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SESSION 2005

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HOUSE BILL 288
Committee Substitute Favorable 5/31/05
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Short Title: MV Move-Over Law Changes.

(Public)

Sponsors:

Referred to:

February 17, 2005

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

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

(a) Upon the approach of any police 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 police or traffic officer until police 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 ~~not~~ 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.

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, maintaining a safe speed for traffic conditions, and
27 operate the vehicle at a reduced speed and be prepared to stop until
28 completely past the authorized emergency vehicle. This paragraph
29 applies only if the roadway has only one lane for traffic proceeding in
30 the direction of the approaching vehicle or if the approaching vehicle
31 may not change lanes safely and without interfering with any vehicular
32 traffic.

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

38 (g) Except as provided in subsections (a), (h), and (i) of this section, violation of
39 this section shall be an infraction punishable by a fine of two hundred fifty dollars
40 (\$250.00).

41 (h) A person who violates this section and causes damage to property in the
42 immediate area of the authorized emergency vehicle or public service vehicle in excess
43 of five hundred dollars (\$500.00), or causes injury to a police officer, a firefighter, an
44 emergency vehicle operator, an Incident Management Assistance Patrol member, a

1 public service vehicle operator, or any other emergency response person in the
2 immediate area of the authorized emergency vehicle or public service vehicle is guilty
3 of a Class 1 misdemeanor.

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

15 **SECTION 2.** This act becomes effective July 1, 2006, and applies to
16 offenses committed on or after that date.