

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

H

2

HOUSE BILL 288  
Committee Substitute Favorable 5/31/05

Short Title: MV Move-Over Law Changes.

(Public)

---

Sponsors:

---

Referred to:

---

February 17, 2005

A BILL TO BE ENTITLED

1  
2 AN ACT TO AMEND THE LAW CONCERNING WHAT THE DRIVER OF A  
3 MOTOR VEHICLE SHALL DO UPON APPROACH OF AN EMERGENCY  
4 VEHICLE.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 20-157 reads as rewritten:

7 "**§ 20-157. Approach of police, fire department or rescue squad vehicles or**  
8 **ambulances; driving over fire hose or blocking fire-fighting equipment;**  
9 **parking, etc., near police, fire department, or rescue squad vehicle or**  
10 **ambulance.**

11 (a) Upon the approach of any police or fire department vehicle or public or  
12 private ambulance or rescue squad emergency service vehicle giving warning signal by  
13 appropriate light and by audible bell, siren or exhaust whistle, audible under normal  
14 conditions from a distance not less than 1000 feet, the driver of every other vehicle shall  
15 immediately drive the same to a position as near as possible and parallel to the  
16 right-hand edge or curb, clear of any intersection of streets or highways, and shall stop  
17 and remain in such position unless otherwise directed by a police or traffic officer until  
18 police or fire department vehicle or public or private ambulance or rescue squad  
19 emergency service vehicle shall have passed. Provided, however, this subsection shall  
20 not apply to vehicles traveling in the opposite direction of the vehicles herein  
21 enumerated when traveling on a four-lane limited access highway with a median divider  
22 dividing the highway for vehicles traveling in opposite directions, and provided further  
23 that the violation of this subsection shall ~~not~~ be negligence per se. Violation of this  
24 subsection is a Class 2 misdemeanor.

25 (b) It shall be unlawful for the driver of any vehicle other than one on official  
26 business to follow any fire apparatus traveling in response to a fire alarm closer than  
27 one block or to drive into or park such vehicle within one block where fire apparatus has  
28 stopped in answer to a fire alarm.

1 (c) Outside of the corporate limits of any city or town it shall be unlawful for the  
2 driver of any vehicle other than one on official business to follow any fire apparatus  
3 traveling in response to a fire alarm closer than 400 feet or to drive into or park such  
4 vehicle within a space of 400 feet from where fire apparatus has stopped in answer to a  
5 fire alarm.

6 (d) It shall be unlawful to drive a motor vehicle over a fire hose or any other  
7 equipment that is being used at a fire at any time, or to block a fire-fighting apparatus or  
8 any other equipment from its source of supply regardless of its distance from the fire.

9 (e) It shall be unlawful for the driver of a vehicle, other than one on official  
10 business, to park and leave standing such vehicle within 100 feet of police or fire  
11 department vehicles, public or private ambulances, or rescue squad emergency vehicles  
12 which are engaged in the investigation of an accident or engaged in rendering assistance  
13 to victims of such accident.

14 (f) When an authorized emergency vehicle as described in subsection (a) of this  
15 section or any public service vehicle is parked or standing within 12 feet of a roadway  
16 and is giving a warning signal by appropriate light, the driver of every other  
17 approaching vehicle shall, as soon as it is safe and when not otherwise directed by an  
18 individual lawfully directing traffic, do one of the following:

19 (1) Move the vehicle into a lane that is not the lane nearest the parked or  
20 standing authorized emergency vehicle and continue traveling in that  
21 lane until safely clear of the authorized emergency vehicle. This  
22 paragraph applies only if the roadway has at least two lanes for traffic  
23 proceeding in the direction of the approaching vehicle and if the  
24 approaching vehicle may change lanes safely and without interfering  
25 with any vehicular traffic.

26 (2) Slow the ~~vehicle, vehicle~~ to a speed that is at least 20 miles per hour  
27 less than the posted speed limit when the posted speed limit is 25 miles  
28 per hour or greater, or five miles per hour when the posted speed limit  
29 is 20 miles per hour or less, maintaining a safe speed for traffic  
30 conditions, and ~~operate the vehicle at a reduced speed~~ be prepared to  
31 stop until completely past the authorized emergency vehicle. This  
32 paragraph applies only if the roadway has only one lane for traffic  
33 proceeding in the direction of the approaching vehicle or if the  
34 approaching vehicle may not change lanes safely and without  
35 interfering with any vehicular traffic.

36 For purposes of this section, "public service vehicle" means a vehicle that has been  
37 called to the scene by a motorist or a law enforcement officer, is being used to assist  
38 motorists or law enforcement officers with wrecked or disabled vehicles, and is  
39 operating an amber-colored flashing light authorized by G.S. 20-130.2. Violation of this  
40 subsection shall ~~not~~ be negligence per se.

41 (g) Except as provided in subsections (a), (h), and (i) of this section, violation of  
42 this section shall be an infraction punishable by a fine of two hundred fifty dollars  
43 (\$250.00).

1        (h) A person who violates this section and causes damage to property in the  
2 immediate area of the authorized emergency vehicle or public service vehicle in excess  
3 of five hundred dollars (\$500.00), or causes injury to a police officer, a firefighter, an  
4 emergency vehicle operator, an Incident Management Assistance Patrol member, a  
5 public service vehicle operator, or any other emergency response person in the  
6 immediate area of the authorized emergency vehicle or public service vehicle is guilty  
7 of a Class 1 misdemeanor.

8        (i) A person who violates this section and causes serious injury or death to a  
9 police officer, a firefighter, an emergency vehicle operator, an Incident Management  
10 Assistance Patrol member, a public service vehicle operator, or any other emergency  
11 response person in the immediate area of the authorized emergency vehicle or public  
12 service vehicle is guilty of a Class I felony. The Division may suspend, for up to six  
13 months, the drivers license of any person convicted under this subsection. If the  
14 Division suspends a person's license under this subsection, a judge may allow the  
15 licensee a limited driving privilege for a period not to exceed the period of suspension,  
16 provided the person's license has not also been revoked or suspended under any other  
17 provision of law. The limited driving privilege shall be issued in the same manner and  
18 under the terms and conditions prescribed in G.S. 20-16.1(b)."

19                **SECTION 3.** This act becomes effective July 1, 2006, and applies to  
20 offenses committed on or after that date.