1 2	State of Arkansas 89th General Assembly	As Engrossed: H3/13/13 A Bill	
3	Regular Session, 2013		HOUSE BILL 1750
4	1094141 90551011, 2015		
5	By: Representative Barnett		
6			
7	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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13		Subtitle	
14	TO RE	EQUIRE MOTORISTS TO MOVE OVER FOR A	AN .
15	AUTHO	DRIZED VEHICLE DISPLAYING A FLASHIN	IG
16	OR WA	ARNING LIGHT AT THE SCENE OF A STOP)
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19	BE IT ENACTED BY THE G	ENERAL ASSEMBLY OF THE STATE OF AR	KANSAS:
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21	SECTION 1. Arka	nsas Code § 27-51-310 is amended t	o read as follows:
22	27-51-310. Passi	ng emergency response vehicle or l	aw enforcement
23	<u>authorized</u> vehicle sto	pped on highway.	
24	<u>(a) As used in</u>	this section, "authorized vehicle"	means a vehicle
25	<u>that:</u>		
26	<u>(1) Displ</u>	<u>ays a flashing, revolving, or rota</u>	ting blue, red,
27	amber, amber and red,	white, or green light; and	
28	<u>(2) Is on</u>	e (1) of the following:	
29	<u>(A)</u>	An emergency response vehicle;	
30	<u>(B)</u>	A law enforcement vehicle;	
31	<u>(C)</u>	An Arkansas State Highway and Tra	<u>nsportation</u>
32	Department vehicle;		
33	<u>(D)</u>	An Arkansas State Highway and Tra	<u>nsportation</u>
34	Department contractor vehicle;		
35	<u>(E)</u>	A utility company vehicle; or	
36	(F)	A vehicle used in a towing operat	ion as defined under



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1	<u>§ 27-51-904.</u>
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	vehiele'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)(l)(A)<u>(</u>c)(l) Any party <u>A person</u> 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	(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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11	/s/Barnett
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