86 centimeters], measured above the level surface of a roadway, upon or across any tracks at a railroad grade crossing without first complying with this section.
2. Before making any such crossing, the person operating or moving any such vehicle or equipment shall first stop the same not less than fifteen feet [4.57 meters] nor more than fifty feet [15.24 meters] from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, and may not proceed until the crossing can be made safely.
3. No such crossing may be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or car. If a flagman is provided by the railroad, movement over the crossing must be under the flagman's direction.

**39-10-68. Stop when traffic obstructed.**

No driver may enter any intersection or a marked crosswalk or drive onto a railroad grade crossing unless there is sufficient space on the other side of the intersection, crosswalk, or railroad grade crossing to accommodate the vehicle the driver is operating without obstructing the passage of other vehicles, pedestrians, or railroad trains notwithstanding any traffic-control signal indication to proceed.

**39-10-69. Charging violation and proving negligence in civil action.**

1. In every charge of violation of any speed regulation, the complaint and the summons or notice to appear must specify the speed at which the defendant is alleged to have driven and also the maximum speed applicable within the district or at the location.
2. The provision in this title declaring maximum speed limitations may not be construed to relieve the plaintiff in any action from the burden of proving negligence on the part of the defendant as the proximate cause of the accident.

**39-10-70. Racing on highways.**

Repealed by S.L. 1981, ch. 392, § 6.

**39-10-71. Fleeing or attempting to elude a peace officer - Penalty.**

1. Any driver of a motor vehicle who willfully fails or refuses to bring the vehicle to a stop, or who otherwise flees or attempts to elude, in any manner, a pursuing police vehicle or peace officer, when given a visual or audible signal to bring the vehicle to a stop, is guilty of a class A misdemeanor for a first offense and a class C felony for a subsequent offense within three years. An individual who violates this section while fleeing after or in the commission of a felony is guilty of a class C felony.
2. A signal complies with this section if the signal is perceptible to the driver and:
  - a. If given from a vehicle, the signal is given by hand, voice, emergency light, or siren, and the stopping vehicle is appropriately marked showing it to be an official police vehicle; or
  - b. If not given from a vehicle, the signal is given by hand, voice, emergency light, or siren, and the officer is in uniform or prominently displays the officer's badge of office.

**39-10-72. Funeral processions - Traffic regulations.**

1. Notwithstanding any traffic-control device, a law enforcement officer leading a funeral procession may proceed through any intersection or make any turns or other

movements necessary while leading the procession. The officer, without regard to any traffic-control device, may direct other drivers not in the funeral procession to stop, turn, proceed, or make other movements. When leading the funeral procession, the officer must be in a marked patrol vehicle and the vehicle's lighted headlamps, taillamps, and top-mounted and grill-mounted signal lamps must be displayed at all times during the procession.

2. Notwithstanding any traffic-control device or provision governing the right of way, whenever a law enforcement officer leading a funeral procession enters an intersection, the remainder of the vehicles in the funeral procession may follow through the intersection. Each vehicle in the procession, however, must exercise reasonable care toward any other vehicle or pedestrian on the roadway.
3. Notwithstanding any traffic-control device or provision governing rights of way and subject to the following conditions, vehicles in a funeral procession have the right of way.
  - a. All vehicles in a funeral procession must display lighted headlamps, taillamps, and flashing emergency lamps.
  - b. All vehicles in a funeral procession must follow the preceding vehicle in the procession as closely as is safe and practicable.
  - c. The driver of a vehicle in a funeral procession shall yield the right of way to an approaching emergency vehicle when directed to do so by a law enforcement officer or when the vehicle is giving an audible or visual signal.
  - d. A vehicle that becomes separated from the funeral procession and the law enforcement escort, so that the procession is no longer continuous, must proceed to its destination in a safe and prudent manner obeying all traffic signals and general rules of the road.
4. Other vehicles shall conform to the following rules:
  - a. The driver of a vehicle may not drive between the vehicles comprising a funeral procession while those vehicles are in motion, except when authorized to do so by a law enforcement officer or when such vehicle is an emergency vehicle giving an audible or visible signal.
  - b. The driver of a vehicle not part of a funeral procession may not join a funeral procession for the purpose of securing the right of way granted under subsection 3.
  - c. The driver of a vehicle not in a funeral procession may not pass vehicles in such a procession on a two-lane highway or roadway.
  - d. The driver of a vehicle may pass a funeral procession on its left side on any multiple-lane highway whenever such passing can be done safely, unless the procession is in the farthest left lane, in which case passing is permissible on the right.
  - e. When a funeral procession is proceeding through a red signal as permitted by subsection 3, a vehicle that is not in the procession may not enter the intersection unless it can do so without crossing the path of the funeral procession. If the red signal changes to green while the funeral procession is still within the intersection, a vehicle facing a green signal may proceed, but the funeral procession has the right of way.

**39-10-73. Flashing green lights.**

An authorized emergency vehicle may not display a flashing green light unless the vehicle is used as a command center in an emergency.

Ohio

## **4511.213 Approaching stationary public safety vehicle displaying emergency light.**

(A) The driver of a motor vehicle, upon approaching a stationary public safety vehicle, an emergency vehicle, or a road service vehicle that is displaying the appropriate visual signals by means of flashing, oscillating, or rotating lights, as prescribed in section 4513.17 of the Revised Code, shall do either of the following:

(1) If the driver of the motor vehicle is traveling on a highway that consists of at least two lanes that carry traffic in the same direction of travel as that of the driver's motor vehicle, the driver shall proceed with due caution and, if possible and with due regard to the road, weather, and traffic conditions, shall change lanes into a lane that is not adjacent to that of the stationary public safety vehicle, an emergency vehicle, or a road service vehicle.

(2) If the driver is not traveling on a highway of a type described in division (A)(1) of this section, or if the driver is traveling on a highway of that type but it is not possible to change lanes or if to do so would be unsafe, the driver shall proceed with due caution, reduce the speed of the motor vehicle, and maintain a safe speed for the road, weather, and traffic conditions.

(B) This section does not relieve the driver of a public safety vehicle, an emergency vehicle, or a road service vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway.

(C) No person shall fail to drive a motor vehicle in compliance with division (A)(1) or (2) of this section when so required by division (A) of this section.

(D)(1) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(2) Notwithstanding section 2929.28 of the Revised Code, upon a finding that a person operated a motor vehicle in violation of division (C) of this section, the court, in addition to all other penalties provided by law, shall impose a fine of two times the usual amount imposed for the violation.

Effective Date: 01-01-2004; 2009 HB2 07-01-2009



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Title 47. Motor Vehicles

## Oklahoma Statutes Citationized

### Title 47. Motor Vehicles

#### Chapter 1- Definitions of Words and Phrases

##### Section 1-103 - Emergency Vehicles

Cite as: O.S. §, \_\_\_\_

A. When equipped as prescribed in subsection B of this section:

1. Vehicles of fire departments;
2. Ambulances or vehicles specified pursuant to subsection B of Section 1-2512 of Title 63 of the Oklahoma Statutes of licensed ambulance service providers;
3. State vehicles of law enforcement agencies;
4. County vehicles of sheriffs and full-time commissioned deputies and vehicles designated by the sheriff for support of the sheriff's office including privately owned vehicles driven by the sheriff and full-time, part-time and reserve commissioned deputies; provided the audible sirens and flashing red lights equipped on such privately owned vehicles are used only in a law enforcement capacity and in the course of duty;
5. Municipal vehicles of police departments;
6. Vehicles owned and operated by the United States Marshals Service or the Federal Bureau of Investigation;
7. Vehicles of Oklahoma National Guard units designated by the Adjutant General for support to civil authorities; or
8. Vehicles owned and operated by any local organization for emergency management as defined by Section 683.3 of Title 63 of the Oklahoma Statutes,

are authorized emergency vehicles.

B. All vehicles prescribed in subsection A of this section shall be equipped with sirens capable of giving audible signals as required by the provisions of Section 12-218 of this title and flashing red lights as authorized by the provisions of Section 12-218 of this title.

#### *Historical Data*

72nd OREGON LEGISLATIVE ASSEMBLY--2003 Regular Session

Enrolled

House Bill 2176

Ordered printed by the Speaker pursuant to House Rule 12.00A (5).  
Pre-session filed (at the request of Governor Theodore R. Kulongoski for Department of State Police)

CHAPTER .....

AN ACT

Relating to motor vehicles.

Be It Enacted by the People of the State of Oregon:

SECTION 1. { + Section 2 of this 2003 Act is added to and made a part of the Oregon Vehicle Code. + }

SECTION 2. { + (1) A person operating a motor vehicle commits the offense of failure to maintain a safe distance from an emergency vehicle or ambulance if the person approaches an emergency vehicle or ambulance that is stopped and is displaying required warning lights and the person:

(a) On a highway having two or more lanes for traffic in a single direction, fails to:

(A) Make a lane change to a lane not adjacent to that of the emergency vehicle or ambulance; or

(B) Reduce the speed of the motor vehicle, if making a lane change is unsafe.

(b) On a two directional, two-lane highway, fails to reduce the speed of the motor vehicle.

(2) The offense described in this section, failure to maintain a safe distance from an emergency vehicle or ambulance, is a Class B traffic violation. + }

Passed by House February 11, 2003

.....  
Chief Clerk of House

.....  
Speaker of House

Passed by Senate March 5, 2003

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President of Senate

Enrolled House Bill 2176 (HB 2176-A)

Page 1

Received by Governor:

.....M.,....., 2003

Approved:

.....M.,....., 2003

.....  
Governor

Filed in Office of Secretary of State:

.....M.,....., 2003

.....  
Secretary of State



**CHAPTER 5:  
LAWS AND RELATED ISSUES**

This chapter will provide information you need to know about Pennsylvania laws and important related issues. For more information on Pennsylvania laws please visit [www.dmv.state.pa.us](http://www.dmv.state.pa.us), select laws and regulations listed under Information Centers.

**REQUIRED NOTIFICATION FOR CHANGE IN NAME OR ADDRESS**

In accordance with Section 1515 of the Pennsylvania Vehicle Code, if your name or address is changed, you must notify PennDOT within 15 days of that change even if moving out of state. You may report your address change by visiting our Web site at [www.dmv.state.pa.us](http://www.dmv.state.pa.us) or calling our Customer Call Center at 1-800-932-4600. The Pennsylvania Vehicle Code prohibits the issuance of driver license products to anyone who is not a resident of Pennsylvania. By law, if you are a registered voter in Pennsylvania, this application will allow us to notify your county voter registration office of your address change. You may change your name by completing an Application for Change/Correction/Replacement of Non-Commercial Driver's License (DL-80) available on the Web site. You will be issued a driver's license update card containing the new information. This card must be carried with your driver's license. There is no fee for this service for non-commercial drivers.

