

# HB0344S01 compared with HB0344

~~deleted text~~ shows text that was in HB0344 but was deleted in HB0344S01.

inserted text shows text that was not in HB0344 but was inserted into HB0344S01.

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Representative Steve Eliason proposes the following substitute bill:

## MOVE OVER AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Steve Eliason**

Senate Sponsor: \_\_\_\_\_

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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:

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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 emergency vehicle -- Duties of respective operators.**

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

(a) yield the right-of-way and immediately move 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

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

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

~~(a)~~ (i) reduce the speed of the vehicle;

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

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

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

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

(3) (a) The operator of a vehicle, upon approaching a stationary tow truck or highway

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maintenance vehicle that is displaying flashing amber lights, shall:

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

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

(b) The operator of a vehicle traveling in an HOV lane, upon approaching a stationary tow truck or highway maintenance vehicle that is displaying flashing amber lights, shall, if practical, with due regard to safety and traffic conditions, make a lane change out of the HOV lane into a lane not adjacent to the tow truck or highway maintenance vehicle.

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

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

(A) the Driver License Division; or

(B) a court in this state.

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

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

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

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

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

(d) A person whose license is suspended under Subsection (5)(b) ~~[is required to pay the license reinstatement fees under Subsection 53-3-105(23), including]~~ and a person whose

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suspension is shortened as described under Subsection (5)(c) shall pay the license reinstatement fees under Subsection 53-3-105(23).

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

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

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**Legislative Review Note**

**Office of Legislative Research and General Counsel**