

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013

A Bill

HOUSE BILL 1750

4
5 By: Representative Barnett
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For An Act To Be Entitled

8 AN ACT TO REQUIRE MOTORISTS TO MOVE OVER FOR AN
9 AUTHORIZED VEHICLE DISPLAYING A FLASHING OR WARNING
10 LIGHT AT THE SCENE OF A STOP; AND FOR OTHER PURPOSES.
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Subtitle

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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, or white light; and

28 (2) Is one (1) of the following:

29 (A) An emergency response vehicle;

30 (B) 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 operation as defined under



1 § 27-51-904.

2 ~~(a)(1) 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 ~~(b)(1)(A)(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.

1 ~~(B)(2)~~ In addition to the penalties prescribed in subdivision
2 ~~(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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