**SEAT BELT LAW**

In accordance with Section 4581 of the Pennsylvania Vehicle Code, it is a law in Pennsylvania that:

- All drivers and front seat passengers in vehicles, light trucks and motor homes must wear seat belts.
- If you are transporting passengers age eight (8) or older but less than age 18, they must wear seat belts, no matter where they are riding in the vehicle.
- If you are a driver under the age of 18, the number of passengers may not exceed the number of seat belts in the vehicle.

**YOU ARE REQUIRED BY LAW TO BUCKLE UP.** It makes good sense to wear your seat belt.

Many people believe they would be able to use their arms and legs to stop themselves from hitting the vehicle's surfaces in a crash, but they are wrong. In a collision, your vehicle stops, but your body keeps moving at the same speed you were traveling until it hits the instrument panel or windshield. In most crashes, the bodies of the passengers and drivers hit the vehicle's interior surfaces with several tons of force. This will shatter even the strongest arms and legs. At 30 mph, this is like hitting the ground from the top of a three-story building. This is why you cannot catch yourself with your arms. A driver or passenger who is not buckled up, can be killed on impact even when the vehicle is traveling as slowly as 12 mph.

Only seat belts can safely slow your body. You have only 1/50th of a second to stop your body after the vehicle crashes. Arms and legs do not work that quickly, but seat belts do. Seat belts slow your body down far more gently than a hard instrument panel, steering wheel or windshield does. During a crash, fastened seat belts distribute the forces of rapid deceleration over larger and stronger parts of your body such as the chest, hips and shoulders. Air bags provide an even greater "ride down" benefit. However, even with an air bag present, a seat belt must be worn.

Seat belts also keep you inside of your vehicle. Your chances of being killed are almost 25 times greater if you are thrown from your vehicle. Being thrown clear usually means going through the windshield and then landing somewhere - hard. The forces in a collision can be great enough to fling you as much as 150 feet (about 15 vehicle lengths). If you land in the street, there is always the chance of being run over while you lie there. Four (4) out of every five (5) people who were killed by being thrown clear would have lived, if they had been able to stay inside the vehicle.

Seat belts and air bags save lives. They work best when everyone is buckled and children are properly restrained in the back seat.

**CHILD RESTRAINT LAW**

Vehicle crashes are the leading cause of death and injury to children in the United States. In Pennsylvania each year, approximately 7,000 children under five (5) years of age are involved in crashes.

**CHILD PASSENGER PROTECTION ACT 229 REQUIRES**

- Children under the age of four (4) must be buckled into a federally-approved child passenger restraint system (child safety seat), which must be secured to the vehicle by the seat belt system (or using the vehicle's LATCH system, available in newer vehicles), no matter where they ride in the vehicle (front or back seat).
- Children ages four (4) and older, but under the age of eight (8) must be buckled into a federally-approved child booster seat, which must be secured to the vehicle by the seat belt system, no matter where they ride in a vehicle (front or back seat). Booster seats must be used in conjunction with lap and shoulder belts.
- Children ages eight (8) and older, but under age 18 must be buckled in a seat belt, no matter where they ride in the vehicle (front or back seat).
- Drivers are responsible for securing children into an approved child passenger restraint system and ensuring children under age 18 are buckled up.

***VIOLATORS MAY BE FINED AND WILL BE RESPONSIBLE FOR ALL COURT COSTS.***

Children who weigh less than 20 pounds and are under one (1) year of age should ride in rear-facing child safety seats. In fact, the American Academy of Pediatrics recommends that children ride rear-facing for as long as possible in rear-facing seats designed to accommodate weights up to 35 pounds. **Never install a rear-facing child safety seat in the front seat if an air bag is present.** In a crash, the air bag will hit the back of the child seat with tremendous force, which will be transmitted to the infant's head causing severe injury or death.

If you are transporting children under age eight (8) who, by law, must ride in federally-approved child safety seats or booster seats, read your vehicle owner's manual and the directions that came with the seat so you know how to tightly attach the seat to your vehicle's seat and how to secure the children snugly in their child seats.

**AIR BAG SAFETY INFORMATION**

- Air bags are supplemental protection devices. Lap and shoulder belts should always be worn. Wear the seat belt snugly across your hips and the shoulder strap across your chest away from your neck.
- Driver and front passenger seats should be moved as far back as practical, particularly for shorter people. You should sit as far away from the air bag compartment as possible, without compromising your ability to reach and operate the gas and brake pedals, and controls on the instrument panel and steering column. To be safe, in case the air bag deploys, you should be at least 10 inches away from the steering wheel.
- Hold the steering wheel at the 9 and 3 o'clock or 8 and 4 o'clock positions. This will keep your wrists and arms from being injured or broken or forcibly hitting you in the face, if the air bag deploys. Also, keep your thumbs on the top or outside rim of the wheel, instead of gripping the inside of the wheel.
- Infants in rear-facing safety seats should **never** ride in the front seat of a vehicle with a passenger side air bag.
- It is recommended that all children ages 12 and under ride in the rear seat. There are two (2) reasons for this: first, most collisions are frontal collisions, so placing children in the back seat moves them farther away from the point of impact; second, children tend to fidget in their seats and may get too close to the air bag compartment if they are in a front seat, putting them at risk of injury in the event the air bag deploys during a crash.

**AMERICANS WITH DISABILITIES ACT (ADA)**

In order to comply with the Americans with Disabilities Act of 1990, PennDOT has made all Driver License Centers and Photo License Centers accessible to physically disabled individuals. In addition, the following services are available to people who want to take the Knowledge and Road Test and have a hearing or reading impairment.

**INTERPRETERS FOR THE DEAF AND HEARING IMPAIRED**

PennDOT's Bureau of Driver Licensing will provide an interpreter upon request for individuals who are hearing impaired and communicate through the use of sign language. This service is available for customers who want to take the driver's Knowledge and/or Road Test or have to take a special point exam.

**IN ORDER FOR AN INTERPRETER TO BE PRESENT YOU MUST**

1. Call 1-800-932-4600 to schedule an appointment to take your test. If you use a TDD, you should call 1-800-228-0676 (out-of-state TDD users should call 1-717-412-5380). Indicate at which Driver License Center you want to take the test and give at least three (3) dates you will be able to take the test.

When setting up an appointment to take your test, you may also use the Pennsylvania Relay Service. This service provides telephone communication between a person who has a TDD system and one who does not. This system uses an operator to act as a go between for calls between hearing and non-hearing parties. If you have a TDD system, you should use 1-800-654-5984 when accessing the Pennsylvania Relay Service. If you are accessing the service as a hearing caller, you should use 1-800-654-5988. When an interpreter has been hired to assist you with your test, you will be called back to have your test date confirmed.

2. When making your appointment, you should indicate if there is a type of sign language you prefer to use. The types available are:
  - American Sign Language (ASL)
  - Signed Exact English (SEE)
  - Pidgin Sign Language (PSE)
  - An oral interpreter (a person who reads lips)

Make your initial contact with PennDOT at least two (2) weeks prior to the time you want to take the test, and PennDOT will do its best to secure a person who signs in your preference.

**ALTERNATIVE TESTING METHOD**

Some people who take the Knowledge Test may have trouble reading or in some cases, may not be able to read and would feel more comfortable if the test were read to them. Upon request, voice tests are offered at all Driver License Centers across the commonwealth.

**PARKING AREAS FOR PERSONS WITH DISABILITIES**

According to Pennsylvania law, there are two (2) conditions necessary before an individual may legally park in a designated parking area for persons with disabilities:

1. The vehicle being parked must display a disabled person or disabled veteran registration plate/parking placard.
2. The vehicle must be operated by or for the transportation of the disabled person or severely disabled veteran.

Any vehicle unlawfully parked in a parking area for disabled persons may be removed from that area by towing and reclaimed upon payment of the towing costs. This parking violation is a summary offense. Individuals convicted of this offense will be fined between \$50 and \$200.

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**ORGAN DONOR DESIGNATION**

Each time you renew your Pennsylvania driver's license, you will be asked if you want the "ORGAN DONOR" designation on your driver's license. Please decide before going to the Photo License Center. The words "ORGAN DONOR" will appear on your driver's license when you say, "Yes" to being designated as an organ donor at the Photo License Center.

Applicants under 18 years of age may request and obtain the organ donor designation on their driver's license; however, they must have written consent from a parent, guardian or a person in loco parentis or spouse. The parent or guardian may give consent by checking the appropriate block on the Parent or Guardian Consent Form (DL-180TD). For information on Organ and Tissue Donation, contact 1-877-DONOR-PA.

You can also add the "ORGAN DONOR" designation to your driver record via our Web site at [www.dmv.state.pa.us](http://www.dmv.state.pa.us). Through this service channel, you will be given the opportunity to print a card to carry with your driver's license.

**ORGAN DONATION AWARENESS TRUST FUND (ODTF)**

You have the opportunity to donate \$1 to the Governor Robert P. Casey Memorial Organ & Tissue Donation Awareness Trust Fund. The trust fund will create funding to support the various organ donation programs across the commonwealth and provide for public information concerning these programs. Make a check mark on your driver's license form, if you wish to contribute to this fund. The \$1 contribution is added to the driver's license fee and must be included in your payment when you send your form to PennDOT.

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**ANTI-LITTERING LAW**

It is against the law to drop, throw or deposit upon any highway, upon any other public or private property (without the consent of the owners thereof) or into or on the waters of this commonwealth, from a vehicle, any waste paper, sweepings, ashes, household waste, glass, metal, refuse or rubbish or any dangerous or detrimental substance, or permitting any of the preceding without immediately removing such items or causing their removal. A violation of this law, including any violation resulting from the conduct of any other persons present within any vehicle of which you are the driver, may result in a fine of up to \$300 upon conviction.

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**PASSENGERS IN AN OPEN-BED TRUCK**

An open-bed pickup truck or open flatbed truck may not be driven at a speed of more than 35 mph, if any person is occupying the bed of the truck. Such a truck may not be driven with a child under 18 years of age occupying the bed of the truck.

**Exceptions to this law are:**

- A child of a farmer, who is being transported between parts of a farm or farms owned or operated by the farmer in order to perform work on the farm or farms.
- A child employed to perform farm labor, who is being transported between parts of a farm or farms owned or operated by the child's employer or employers.
- A child possessing a valid hunting license, who is being transported between a hunting camp and a hunting site or between hunting sites during hunting season.
- A child, who is a participant in an officially sanctioned parade, only during the course of the parade.

