

Representative Steve Eliason proposes the following substitute bill:

MOVE OVER AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: Curtis S. Bramble

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

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



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

27 **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) apply.

46 (ii) The operator of a vehicle traveling in an HOV lane, upon approaching a stationary
47 authorized emergency vehicle that is displaying alternately flashing red, red and white, or red
48 and blue lights, shall, if practical, with due regard to safety and traffic conditions, make a lane
49 change out of the HOV lane into a lane not adjacent to the authorized emergency vehicle.

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

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

53 [~~(b)~~] (ii) provide as much space as practical to the stationary tow truck or highway
54 maintenance vehicle.

55 (b) The operator of a vehicle traveling in an HOV lane, upon approaching a stationary
56 tow truck or highway maintenance vehicle that is displaying flashing amber lights, shall, if

57 practical, with due regard to safety and traffic conditions, make a lane change out of the HOV
58 lane into a lane not adjacent to the tow truck or highway maintenance vehicle.

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

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

65 (A) the Driver License Division; or

66 (B) a court in this state.

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

70 (b) The Driver License Division shall suspend a person's driver license for a period of
71 90 days if the person:

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

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

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

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

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

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