## Stricken language would be deleted from and underlined language would be added to present law. Act 579 of the Regular Session

1	State of Arkansas	As Engrossed: H3/13/13 $ m A~Bill$		
2	89th General Assembly	A DIII		
3	Regular Session, 2013		HOUSE BILL 1750	
4				
5	By: Representative Barnett			
6		Ear Ar Ast To Do Entitle	J	
7	For An Act To Be Entitled			
8	AN ACT TO REQUIRE MOTORISTS TO MOVE OVER FOR AN			
9 10	AUTHORIZED VEHICLE DISPLAYING A FLASHING OR WARNING LIGHT AT THE SCENE OF A STOP; AND FOR OTHER PURPOSES.			
11	LIGHT AT 1	.HE SCENE OF A SIOP; AND FOR O	INEK PUKPOSES.	
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13	Subtitle			
14	TO REQUIRE MOTORISTS TO MOVE OVER FOR AN			
15	AUTHORIZED VEHICLE DISPLAYING A FLASHING			
16	OR WARNING LIGHT AT THE SCENE OF A STOP.			
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19	BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:			
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21	SECTION 1. Arkansas Code § 27-51-310 is amended to read as follows:			
22	27-51-310. Passing emergency response vehicle or law enforcement			
23	authorized vehicle stopped on highway.			
24	(a) As used in this section, "authorized vehicle" means a vehicle			
25	that:			
26	(1) Displays a flashing, revolving, or rotating blue, red,			
27	amber, amber and red, white, or green light; and			
28	<u>(2) Is or</u>	ne (1) of the following:		
29	<u>(A)</u>	An emergency response vehicl	<u>e;</u>	
30	<u>(B)</u>	A law enforcement vehicle;		
31	(C) An Arkansas State Highway and Transportation			
32	Department vehicle;			
33	(D) An Arkansas State Highway and Transportation			
34	Department contractor vehicle;			
35	(E) A utility company vehicle; or			
36	(F)	A vehicle used in a towing o	peration as defined under	

1	§ 27-51-904.	
2	(a)(l) If an authorized emergency response vehicle or a law	
3	enforcement vehicle is parked or stopped at the scene of an emergency or	
4	other traffic stop and is displaying a flashing, revolving, or rotating blue,	
5	red, or amber and red light, an approaching motor vehicle operator shall move	
6	when possible into the farthest lane from the emergency response vehicle or	
7	law enforcement vehicle and remain in that lane until past the emergency	
8	response vehicle or law enforcement vehicle and any other vehicle involved in	
9	the emergency or other traffic stop.	
10	(2) If changing lanes is not possible or is determined to be	
11	unsafe, an approaching motor vehicle operator shall reduce the motor	
12	vehicle's speed, proceed with caution, and maintain a reduced speed	
13	appropriate to the road and the conditions through the area where the	
14	authorized emergency response vehicle or law enforcement vehicle is stopped.	
15	(b)(1) Except as provided under subdivision (b)(2) of this section,	
16	the driver of a motor vehicle that is approaching an authorized vehicle that	
17	is stopped or parked on a street, road, or highway or on the shoulder of a	
18	street, road, or highway shall:	
19	(A) Move to the farthest possible lane or position from	
20	the authorized vehicle;	
21	(B) Remain in that lane or position until the driver	
22	passes the authorized vehicle; and	
23	(C) Otherwise exercise due caution.	
24	(2) If the driver determines that is unsafe or not possible to	
25	change lanes as required under subdivision (b)(1) of this section, the driver	
26	shall:	
27	(A) Reduce the motor vehicle's speed;	
28	(B) Exercise due caution; and	
29	(C) Maintain a reduced speed appropriate to the street,	
30	road, or highway and the conditions through the area where the authorized	
31	vehicle is stopped or parked.	
32	$\frac{(b)(1)(A)(c)(1)}{(b)(c)(1)}$ Any party A person who pleads guilty or nolo	
33	contendere to or is found guilty of violating this section shall be guilty of	
34	a misdemeanor and shall be fined not less than thirty-five dollars (\$35.00)	
35	nor more than five hundred dollars (\$500), confined in the county jail not to	
36	exceed ninety (90) days, or both fined and imprisoned.	

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1	$\frac{(B)}{(2)}$ In addition to the penalties prescribed in subdivision
2	$\frac{(b)(1)(A)}{(c)(1)}$ of this section, the court may order community service for
3	not more than seven (7) days and may suspend the person's driver's license
4	for a period of not less than ninety (90) days nor more than six (6) months.
5	(2)(d) There is created a rebuttable presumption that shall arise in
6	any criminal action under this section to the effect that if it can be proven
7	that a person is the registered owner of a vehicle that is driven in a manner
8	that violates this section, the person is presumed to have been the driver of
9	the vehicle at the time of the violation.
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11	/s/Barnett
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14	APPROVED: 04/02/2013
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