| 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: |
| 20 | | | |
| 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> |
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| 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 |
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| 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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