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**VEHICLE SAFETY AND EMISSIONS INSPECTION**

Your vehicle must have a safety inspection at an authorized inspection station every 12 months. The date on the sticker tells you when your vehicle must be inspected again. A vehicle may be inspected up to 90 days before its next expiration date. Also, if a police officer notices faulty equipment on your vehicle, you may be required to fix it within five (5) days to avoid a citation. In many counties, you must also get the emissions control system for your car, van or light-duty truck (model year 1975 or newer) inspected before you can complete your safety inspection. Emissions inspections are performed at privately owned businesses certified by PennDOT. Call the Emissions Customer Hotline at 1-800-265-0921 to learn about the requirements in your county.

**STEER CLEAR LAW**

The Steer Clear law, which went into effect Sept. 8, 2006, requires motorists to move into a lane that is not adjacent to an emergency response area. An emergency response area is an area on or near a road where services are being provided by police, sheriffs, coroners, medical examiners, firefighters, fire police, fire marshalls, rescue personnel, emergency medical service personnel, towing and recovery personnel, hazardous material response team members and/or highway construction and maintenance personnel. If drivers cannot move over because of traffic or other conditions, they must reduce their speed. In cases where law enforcement may not be present, the law allows road workers and emergency responders to report violations by motorists. Law enforcement may issue citations based on these reports. Failure to move over or slow down can result in a summary offense that carries a fine of up to \$250. In addition, fines will be doubled for traffic violations occurring in work zones areas. If that violation leads to a worker being injured, a 90-day license suspension could result.

**HEADLIGHT/WINDSHIELD WIPER LAW**

This law, which went into effect Jan. 28, 2007, requires motorists to turn on their headlights anytime their vehicles wipers are in continuous or intermittent use due to weather conditions. Daytime running lights are not enough. Your tail lights must be illuminated as well. Motorists who do not comply with the law may face a fine of \$25, but with fees and other associated costs, the penalty would approach \$100.

**SNOW/ICE REMOVAL LAW**

Under this law, which went into effect July 10, 2006, motorists will face severe fines if snow or ice that falls from their vehicle causes injury or death to other motorists or pedestrians. When snow or ice is dislodged or falls from a moving vehicle and strikes another vehicle or pedestrian causing death or serious bodily injury, the operator of the vehicle from which the snow or ice came is subject to a fine of \$200 to \$1,000 for each offense. PennDOT urges motorists to remove all ice and snow from their vehicles before traveling.

# TITLE 31

## Motor and Other vehicles

### CHAPTER 31-14

#### Speed Restrictions

#### SECTION 31-14-3

**§ 31-14-3 Conditions requiring reduced speed.** – (a) The driver of every vehicle shall, consistent with the requirements of § 31-14-1, drive at an appropriate reduced speed when approaching and crossing an intersection or railroad grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, when special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions and in the presence of emergency vehicles displaying flashing lights as provided in § 31-24-31, tow trucks, transporter trucks, and roadside assistance vehicles displaying flashing amber lights while assisting a disabled motor vehicle. Violations of this section are subject to fines enumerated in § 31-41.1-4.

(b) When an authorized vehicle as described in subsection (a) is parked or standing within twelve feet (12') of a roadway and is giving a warning signal by appropriate light, the driver of every other approaching vehicle shall, as soon as it is safe, and when not otherwise directed by an individual lawfully directing traffic, do one of the following:

(1) Move the vehicle into a lane that is not the lane nearest the parked or standing authorized emergency vehicle and continue traveling in that lane until safely clear of the authorized emergency vehicle. This paragraph applies only if the roadway has at least two (2) lanes for traffic proceeding in the direction of the approaching vehicle and if the approaching vehicle may change lanes safely and without interfering with any vehicular traffic.

(2) Slow the vehicle, maintaining a safe speed for traffic conditions, and operate the vehicle at a reduced speed until completely past the authorized emergency vehicle. This paragraph applies only if the roadway has only one lane for traffic proceeding in the direction of the approaching vehicle or if the approaching vehicle may not change lanes safely and without interfering with any vehicular traffic.

Violations of this section are subject to fines enumerated in § 31-41.1-4.

#### History of Section.

(P.L. 1950, ch. 2595, art. 25, § 1; G.L. 1956, § 31-14-3; P.L. 2002, ch. 292, § 109; P.L. 2005, ch. 63, § 2; P.L. 2005, ch. 65, § 2; P.L. 2008, ch. 131, § 1; P.L. 2008, ch. 194, § 1.)



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## General

### SC Department of Transportation Installs "Move Over" Signs Along Interstates Across South Carolina

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Jun 17, 2009, 09:14

#### *SCDOT Joins SCDPS to Educate Motorists About "Move Over" Law*

The South Carolina Department of Transportation (SCDOT) is installing signs across the state to educate motorists about the law requiring motorists to "move over" into an adjacent lane whenever possible as they encounter an emergency scene or a temporary work zone.

The signs read, "Move Over Or Reduce Speed For Stopped Emergency Vehicles."

SCDOT is installing approximately 30 signs on various locations along I-20, I-26, I-77, I-85, I-95, I-385 and I-526.

SCDOT has also partnered with SCDPS to produce a television public service announcement about the Move Over law. It will be used in educational presentations by the SC Highway Patrol and will be distributed to driver education teachers across the state for use in their classrooms.

SCDOT joined the South Carolina Department of Public Safety (SCDPS) at news conferences at locations across the state on June 17 to announce these efforts.

"SCDOT personnel face danger every day in temporary work zones that are covered by the Move Over law," said South Carolina Secretary of Transportation H.B. "Buck" Limehouse. "We have thousands of maintenance and construction employees and personnel of our subcontractors who are working on our highways every day and during nighttime hours as well. They are working to make your ride smoother and safer."

"Anytime you see stopped emergency vehicles, orange work zone signs or equipment with flashing lights, and workers on the scene - move over. Give these dedicated men and women room to work and room to live," Limehouse said.

"The safety of first responders and highway workers continues to be an issue - both in South Carolina and nationwide," said Director of the South Carolina Department of Public Safety Mark Keel. "That is why this effort was undertaken by our agencies. I want to thank the many state and local law enforcement, fire fighters, EMS and others who have joined us in this important effort."

The "Move Over" law requires motorists to "move over" into an adjacent lane whenever possible if they encounter an emergency scene. Section 56-5-1538 defines an emergency scene as "a location designated by the potential need to provide emergency medical care." It is identified by emergency vehicles with flashing lights, rescue equipment, or emergency personnel on scene.

South Carolina's "Move Over" law also provides protection for highway workers. Section 56-5-1536 also requires motorists to "move over" into an adjacent lane whenever possible when passing temporary work zones. A temporary work zone is defined as "an area on a roadway identified by orange work zone signs or equipment with flashing lights, and the presence of workers on the scene."

Drivers approaching a temporary work zone or an emergency scene are required by law to:

- Keep their vehicle under control
- Proceed with due caution



## General

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[SCDOT Commission Workshop Meeting March 15](#)

[Transportation Revenue Enhancement Committee meets March 14](#)

- Significantly reduce their vehicle speed
- Yield the right of way by making a lane change into a lane not adjacent to the temporary work vehicle or equipment if on a highway with at least four lanes, with at least two lanes proceeding in the same direction
- Maintain the safe speed for road conditions if changing lanes is impossible or unsafe.

Endangering temporary work zone or emergency personnel is considered a misdemeanor punishable by a fine of not less than \$300 nor more than \$500. Obeying this little-known law can save a life and prevent injury.

PHOTO LINK: <http://www.scdot-transfer.org/scdotphotos/MoveOver.jpg>

SC Secretary of Transportation H.B. "Buck" Limehouse speaks during a news conference to bring attention to the Move Over Law that requires motorists to slow down or move over when approaching stopped emergency vehicles. Also speaking at the event were: (left of Limehouse) SC Department of Public Safety Director Mark Keel and (right of Limehouse) SC Highway Patrol Colonel Kenny Lancaster. Holding the sign are, from left: Ada Gardner of SCDOT's Richland Maintenance office, Roger Roscoe of the Camden Fire Department, Micah Norman of Lexington County EMS and Corporal M. B. Coffin of the SC Highway Patrol. (Photo by Rob Thompson/SCDOT)

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32-31-6.1. Stop required upon approaching stopped emergency vehicle using red signals--Requirements for approaching vehicles using amber or yellow signals--Violation as misdemeanor. Upon approaching from any direction any stopped authorized emergency vehicle making use of red visual signals meeting the requirements of this title, the driver of every other vehicle shall come to a complete stop before reaching the stopped emergency vehicle and may, unless otherwise directed, proceed with caution only after ascertaining that it is safe to do so, and upon approaching from any direction any stopped vehicle making use of amber or yellow warning lights, the driver of every other vehicle shall:

(1) If driving on an interstate highway or other highway with two or more lanes traveling in the same direction as the vehicle, merge into the lane farthest from the vehicle and proceed with caution, unless otherwise directed; or

(2) If driving on a two lane highway, slow to a speed that is at least twenty miles per hour less than the posted speed limit or five miles per hour when the speed limit is posted at twenty miles per hour or less and proceed with caution, unless otherwise directed.

A violation of this section is a Class 2 misdemeanor.

**Source:** SL 1975, ch 210, § 2; SL 1989, ch 255, § 215; SL 2003, ch 173, § 1.

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#### Chapter 32-31

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# The Vermont Statutes Online

## Title 23: Motor Vehicles

### *Chapter 13: OPERATION OF VEHICLES*

#### **23 V.S.A. § 1050. Operation on approach of law enforcement and emergency vehicles**

##### **§ 1050. Operation on approach of law enforcement and emergency vehicles**

(a) Upon the approach of a law enforcement vehicle which is sounding a siren or displaying a blue or blue and white signal lamp, or both, or upon the approach of an ambulance, fire apparatus, a vehicle operated by a volunteer firefighter, EMS personnel, or a motor vehicle used in rescue operations as set forth in section 1252 of this title which is sounding a siren or displaying a red signal lamp, or both, all other vehicles shall pull to the right of the lane of traffic and come to a complete stop, until the law enforcement or emergency vehicle has passed. However, an enforcement officer who is present shall have full power to regulate traffic irrespective of the foregoing provisions.

