

**MOVE OVER AMENDMENTS**

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Steve Eliason**

Senate Sponsor: Curtis S. Bramble

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**LONG TITLE**

**General Description:**

This bill modifies the Traffic Code to allow lane changes across the double white lines of an HOV lane for the safety of emergency vehicles.

**Highlighted Provisions:**

This bill:

- ▶ amends the Traffic Code to allow the operator of a vehicle to cross the double white lines of an HOV lane to ensure the safety of emergency vehicles and emergency services personnel; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**41-6a-904**, as last amended by Laws of Utah 2015, Chapter 412

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **41-6a-904** is amended to read:

**41-6a-904. Approaching emergency vehicle -- Necessary signals -- Stationary**



28 **emergency vehicle -- Duties of respective operators.**

29 (1) Except when otherwise directed by a peace officer, the operator of a vehicle, upon  
30 the immediate approach of an authorized emergency vehicle using audible or visual signals  
31 under Section 41-6a-212 or 41-6a-1625, shall:

32 (a) yield the right-of-way and immediately move to a position parallel to, and as close  
33 as possible to, the right-hand edge or curb of the highway, clear of any intersection; and

34 (b) then stop and remain stopped until the authorized emergency vehicle has passed.

35 (2) (a) The operator of a vehicle, upon approaching a stationary authorized emergency  
36 vehicle that is displaying alternately flashing red, red and white, or red and blue lights, shall:

37 ~~[(a)]~~ (i) reduce the speed of the vehicle;

38 ~~[(b)]~~ (ii) provide as much space as practical to the stationary authorized emergency  
39 vehicle; and

40 ~~[(c)]~~ (iii) if traveling in a lane adjacent to the stationary authorized emergency vehicle  
41 and if practical, with due regard to safety and traffic conditions, make a lane change into a lane  
42 not adjacent to the authorized emergency vehicle.

43 (b) (i) If the operator of a vehicle is traveling in an HOV lane, upon approaching a  
44 stationary authorized emergency vehicle that is displaying alternately flashing red, red and  
45 white, or red and blue lights, the requirements in Subsection (2)(a) shall apply.

46 (ii) The operator of a vehicle traveling in an HOV lane shall, if practical, with due  
47 regard to safety and traffic conditions, make a lane change out of the HOV lane into a lane not  
48 adjacent to the authorized emergency vehicle.

49 (3) The operator of a vehicle, upon approaching a stationary tow truck or highway  
50 maintenance vehicle that is displaying flashing amber lights, shall:

51 (a) reduce the speed of the vehicle; and

52 (b) provide as much space as practical to the stationary tow truck or highway  
53 maintenance vehicle.

54 (4) This section does not relieve the operator of an authorized emergency vehicle, tow  
55 truck, or highway maintenance vehicle from the duty to drive with regard for the safety of all  
56 persons using the highway.

57 (5) (a) (i) In addition to the penalties prescribed under Subsection (7), a person who  
58 violates this section shall attend a four hour live classroom defensive driving course approved

59 by:

60 (A) the Driver License Division; or

61 (B) a court in this state.

62 (ii) Upon completion of the four hour live classroom course under Subsection (5)(a)(i),  
63 the person shall provide to the Driver License Division a certificate of attendance of the  
64 classroom course.

65 (b) The Driver License Division shall suspend a person's driver license for a period of  
66 90 days if the person:

67 (i) violates a provision of Subsections (1) through (3); and

68 (ii) fails to meet the requirements of Subsection (5)(a)(i) within 90 days of sentencing  
69 for or pleading guilty to a violation of this section.

70 (c) Notwithstanding the provisions of Subsection (5)(b), the Driver License Division  
71 shall shorten the 90-day suspension period imposed under Subsection (5)(b) effective  
72 immediately upon receiving a certificate of attendance of the four hour live classroom course  
73 required under Subsection (5)(a)(i) if the certificate of attendance is received [~~prior to~~] before  
74 the completion of the suspension period.

75 (d) A person whose license is suspended under Subsection (5)(b) [~~is required to pay the~~  
76 ~~license reinstatement fees under Subsection 53-3-105(23), including~~] and a person whose  
77 suspension is shortened as described under Subsection (5)(c) shall pay the license reinstatement  
78 fees under Subsection 53-3-105(23).

79 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
80 Driver License Division shall make rules to implement the provisions of this part.

81 (7) A violation of Subsection (1), (2), or (3) is a class C misdemeanor.