(b) The operator of a vehicle which is approaching a stationary law enforcement vehicle which is displaying a blue or blue and white signal lamp, or of a vehicle which is approaching a stationary ambulance, fire apparatus, a vehicle operated by a volunteer firefighter, or a motor vehicle used in rescue operations as set forth in section 1252 of this title which is displaying a red signal lamp or a stationary towing and repair vehicle displaying an amber signal lamp shall proceed with caution, and, if traveling on a four-lane highway, and safety conditions permit, make a lane change.

(c) This section does not relieve the operator of an authorized law enforcement or emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway. (Added 1971, No. 258 (Adj. Sess.), § 3, eff. March 1, 1973; amended 2001, No. 84 (Adj. Sess.), § 1; 2005, No. 175 (Adj. Sess.), § 54.)

## Operation of vehicles on approach of emergency vehicles

(RCW 46.61.210)

Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals, meeting the requirements of RCW 46.37.190, or of a police vehicle properly and lawfully making use of an audible signal, only the driver of every other vehicle shall yield the right-of-way. The drivers who are yielding right-of-way shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway, clear of any intersection, and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

This section does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

The penalty for violating this law is \$1,062.

**CHAPTER 17D. MOTOR VEHICLE SAFETY RESPONSIBILITY LAW.**  
**ARTICLE 1. WORDS AND PHRASES DEFINED.**

**§17D-1-1. Definitions.**

The following words and phrases when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section:

- (a) **Commissioner.** -- The commissioner of motor vehicles of this state;
- (b) **Person.** -- Every natural person, firm, copartnership, association or corporation;
- (c) **Driver.** -- Every person who drives or is in actual physical control of a vehicle;
- (d) **Operator.** -- Every person, other than a chauffeur, who drives or is in actual physical control of a motor vehicle upon a highway or who is exercising control over or steering a vehicle being towed by a motor vehicle;
- (e) **Chauffeur.** -- Every person who is employed by another for the principal purpose of driving a motor vehicle and every person who drives a school bus transporting school children or any other motor vehicle when in use for the transportation of persons or property for compensation;
- (f) **Owner.** -- A person who holds the legal title of a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purposes of this chapter;

**346.072 Passing stopped emergency vehicles, tow trucks and highway machinery equipment.**

- (1) If an authorized emergency vehicle giving visual signal, a tow truck flashing red lamps, as required by s. 347.26 (6) (b), or any road machinery or motor vehicle used in highway construction or maintenance displaying the lights specified in s. 347.23 (1) (a) or (b) or, with respect to a motor vehicle, displaying the lights specified in s. 347.26 (7), is parked or standing on or within 12 feet of a roadway, the operator of a motor vehicle approaching such vehicle or machinery shall proceed with due regard for all other traffic and shall do either of the following:
- (a) Move the motor vehicle into a lane that is not the lane nearest the parked or standing vehicle or machinery and continue traveling in that lane until safely clear of the vehicle or machinery. This paragraph applies only if the roadway has at least two lanes for traffic proceeding in the direction of the approaching motor vehicle and if the approaching motor vehicle may change lanes safely and without interfering with any vehicular traffic.
  - (b) Slow the motor vehicle, maintaining a safe speed for traffic conditions, and operate the motor vehicle at a reduced speed until completely past the vehicle or machinery. This paragraph applies only if the roadway has only one lane for traffic proceeding in the direction of the approaching motor vehicle or if the approaching motor vehicle may not change lanes safely and without interfering with any vehicular traffic.

346.072(2)

- (2) In addition to any penalty imposed under s. 346.17 (2), any person violating this section shall have his or her operating privilege suspended as provided in s. 343.30 (1o).

History: 2001 a. 15.

31-5-224. Operation of vehicles upon approach of authorized emergency vehicles.

(a) Upon the immediate approach of an authorized emergency vehicle making use of audible or visual signals meeting the requirements of W.S. 31-5-928 and 31-5-952, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in that position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. When an authorized emergency vehicle making use of any visual signals provided for in W.S. 31-5-928(d) is parked, the driver of every other vehicle, as soon as it is safe:

(i) When driving on an interstate highway or other highway with two (2) or more lanes traveling in the direction of the emergency vehicle, shall merge into the lane farthest from the emergency vehicle, except when otherwise directed by a police officer;

(ii) When driving on a two (2) lane road, shall slow to a speed that is twenty (20) miles per hour less than the posted speed limit, except when otherwise directed by a police officer.

(b) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

## **ONGLET 5**

*New York Move over law amended*

## New York Move Over Law Amended

Posted on February 6, 2012 by Matthew Weiss



Effective Jan. 1, 2012, New York's "move over" law — which already governs police cars and ambulances — will require motorists to move over (or at the very least slow down) when approaching tow trucks, snow plows and other vehicles performing road maintenance, construction or repair. Specifically, the law will require motorists to move over whenever approaching a vehicle on the shoulder or in a lane of travel that is displaying red, white, blue and/or amber lights. Under the old law, a "move-over" was required only for vehicles displaying red and/or white lights (i.e., police cars and ambulances).

In 2011, state troopers issued roughly 16,000 citations for the Move Over Law in its current form. With its expansion, we can expect the issuance of even more "move over" law tickets.

The New York State DOT has 100 work zones set up across the state each day. Last year, there were 100 accidents or intrusions involving drivers in those work zones. We expect that these areas will become "move over" enforcement zones (i.e., that police officers will be patrolling work zones looking for motorists who fail to move over). Keep in mind that speeding in a work zone already is more serious than regularly speeding with doubled fines, a suspension for two convictions to speeding in a work zone and courts less lenient in plea bargaining these types of speeds.

Five DOT workers lost their lives in highway accidents through the years and, last November, a tow truck operator was struck and killed near Syracuse while tending to a disabled vehicle on the New York State Thruway. The expanded move over law is aimed to reduce these types of accidents.

The \$275 fine and 3 points under the expanded "move over" law statute remains the same.

Below is the text of the amended move over law with the new language underlined and bolded.

AN ACT to amend the vehicle and traffic law, in relation to the operation of vehicles when approaching a parked, stopped or standing authorized emergency vehicle

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

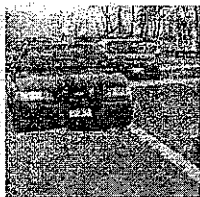
1 Section 1. Subdivision (a) of section 1144-a of the vehicle and traf-  
2 fic law, as amended by chapter 458 of the laws of 2011, is amended to  
3 read as follows:

4 (a) Every operator of a motor vehicle shall exercise due care to avoid  
5 colliding with an authorized emergency vehicle which is parked, stopped  
6 or standing on the shoulder or any portion of such highway and such  
7 authorized emergency vehicle is displaying one or more red, blue, white  
8 or amber or any combination of red (and), blue, white or amber lights  
9 pursuant to the provisions of paragraph two of subdivision forty-one of  
10 section three hundred seventy-five of this chapter. For operators of  
11 motor vehicles on parkways or controlled access highways, such due care  
12 shall include, but not be limited to, moving from a lane which contains  
13 or is immediately adjacent to the shoulder where such authorized emer-  
14 gency vehicle displaying one or more red, blue, white or amber or any  
15 combination of red (and), blue, white or amber lights pursuant to the  
16 provisions of paragraph two of subdivision forty-one of section three  
17 hundred seventy-five of this chapter is parked, stopped or standing in  
18 another lane, provided that such movement otherwise complies with the  
19 requirements of this chapter including, but not limited to, the  
20 provisions of sections eleven hundred ten of this title and eleven  
21 hundred twenty-eight of this title.

22 § 2. This act shall take effect immediately.

## NY Move Over Law Being Used To Trap Motorists

Posted on April 25, 2011 by Matthew Weiss



As we reported in "[New York Move Over Law Takes Effect](#)" at the beginning of the year, New York's "move over" law went into effect on January 1, 2011.

The move over law requires motorists on multi-lane highways to slow down and "move over" (when safe to do so) giving safe clearance as one approaches stopped emergency vehicles with red flashing lights. If you do not slow down and change lanes when approaching such vehicle, you can be issued a moving violation which carries 3 points and up to a \$150 fine. On single lane roads, motorists must slow down and use caution.

It is now being reported by many clients that police are using this new law to trap motorists. Specifically, they park a police car on the side of the road with lights on (and sometimes without) and wait for motorists to fail to move over. Despite there being no emergency, motorists are then pulled over and issued a "move over" ticket, a 3-point violation.

This law was specifically enacted to protect law enforcement officers who have been killed or injured while responding to roadside emergencies. It is therefore disconcerting that police officers would create fake emergencies to ensnare motorists.

Because this is a new law, this particular trap has been very effective catching many motorists in "violation" of the law. If you are such a victim, we recommend pleading not guilty and fighting your move over ticket.

## ONGLET 6

Règlement canadienne du *Move over law* par ordre alphabétique

**Véhicules de secours qui approchent ou suivent****Arrêt à l'approche d'un véhicule : lumière clignotante ou sonnerie ou sirène**

**159. (1)** À l'approche d'un véhicule de police dont la sonnerie d'alarme ou la sirène émet un signal ou dont le feu émet une lumière clignotante intermittente rouge ou rouge et bleu ou à l'approche d'une ambulance, d'un véhicule de pompiers ou d'un véhicule de secours des services publics dont la sonnerie d'alarme ou la sirène émet un signal ou dont le feu émet une lumière rouge clignotante intermittente, le conducteur d'un véhicule immobilise immédiatement celui-ci :

- a) soit le plus près possible de la bordure ou du côté droit de la chaussée et parallèlement à celle-ci, à l'écart de toute intersection;
- b) soit, s'il s'agit d'une chaussée à plus de deux voies et désignée comme chaussée à sens unique, le plus près possible de la bordure ou du côté de la chaussée le plus proche et parallèlement à celle-ci, à l'écart de toute intersection. 2009, chap. 5, art. 49.

**Ralentir en approchant un véhicule de secours arrêté**

**(2)** Lorsqu'il s'approche d'un véhicule de secours dont le feu émet une lumière clignotante intermittente rouge ou rouge et bleu et qui est arrêté sur une voie publique, le conducteur d'un véhicule qui circule sur le même côté de la voie publique ralentit et continue de rouler avec prudence, compte tenu de la circulation, de l'état de la voie publique et des conditions atmosphériques, de façon à ne pas entrer en collision avec le véhicule de secours ni à mettre en danger les personnes qui se trouvent à l'extérieur de celui-ci. 2009, chap. 5, art. 49.

**Idem**

**(3)** Lorsqu'il s'approche d'un véhicule de secours dont le feu émet une lumière clignotante intermittente rouge ou rouge et bleu et qui est arrêté sur une voie publique composée de deux voies de circulation ou plus sur le même côté de la voie publique que celui où est arrêté le véhicule de secours, le conducteur d'un véhicule qui circule sur la même voie que celle où est arrêté le véhicule de secours ou sur une voie adjacente, outre qu'il doit ralentir et continuer de rouler avec prudence comme l'exige le paragraphe (2), s'engage dans une autre voie si la manoeuvre peut se faire en toute sécurité. 2009, chap. 5, art. 49.

**Distance à observer**

**(4)** Nul conducteur d'un véhicule ne doit, sur une voie de la chaussée, suivre à une distance inférieure à 150 mètres un véhicule de pompiers qui répond à une alerte. 2009, chap. 5, art. 49.

**Idem**

**(5)** Le paragraphe (2) ou (3) n'a pas pour effet d'empêcher un conducteur d'arrêter son véhicule et de ne pas dépasser le véhicule de secours arrêté si la manoeuvre peut se faire en toute sécurité et que la loi ne l'interdit pas autrement. 2009, chap. 5, art. 49.

**Infraction**

**(6)** Quiconque contrevient au paragraphe (1), (2), (3) ou (4) est coupable d'une infraction et passible, sur déclaration de culpabilité :

- a) d'une amende d'au moins 400 \$ et d'au plus 2 000 \$ pour une première infraction;
- b) d'une amende d'au moins 1 000 \$ et d'au plus 4 000 \$ et d'un emprisonnement maximal de six mois, ou d'une seule de ces peines, pour chaque infraction subséquente. 2009, chap. 5, art. 49.

**Date limite pour une infraction subséquente**

**(7)** L'infraction visée au paragraphe (6) qui est commise plus de cinq ans après une

déclaration de culpabilité antérieure à l'égard d'une infraction visée à ce même paragraphe ne constitue pas une infraction subséquente pour l'application de l'alinéa (6) b). 2009, chap. 5, art. 49.

### **Suspension du permis de conduire**

(8) Si une personne est déclarée coupable d'une infraction au paragraphe (6), le tribunal peut, par ordonnance, suspendre son permis de conduire pour une période maximale de deux ans. 2009, chap. 5, art. 49.

### **Appel d'une suspension**

(9) Il peut être interjeté appel d'une ordonnance visée au paragraphe (8) ou d'une décision de ne pas rendre l'ordonnance de la même façon que pour une déclaration de culpabilité ou un acquittement en vertu du paragraphe (6). 2009, chap. 5, art. 49.

### **Suspension de l'ordonnance**

(10) S'il est interjeté appel, en vertu du paragraphe (9), d'une ordonnance visée au paragraphe (8), le tribunal saisi de l'appel peut ordonner que l'ordonnance soit suspendue jusqu'à ce que l'appel fasse l'objet d'une décision définitive ou que le tribunal en décide autrement. 2009, chap. 5, art. 49.

### **Définition**

(11) La définition qui suit s'applique au présent article.

«véhicule de secours» S'entend des véhicules suivants :

- a) une ambulance, un véhicule de pompiers, un véhicule de police ou un véhicule de secours des services publics;
- b) un véhicule du ministère qu'utilise, dans l'exercice de ses fonctions, un agent nommé pour faire appliquer les dispositions de la présente loi ou de la *Loi sur les véhicules de transport en commun*;
- c) un véhicule lorsqu'un agent de protection de la nature, un agent des pêches, un agent des parcs provinciaux ou un agent de formation en sauvetage minier l'utilise dans l'exercice de ses fonctions;
- d) un véhicule lorsqu'un agent provincial désigné en vertu de la *Loi sur la protection de l'environnement*, la *Loi de 2002 sur la gestion des éléments nutritifs*, la *Loi sur les ressources en eau de l'Ontario*, la *Loi sur les pesticides*, la *Loi de 2002 sur la salubrité de l'eau potable* ou la *Loi de 2009 sur la réduction des toxiques* l'utilise dans l'exercice de ses fonctions;
- e) un véhicule prescrit pour l'application de la disposition 5 du paragraphe 62 (15.1). 2009, chap. 5, art. 49; 2009, chap. 19, par. 68 (4).

**Approaching, following emergency vehicles****Stop on approach of vehicle with flashing lights or bell or siren sounding**

**159. (1)** The driver of a vehicle, upon the approach of a police department vehicle with its bell or siren sounding or with its lamp producing intermittent flashes of red light or red and blue light, or upon the approach of an ambulance, fire department vehicle or public utility emergency vehicle with its bell or siren sounding or its lamp producing intermittent flashes of red light, shall immediately bring such vehicle to a standstill,

- (a) as near as is practicable to the right-hand curb or edge of the roadway and parallel therewith and clear of any intersection; or
- (b) when on a roadway having more than two lanes for traffic and designated for the use of one-way traffic, as near as is practicable to the nearest curb or edge of the roadway and parallel therewith and clear of any intersection. 2009, c. 5, s. 49.

**Slow down on approaching stopped emergency vehicle**

**(2)** Upon approaching an emergency vehicle with its lamp producing intermittent flashes of red light or red and blue light that is stopped on a highway, the driver of a vehicle travelling on the same side of the highway shall slow down and proceed with caution, having due regard for traffic on and the conditions of the highway and the weather, to ensure that the driver does not collide with the emergency vehicle or endanger any person outside of the emergency vehicle. 2009, c. 5, s. 49.

**Same**

**(3)** Upon approaching an emergency vehicle with its lamp producing intermittent flashes of red light or red and blue light that is stopped on a highway with two or more lanes of traffic on the same side of the highway as the side on which the emergency vehicle is stopped, the driver of a vehicle travelling in the same lane that the emergency vehicle is stopped in or in a lane that is adjacent to the emergency vehicle, in addition to slowing down and proceeding with caution as required by subsection (2), shall move into another lane if the movement can be made in safety. 2009, c. 5, s. 49.

**Following fire department vehicle**

**(4)** No driver of a vehicle shall follow in any lane of a roadway at a distance of less than 150 metres a fire department vehicle responding to an alarm. 2009, c. 5, s. 49.

**Same**

**(5)** Nothing in subsection (2) or (3) prevents a driver from stopping his or her vehicle and not passing the stopped emergency vehicle if stopping can be done in safety and is not otherwise prohibited by law. 2009, c. 5, s. 49.

**Offence**

**(6)** Every person who contravenes subsection (1), (2), (3) or (4) is guilty of an offence and on conviction is liable,

- (a) for a first offence, to a fine of not less than \$400 and not more than \$2,000; and
- (b) for each subsequent offence, to a fine of not less than \$1,000 and not more than \$4,000 or to imprisonment for a term of not more than six months, or to both. 2009, c. 5, s. 49.

**Time limit for subsequent offence**

**(7)** An offence referred to in subsection (6) committed more than five years after a previous conviction for an offence referred to in that subsection is not a subsequent offence for

the purpose of clause (6) (b). 2009, c. 5, s. 49.

### **Driver's licence suspension**

(8) If a person is convicted of an offence under subsection (6), the court may make an order suspending the person's driver's licence for a period of not more than two years. 2009, c. 5, s. 49.

### **Appeal of suspension**

(9) An appeal may be taken from an order under subsection (8) or a decision to not make the order in the same manner as from a conviction or an acquittal under subsection (6). 2009, c. 5, s. 49.

### **Stay of order on appeal**

(10) Where an appeal is taken under subsection (9) from an order under subsection (8), the court being appealed to may direct that the order shall be stayed pending the final disposition of the appeal or until otherwise ordered by that court. 2009, c. 5, s. 49.

### **Definition**

(11) In this section,

“emergency vehicle” means,

- (a) an ambulance, fire department vehicle, police department vehicle or public utility emergency vehicle,
- (b) a ministry vehicle operated by an officer appointed for carrying out the provisions of this Act or the *Public Vehicles Act*, while the officer is in the course of his or her employment,
- (c) a vehicle while operated by a conservation officer, fishery officer, provincial park officer or mine rescue training officer, while the officer is in the course of his or her employment,
- (d) a vehicle while operated by a provincial officer designated under the *Environmental Protection Act*, the *Nutrient Management Act, 2002*, the *Ontario Water Resources Act*, the *Pesticides Act*, the *Safe Drinking Water Act, 2002* or the *Toxics Reduction Act, 2009*, while the officer is in the course of his or her employment, or
- (e) a vehicle as prescribed for the purposes of paragraph 5 of subsection 62 (15.1). 2009, c. 5, s. 49; 2009, c. 19, s. 68 (4).



MINISTÈRE DES TRANSPORTS **attention**  
**aux**

**vÉhicules de secours**

Tous les jours, les policiers, les pompiers et les ambulanciers répondent à des appels urgents. Le temps précieux qu'ils perdent en se rendant sur place peut faire la différence entre la vie et la mort.

**QUE FAIRE QUAND UN VÉHICULE DE SECOURS APPROCHE - CE QU'IL FAUT FAIRE**

**Sur une autoroute à plusieurs voies (vitesse maximale de 100 km/h)**

Ralentissez, activez le clignotant et prenez la voie de droite. Dans la mesure du possible, approchez-vous du côté droit de la chaussée et arrêtez-vous lorsque vous pouvez le faire sans danger. Ne bloquez pas l'accotement.

**Sur une route à deux voies**

Activez le clignotant et prenez la voie de droite. Approchez-vous autant que possible du côté droit de la route et arrêtez-vous ailleurs que dans une intersection.

**Sur une rue à sens unique**

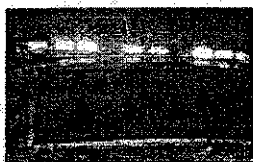
Mettez le clignotant et prenez la voie de droite ou de gauche. Arrêtez-vous ailleurs que dans une intersection.

**At intersections**

Les véhicules arrêtés à une intersection ou qui s'en approchent doivent laisser tout véhicule de secours la traverser. Ne bloquez jamais l'intersection. Ne virez pas à gauche si un véhicule de secours approche par derrière. Dans ce cas, traversez plutôt l'intersection en ligne droite, prenez la voie de droite et arrêtez-vous.

**Prenez les feux et les sirènes des véhicules au sérieux.**

**Prenez la voie de droite et arrêtez-vous. C'est la loi.**



Les véhicules de police peuvent utiliser des feux bleus clignotants en plus des feux rouges et blancs.

## N'OUBLIEZ PAS

- Faites preuve de vigilance. Évitez les distractions. Tenez le son à un niveau peu élevé dans votre véhicule.
- Utilisez les clignotants pour indiquer aux autres conducteurs que vous voulez changer de voie. Vérifiez vos rétroviseurs, regardez devant et des deux côtés de votre véhicule.
- Ne conduisez pas sur l'accotement d'une autoroute et ne le bloquez pas. Attendez que les véhicules de secours passent. Assurez-vous que la voie est libre et mettez le clignotant avant de recommencer à rouler.
- Il est illégal de suivre à moins de 150 mètres un véhicule de lutte contre les incendies ou une ambulance qui répond à un appel.



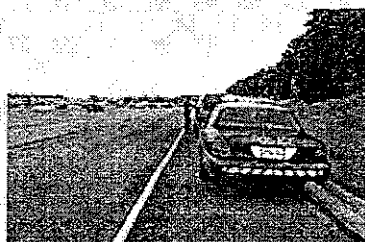
Attention aux véhicules de secours arrêtés sur la route ou l'accotement

### APPROCHER D'UN VÉHICULE DE SECOURS ARRÊTÉ DONT LES FEUX ROUGES OU ROUGES ET BLEUS CLIGNOTENT - CE QU'IL FAUT FAIRE

Le Code de la route de l'Ontario exige que le motoriste qui s'approche d'un véhicule de la police, des pompiers ou d'un service d'ambulance arrêté dans une voie ou sur l'accotement du même côté de la route et dont les feux rouges clignotent ralentisse et le dépasse avec prudence. Si la route a deux voies ou plus, le motoriste doit prendre une autre voie s'il peut le faire sans danger.

**Première infraction** : 400 \$ à 2 000 \$ plus trois points d'inaptitude sur déclaration de culpabilité.

**Deuxième infraction** (en cinq ans) : 1 000 \$ à 4 000 \$, possibilité d'emprisonnement allant jusqu'à six mois et possibilité de suspension du permis de conduire allant jusqu'à deux ans.



**Définitions**

109.1(1) Les définitions qui suivent s'appliquent au présent article.

« **agent d'exécution du gouvernement** » Employé du gouvernement nommé en vertu d'une loi afin d'exécuter celle-ci ou toute autre loi ou un de leurs règlements d'application. ("government enforcement officer")

« **feux d'urgence** » Selon le cas :

- a) un des feux visés aux alinéas 38.1(1)b) ou c), 38.1(2)b) ou c), ou 38.1(3)b) ou c);
- b) tout feu prévu par les règlements. ("emergency beacon")

« **véhicule d'agent d'exécution du gouvernement** » Véhicule automobile utilisé par un agent d'exécution du gouvernement pour l'exercice de ses fonctions sur une route. ("government enforcement officer's vehicle")

« **véhicule d'assistance routière** »

- a) Dépanneuse ou autre véhicule automobile équipé de façon à pouvoir enlever de la route un véhicule endommagé, en panne ou inutilisable, que ce soit en le soulevant et en le remorquant ou en le chargeant et en le transportant;
- b) véhicule automobile qu'une personne utilise pour fournir des services sur la route à l'égard d'un véhicule endommagé, en panne ou inutilisable ou pour effectuer des réparations mineures sur un tel véhicule, les services en question ayant notamment trait à la batterie, aux changements et aux réparations de pneus et au déverrouillage.

La présente définition exclut les classes de véhicules automobiles que les règlements soustraient à son application. ("roadside assistance vehicle")

« **véhicule désigné** »

- a) Véhicule d'assistance routière;
- b) véhicule d'agent d'exécution du gouvernement;
- c) véhicule automobile qu'indiquent les règlements. ("designated vehicle")

« **véhicule d'urgence** » Selon le cas :

- a) véhicule utilisé par un service de police;
- b) véhicule utilisé par un service d'incendie;
- c) véhicule utilisé par un service d'ambulance. ("emergency vehicle")

**Véhicule d'urgence ou désigné arrêté**

109.1(2) Le conducteur d'un véhicule prend les précautions mentionnées aux paragraphes (2.1) et (3) lorsqu'il s'approche d'un des véhicules indiqués ci-dessous qui est arrêté du même côté de la route que son véhicule ou qui est utilisé à l'occasion d'une activité réglementaire, y compris une activité ayant trait à l'assistance routière ou à l'exécution de la loi :

- a) un véhicule d'urgence dont le feu d'urgence est allumé;
- b) un véhicule désigné qui, en conformité avec le présent code ou les règlements, utilise :
  - (i) un feu d'urgence ou tout autre dispositif d'éclairage,
  - (ii) le cas échéant, des panneaux ou du matériel d'avertissement ou de sécurité.

**Précautions de base**

109.1(2.1) Le conducteur :

- a) ralentit et agit avec prudence afin de ne pas entrer en collision avec le véhicule d'urgence ou le véhicule désigné et de ne pas mettre en danger les personnes qui se trouvent à l'extérieur du véhicule en question;
- b) ne dépasse le véhicule en question que s'il est sécuritaire de le faire.

**Changement de voie**

109.1(3) En plus de se conformer aux paragraphes (2) et (2.1), le conducteur se déplace d'une voie en s'éloignant du véhicule d'urgence ou du véhicule désigné si, à la fois :

- a) il circule dans la même voie que le véhicule arrêté, ou dans une voie adjacente;

- b) la route comporte deux voies ou plus du même côté de la route que celui où est arrêté le véhicule;
- c) il est sécuritaire de le faire.

L.M. 2004, c. 30, art. 11; L.M. 2010, c. 7, art. 3.

**Definitions**

109.1(1) The following definitions apply in this section.

"designated vehicle" means the following motor vehicles:

- (a) a roadside assistance vehicle;
- (b) a government enforcement officer's vehicle;
- (c) a vehicle that is prescribed in the regulations. (« véhicule désigné »)

"emergency beacon" means

- (a) any of the lamps provided for in clauses 38.1(1)(b) or (c), 38.1(2)(b) or (c), or 38.1(3)(b) or (c); or
- (b) an emergency beacon prescribed in the regulations. (« feux d'urgence »)

"emergency vehicle" means

- (a) a vehicle used by a police force;
- (b) a vehicle used by a fire department; or
- (c) a vehicle used by an ambulance service. (« véhicule d'urgence »)

"government enforcement officer" means an employee of the government who is appointed under an Act to enforce the Act or another Act or to enforce a regulation made under an Act. (« agent d'exécution du gouvernement »)

"government enforcement officer's vehicle" means a motor vehicle used by a government enforcement officer to carry out his or her duties on a highway. (« véhicule d'agent d'exécution du gouvernement »)

"roadside assistance vehicle" means the following motor vehicles:

- (a) a tow truck or another motor vehicle that is equipped to remove from the highway a vehicle that is damaged, disabled or inoperable, whether by hoisting and towing it or loading and carrying it away;
- (b) a motor vehicle that is used to provide service or minor repair at roadside to a vehicle that is damaged, disabled or inoperable, including battery service, tire changing and repairs and locked vehicle service;

but does not include a class of motor vehicles that is excluded from this definition by the regulations. (« véhicule d'assistance routière »)

**Approaching an emergency or designated vehicle**

109.1(2) The driver of a vehicle must take the safety precautions set out in subsections (2.1) and (3) when approaching one of the following vehicles that is stopped on the same side of the highway or is engaged in a roadside assistance or enforcement activity prescribed by the regulations or in another prescribed activity:

- (a) an emergency vehicle that has its emergency beacon in operation;
- (b) a designated vehicle that, in accordance with this Act and the regulations, is using
  - (i) an emergency beacon or other lighting equipment, and
  - (ii) if applicable, warning or safety signs or equipment.

**Basic safety precautions**

109.1(2.1) The driver must

- (a) slow down and proceed with caution to ensure that his or her vehicle does not collide with the emergency vehicle or designated vehicle and does not endanger any person outside of it; and
- (b) pass the emergency vehicle or designated vehicle only if it is safe to do so.

**Two or more lanes of traffic in same direction**

109.1(3) In addition to complying with subsections (2) and (2.1), the driver shall move into a traffic lane farther from the emergency vehicle or designated vehicle if

- (a) he or she is travelling in the lane in which the vehicle is stopped, or a lane adjacent to it;

- (b) there are two or more traffic lanes on the side of the highway on which the vehicle is stopped;  
and
- (c) the movement can be made safely.

S.M. 2004, c. 30, s. 11; S.M. 2010, c. 7, s. 3.

Colombie  
Britannique

## NEWS - BC to Have Slow Down, Move Over Law

Mon, 2009-04-06 21:31 — DriveSmartBC



The Motor Vehicle Act Regulations have been amended to create Division 47 which is scheduled to come into effect June 1, 2009. The new rules will require drivers approaching stopped emergency vehicles displaying flashing lights to slow down, and if traffic permits, to move over into the adjacent lane in order to pass by. The changes will provide a safe working area for emergency crews.

On roads posted at 80 km/h and above drivers must slow to 70 km/h and on those posted below 80 km/h to 40 km/h. The requirements will apply to drivers passing police, fire, ambulance and towing vehicles, as well as vehicles used by commercial vehicle safety and enforcement personnel, passenger vehicle inspectors, conservation officers, park rangers, and special provincial constables employed in the Ministry of Forests and Range.

The ticketed amount for drivers who fail to obey will be \$173 and 3 penalty points will be assessed on conviction.

**Division 47 — Speed Limits and Traffic Rules****if Official Vehicle Parked on a Highway****Definition**

**47.01** In this Division, "**official vehicle**" means

- (a) a motor vehicle operated by a peace officer, constable or member of the police branch of Her Majesty's Armed Forces in the discharge of his or her duty,
- (b) an ambulance as defined in the *Emergency and Health Services Act*,
- (c) a motor vehicle operated by fire services personnel as defined in the *Fire Services Act* in the discharge of personnel duties,
- (d) a tow car, and
- (e) a motor vehicle operated by one of the following in the discharge of his or her duty:
  - (i) a member of the Conservation Officer Service as described in section 106 of the *Environmental Management Act*;
  - (ii) a person authorized to exercise the powers and perform the duties of a constable or peace officer for purposes set out in the Inspectors Authorization Regulation, B.C. Reg. 372/92;
  - (iii) a person authorized to exercise the powers conferred on, and perform the duties of, peace officers for the purposes of enforcing the *Passenger Transportation Act* and the Passenger Transportation Regulation;
  - (iv) a park ranger appointed under section 4 (2) of the *Park Act*;
  - (v) a person employed in the Ministry of Forests and Range who is appointed as a special provincial constable under section 9 of the *Police Act*.

[en. B.C. Reg. 148/2009, s. 2.]

**When an official vehicle is stopped**

**47.02** (1) Subject to subsection (2), if an official vehicle with illuminated flashing red or blue lamps or lights, or both, or flashing amber lamps or lights is stopped on or on the side of a highway, a person driving a motor vehicle on the highway in either direction must drive the motor vehicle at the following rate of speed when approaching or passing the official vehicle:

(a) 70 km/h if signs on the highway limit the rate of speed to 80 km/h or more;

(b) 40 km/h if signs on the highway limit the rate of speed to less than 80 km/h.

(2) Subsection (1) does not apply to a driver who approaches or passes an official vehicle from the opposite direction on a highway that contains a laned roadway or is divided by a median.

(3) In addition to the requirements of subsection (1), a driver travelling in a lane adjacent to the stopped official vehicle or in the same lane in which the official vehicle is stopped must, if it is safe to do so, and unless otherwise directed by a peace officer, move his or her motor vehicle into another lane of the laned roadway, if any.

[en. B.C. Reg. 148/2009, s. 2.]

[Provisions of the *Motor Vehicle Act*, R.S.B.C. 1996, c. 318, relevant to the enactment of this regulation: sections 4, 23, 25, 26, 48 to 50, 62, 83.1, 83.2, 90.3, 94.1, 94.3, 94.4, 94.6, 104.1, 104.4 to 104.6, 104.9, 104.91, 105.1, 105.3 to 105.5, 105.8, 105.9, 146, 148.1, 209, 210, 212, 216, 233]



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## NEWS RELEASE

For Immediate Release  
2009PSSG0041-000675  
April 6, 2009

Ministry of Public Safety and Solicitor General

### **NEW RULES OF THE ROAD PROTECT EMERGENCY WORKERS' SAFETY**

VANCOUVER – The Province will enhance the safety of emergency workers by requiring drivers to slow down and move over when passing parked emergency vehicles that have their lights flashing, Minister of Public Safety and Solicitor General John van Dongen and Transportation and Infrastructure Minister Kevin Falcon announced today.

“We’re doing this for emergency workers who are out there, working to save lives on our roads in all kinds of conditions,” said van Dongen. “Too often, these workers face near-misses, injury or even death – directly due to the carelessness of passing drivers.”

“Between 2001 and 2007, 21 emergency workers were injured or killed on B.C. roads – 12 of them at the roadside,” said Falcon. “We’re joining other jurisdictions by fining those who don’t slow down and, where they safely can, move over, so emergency workers don’t pay with their lives for doing their jobs.”

Beginning June 1, drivers must slow to 70 km/h on highways where the speed limit is 80 km/h or higher, and to 40 km/h where the limit is below 80 km/h, when approaching a stopped emergency vehicle that has its lights flashing. If there is another lane going in the same direction, drivers must also move into that lane if it is safe to do so.

“My colleagues and I want motorists to consider not only the new penalty, but the safety of all emergency workers as they drive past an incident,” said Supt. Norm Gaumont, RCMP B.C. Traffic Services. “In situations where every second counts, everyone benefits from safe, focused emergency services personnel.”

The requirements will apply to drivers passing police, fire, ambulance and towing vehicles, as well as vehicles used by commercial vehicle safety and enforcement personnel, passenger vehicle inspectors, conservation officers, park rangers, and special provincial constables employed in the Ministry of Forests and Range.

-more-

- 2 -

Those found in contravention will face a fine and three penalty points against their licence. The fine, including a 15 per cent victim surcharge, is \$148 if paid within 30 days or \$173 thereafter. Currently, five provinces and 40 U.S. states have similar requirements. An existing penalty remains in place for failing to yield to a moving emergency vehicle.

-30-

1 backgrounder(s) attached.

Media contact: Cindy Rose  
Media Relations  
Ministry of Public Safety and Solicitor  
General  
250 356-6961

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## INFORMATION BULLETIN

For Immediate Release  
2009LCS0011-000967  
June 1, 2009

Ministry of Labour and Citizens' Services

### **“SLOW DOWN, MOVE OVER” LAW NOW IN EFFECT**

VICTORIA – A new regulation takes effect today to enhance the safety of emergency workers by requiring drivers to slow down and move over when passing parked emergency vehicles that have their lights flashing.

The new Motor Vehicle Act regulation applies to drivers passing police, fire, ambulance and towing vehicles, as well as vehicles used by commercial vehicle safety and enforcement personnel, passenger transportation inspectors, conservation officers, park rangers, and special provincial constables employed in the Ministry of Forests and Range.

Drivers must now slow to 70 km/h on highways where the speed limit is 80 km/h or higher, and to 40 km/h where the limit is below 80 km/h, when approaching a stopped emergency vehicle that has lights flashing. If there is another lane going in the same direction, drivers must also move into that lane if it is safe to do so.

The penalty for not slowing to the designated speed, not moving over, or both, is a fine and three penalty points on the driver's licence. The fine, including a 15 per cent victim surcharge, is \$148 if paid within 30 days or \$173 thereafter. An existing penalty remains in place for failing to yield to a moving emergency vehicle.

Between 2001 and 2007, 21 emergency workers were injured or killed on B.C. roads – 12 of them at the roadside.

The new regulation is supported by organizations representing emergency workers including the Office of the Fire Commissioner and Fire Chiefs' Association of B.C., BC Ambulance Service, BC Association of Chiefs of Police, the British Columbia towing industry and the British Columbia Automobile Association (BCAA).

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## BC's Slow Down Move Over Law

Wed, 2009-05-03 19:21 -- DriveSmartBC



Emergency workers are very happy with BC's new slow down, move over law that came into effect June 1, 2009. When they are stopped at the side of the highway and displaying flashing lights, red, blue or yellow, approaching traffic is required to slow down and move over. This will provide a safe workspace for the emergency workers and hopefully also for those who are driving past.

The slow down half of the law requires overtaking motorists to slow to 70 km/h on highways posted at 80 km/h and higher and to 40 km/h in all other speed zones. My guess is that when this speed is enforced, very little, if any, wiggle room will be allowed. If you choose not to slow down to at least match the limit if not a bit less, you choose to risk a ticket.

The move over portion requires that if it is safe to do so, you will move into the unoccupied adjacent lanes. This could mean the adjacent lane in the same direction if there are multiple lanes, or the oncoming lane if there are not. Remember, if you have to use the oncoming lane, you have no lawful excuse to encroach on it when there is oncoming traffic.

Will the law increase safety? Only if drivers think and then act before they approach closely. Many times in the past I have watched vehicles overtake my stationary police car at or over the speed limit a foot from my door instead of slowing down and moving into the empty lane.

**Prohibited operation of vehicles, etc.**

**115(1)** For the purposes of this section, a driver of a vehicle is driving carelessly if that driver drives the vehicle

- (a) without due care and attention, or
- (b) without reasonable consideration for persons using the highway.

**(2)** A person shall not do any of the following:

- (a) except where otherwise provided for under this Act, drive a vehicle in a manner contrary to the Rules of the Road or regulations governing the operation of vehicles;
- (b) drive a vehicle on a highway in a manner that constitutes driving carelessly;
- (c) drive a vehicle on a highway in a race unless authorized pursuant to a permit issued under subsection (3);
- (d) drive a vehicle on a highway on a bet or wager;
- (e) perform or engage in any stunt or other activity that is likely to distract, startle or interfere with users of the highway;
- (f) drive a vehicle so as to perform or engage in any stunt or other activity on a highway that is likely to distract, startle or interfere with other users of the highway;
- (g) drive a non-repairable vehicle on a highway;
- (h) drive a salvage motor vehicle on a highway unless it is being operated for the purposes of conducting a road test under the regulations;
- (i) where that person is the driver of a vehicle, permit any person, animal or thing to occupy the front seat of the vehicle in such a manner so as to impede the driver in the free and uninterrupted access to and use of the steering wheel, brakes and other equipment required to be used for the safe operation of the vehicle;
- (j) where that person is the driver of a vehicle, permit any person, animal or thing in the vehicle to cause any obstruction to the driver's clear vision in any direction;
- (k) ride in a position in a vehicle that interferes with the driver's control over the driving mechanism of the vehicle or that obstructs the driver's clear vision in any direction;

- (l) where the person is the driver of a vehicle, exchange places with any other person when the vehicle is in motion;
- (m) exchange places with the driver when the vehicle is in motion;
- (n) operate an over-dimensional vehicle on a highway other than in accordance with the terms and conditions specified in a permit or under this Act;
- (o) repealed 2001 c14 s16;
- (p) drive a vehicle on a highway at a speed that is greater than the maximum speed limit established or prescribed for that highway under
  - (i) this Act,
  - (ii) the *Government Property Traffic Act* (Canada), or
  - (iii) the *National Parks Act* (Canada);
- (p.1) drive a vehicle on a portion of a highway that is under construction or repair or is in a state of disrepair at a speed that is greater than the maximum speed limit established or prescribed under section 108(1)(g) for that portion of highway;
- (p.2) drive a vehicle on a portion of a highway at a speed that is greater than the maximum speed limit established or prescribed under section 108(1)(g) for that portion of highway where there are persons present on the highway who are constructing or repairing that portion of highway or who are directing traffic in connection with the construction or repair of that portion of highway;
- (q) drive a vehicle on a highway at a speed that is less than the minimum speed limit established or prescribed for that highway under this Act;
- (r) where a maximum speed limit is established or prescribed under this Act for a highway with respect to a period of time, drive a vehicle on a highway during that period of time at a speed that is greater than the maximum speed limit established or prescribed for that highway for that period of time;
- (s) where a minimum speed limit is established or prescribed under this Act for a highway with respect to a period of time, drive a vehicle on a highway during that period of

time at a speed that is less than the minimum speed limit established or prescribed for that highway for that period of time;

- (t) subject to subsection (4), drive a vehicle on a highway at a speed greater than 60 kilometres per hour, or the maximum speed limit established or prescribed for that highway under
  - (i) this Act,
  - (ii) the *Government Property Traffic Act* (Canada), or
  - (iii) the *National Parks Act* (Canada),whichever is lower, if the vehicle
  - (iv) is travelling on the same side of the highway as a stopped emergency vehicle or tow truck, and
  - (v) is passing the stopped emergency vehicle or tow truck when its flashing lamps are operating.

(3) Notwithstanding subsection (2)(c), the Registrar or the road authority may issue a permit authorizing a race to be held on a highway subject to any terms or conditions that the Registrar or the road authority considers appropriate.

(4) Subsection (2)(t) does not apply if there are 2 or more traffic lanes for traffic moving in the same direction as the vehicle and there is at least one traffic lane between the driver's vehicle and the stopped emergency vehicle or tow truck.

RSA 2000 cT-6 s115;2001 c14 s16;2005 c34 s21

#### **Cellular telephones, electronic devices, etc.**

**115.1(1)** Subject to this section and the regulations made under section 115.5, no individual shall drive or operate a vehicle on a highway while at the same time

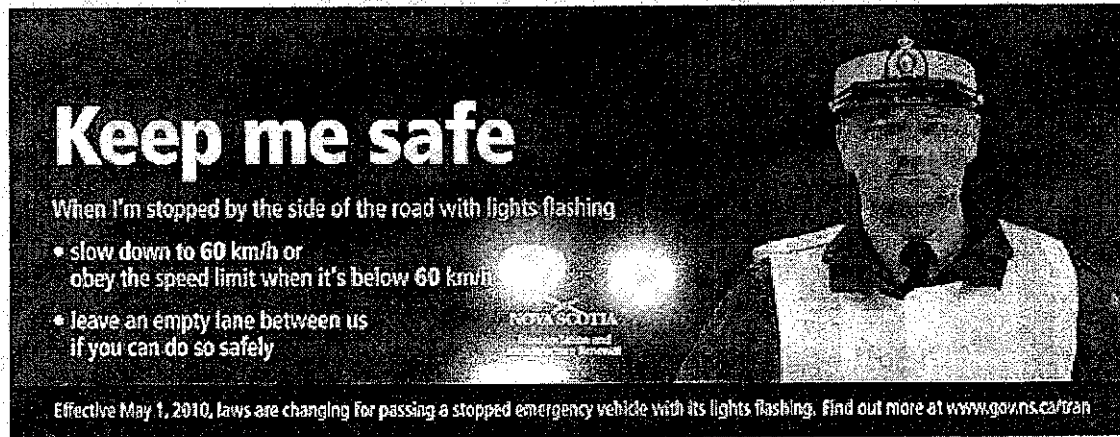
- (a) holding, viewing or manipulating a cellular telephone, radio communication device or other communication device that is capable of receiving or transmitting telephone communication, electronic data, electronic mail or text messages, or
- (b) holding, viewing or manipulating a hand-held electronic device or a wireless electronic device.

(2) An individual may drive or operate a vehicle on a highway while using a cellular telephone or radio communication device in hands-free mode.

# Few know about 'move over' law, police say

Last Updated: Monday, June 21, 2010 | 4:45 PM AT

[CBC News](#)



An RCMP

advertisement informs the public about a new law. (Nova Scotia RCMP) Police in Nova Scotia say most drivers are not slowing down when passing stopped emergency vehicles, despite a new law that came into effect May 1.

The 'move over' legislation requires drivers to slow down to 60 kilometres per hour, or the posted speed limit if it is lower, when passing a stopped emergency vehicle with its lights flashing. Drivers traveling in a lane immediately adjacent to a stopped emergency vehicle must also move into another lane if one is available and it is safe to do so.

Officers say most vehicles are failing to comply.

"I'm finding the vast majority of vehicles aren't slowing down and when I motion for them to slow down they're just looking confused," said RCMP Cpl. Andy Hamilton.

Hamilton said when he asks motorists why they did not slow down many say they are unaware of the new law.

"On some occasions I've been able to finish my traffic stop and catch up with a few vehicles and each time the motorists are complaining they have no knowledge of this new legislation although there has been some media attention given to it."

The new legislation, passed during the fall session of the legislature, was introduced as a way of protecting police officers, paramedics and other emergency personnel. MLA David Wilson, a former paramedic, originally introduced it as a private members' bill in the fall 2007 session.

Officers are not yet writing tickets under the new law, but Hamilton said a first offense ticket will come with a \$340 fine, which he said will likely boost compliance.

Prince Edward Island, Ontario, Manitoba, Saskatchewan, Alberta and British Columbia all have some form of the "move over" legislation, however each differs in the requirements it places upon drivers.



## c. T-18.1

## TRAFFIC SAFETY

**Speeding in speed zone prohibited**

201(1) If pursuant to *The Highways and Transportation Act, 1997*, or any former *Highways and Transportation Act*, a speed zone is established by the erection of an official sign, no person shall drive a vehicle on the portion of the highway within the speed zone at a speed greater than indicated.

(2) If pursuant to *The Highways and Transportation Act, 1997* the maximum speed on a provincial highway or portion of a provincial highway is fixed by the minister and the minister has erected signs that indicate that speed, no person shall drive a vehicle on the provincial highway or portion of the provincial highway at a speed greater than the speed indicated on those signs.

2004, c.T-18.1, s.201; 2008, c.12, s.7.

**Speeding in parks prohibited**

202(1) Notwithstanding any other provision of this Act, the authority having jurisdiction over a park:

- (a) may fix the maximum speed of vehicles within the park; and
- (b) if the authority acts pursuant to clause (a), shall, by signs placed at each entrance to the park, indicate that maximum speed.

(2) No person shall drive a vehicle in the park in excess of the maximum speed indicated on the signs.

2004, c.T-18.1, s.202.

**Speed limits when passing highway workers**

203(1) No person shall drive a vehicle on a highway at a speed greater than 60 kilometres per hour when passing:

- (a) a highway worker or flag person;
- (b) any highway equipment occupied by a highway worker, whose presence on the highway is marked in the manner determined in the regulations made by the board; or
- (c) any highway equipment on a highway that has its ministry issued warning lights in operation, whether it is in motion or not.

(2) A flag person or peace officer may direct traffic by voice, hands, signs or other signals while controlling traffic.

(3) Every person driving a vehicle shall obey the directions given pursuant to subsection (2).

2004, c.T-18.1, s.203; 2009, c.30, s.3.

**Speed limits when passing emergency vehicles**

204(1) No person shall drive a vehicle on a highway at a speed greater than 60 kilometres per hour when passing an emergency vehicle that is stopped on the highway with its emergency lights in operation.

## TRAFFIC SAFETY

c. T-18.1

- (2) Subsection (1) does not apply if:
- (a) the vehicle is being driven on a divided highway; and
  - (b) the vehicle is travelling on the opposite roadway from the emergency vehicle.

2004, c.T-18.1, s.204.

**Speed limits when passing tow trucks**

205(1) No person shall drive a vehicle on a highway at a speed greater than 60 kilometres per hour when passing a tow truck that:

- (a) is stopped on the highway with its amber lights in operation; and
- (b) is providing assistance as a tow truck.

(2) Subsection (1) does not apply if:

- (a) the vehicle is being driven on a divided highway; and
- (b) the vehicle is travelling on the opposite roadway from the tow truck.

2004, c.T-18.1, s.205.

**Speeding when passing animals prohibited**

206 When approaching any animal visible on or beside a highway or so close to the highway as to constitute a hazard, no driver of a vehicle shall:

- (a) fail to reduce the vehicle's speed; or
- (b) pass the animal unless it is safe to do so.

2004, c.T-18.1, s.206.

### DIVISION 3 Stopping and Parking

**Interpretation of Division**

207 In this Division:

- (a) "crosswalk" means:
  - (i) a clearly marked pedestrian crossing; or
  - (ii) if there is no clearly marked pedestrian crossing, the prolongation through the intersection of the lateral boundary lines of the adjacent or intersecting sidewalks at the end of a block;
- (b) "intersection" means the area contained within the straight production of the lateral curb lines, or, in the absence of curb lines, of the lateral boundary lines, of two or more highways that join one another at an angle, whether or not one of those highways crosses the other.

2004, c.T-18.1, s.207.

## **ONGLET 7**

Résumé des dispositions du *Move over law* ailleurs au Canada

# MOVE OVER LAW

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## ÉTAT DE LA LOI AU CANADA

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### ALBERTA

Un automobiliste ne peut conduire à une vitesse supérieure à 60kmh ou à la limite permise, selon la moindre des deux, lorsqu'il dépasse un véhicule de secours ou une dépanneuse arrêté avec les lumières qui clignotent, s'il circule du même côté de la voie et dans la voie immédiatement adjacente à celle où est arrêté le véhicule de secours ou la dépanneuse.

### COLOMBIE-BRITANNIQUE

Les conducteurs qui approchent un véhicule de secours avec les feux clignotants doivent ralentir et si le trafic le permet, changer de voie lors du dépassement.

### MANITOBA

Les conducteurs qui approchent un véhicule d'urgence ou un véhicule désigné (qui inclut une dépanneuse), doivent ralentir et dépasser le véhicule arrêté seulement s'il est prudent de le faire.

### NOUVEAU BRUNSWICK

Les conducteurs qui s'approchent d'un véhicule d'urgence équipé d'au moins une lumière rouge clignotante doivent ralentir, procéder avec précaution, et se déplacer dans la voie adjacente si possible.

### TERRE-NEUVE ET LABRADOR

N'a pas de loi spécifique mais ils ont une loi générale qui prévoit qu'il faut céder le droit de passage aux véhicules d'urgence.

### TERRITOIRES DU NORD-OUEST

Un conducteur doit réduire de moitié la vitesse limite permise lorsqu'il passe à moins de 120m d'un véhicule d'urgence ou véhicule désigné arrêté avec lumières clignotantes.

### NOUVELLE-ÉCOSSE

Les conducteurs doivent réduire leur vitesse à la limite permise ou 60 km/h, le plus bas des deux, lorsqu'ils dépassent un véhicule d'urgence arrêté avec des feux clignotants et doivent libérer la voie la plus près du véhicule arrêté s'il est sans danger de le faire.

### NUNAVUT

N'a pas de loi qui prévoit le ralentissement ou/et le changement de voie à l'approche d'un véhicule d'urgence arrêté.

### **ONTARIO**

À l'approche d'un véhicule d'urgence arrêté sur la bordure d'une autoroute et ayant les lumières qui clignotent, les conducteurs de véhicules qui se déplacent sur le même côté de l'autoroute doivent ralentir et changer de voie s'il est sans danger de le faire.

### **ILE DU PRINCE EDOUARD**

Les conducteurs qui dépassent un véhicule d'urgence arrêté avec les lumières qui clignotent doivent réduire leur vitesse à moins de la moitié de la limite permise et doivent libérer la voie la plus près du véhicule arrêté, s'il est prudent de le faire.

### **QUÉBEC**

N'a pas de loi

### **SASKATCHEWAN**

Prohibe la conduite supérieure à 60km/h au passage de travailleur de la route ou d'équipement, de véhicule d'urgence arrêté avec lumières qui clignotent, de dépanneuse arrêtée avec lumières orange clignotantes, véhicules de construction avec lumières clignotantes, et les véhicules allumés du Ministry of Highways.

### **YUKON**

N'a pas de loi