

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE DRH50087-LK-31 (2/1)

Short Title: MV Move-Over Law Changes.

(Public)

Sponsors: Representative Rapp.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW CONCERNING WHAT THE DRIVER OF A
MOTOR VEHICLE SHALL DO UPON THE APPROACH OF AN EMERGENCY
VEHICLE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-157 reads as rewritten:

"§ 20-157. Approach of police, fire department or rescue squad vehicles or ambulances; driving over fire hose or blocking fire-fighting equipment; parking, etc., near police, fire department, or rescue squad vehicle or ambulance.

(a) Upon the approach of any police or fire department vehicle or public or private ambulance or rescue squad emergency service vehicle giving warning signal by appropriate light and by audible bell, siren or exhaust whistle, audible under normal conditions from a distance not less than 1000 feet, the driver of every other vehicle shall immediately drive the same to a position as near as possible and parallel to the right-hand edge or curb, clear of any intersection of streets or highways, and shall stop and remain in such position unless otherwise directed by a police or traffic officer until police or fire department vehicle or public or private ambulance or rescue squad emergency service vehicle shall have passed. Provided, however, this subsection shall not apply to vehicles traveling in the opposite direction of the vehicles herein enumerated when traveling on a four-lane limited access highway with a median divider dividing the highway for vehicles traveling in opposite directions, and provided further that the violation of this subsection shall not be negligence per se. Violation of this subsection is a Class 2 misdemeanor.

(b) It shall be unlawful for the driver of any vehicle other than one on official business to follow any fire apparatus traveling in response to a fire alarm closer than

1 one block or to drive into or park such vehicle within one block where fire apparatus has
2 stopped in answer to a fire alarm.

3 (c) Outside of the corporate limits of any city or town it shall be unlawful for the
4 driver of any vehicle other than one on official business to follow any fire apparatus
5 traveling in response to a fire alarm closer than 400 feet or to drive into or park such
6 vehicle within a space of 400 feet from where fire apparatus has stopped in answer to a
7 fire alarm.

8 (d) It shall be unlawful to drive a motor vehicle over a fire hose or any other
9 equipment that is being used at a fire at any time, or to block a fire-fighting apparatus or
10 any other equipment from its source of supply regardless of its distance from the fire.

11 (e) It shall be unlawful for the driver of a vehicle, other than one on official
12 business, to park and leave standing such vehicle within 100 feet of police or fire
13 department vehicles, public or private ambulances, or rescue squad emergency vehicles
14 which are engaged in the investigation of an accident or engaged in rendering assistance
15 to victims of such accident.

16 (f) When an authorized emergency vehicle as described in subsection (a) of this
17 section or any public service vehicle is parked or standing within 12 feet of a roadway
18 and is giving a warning signal by appropriate light, the driver of every other
19 approaching vehicle shall, as soon as it is safe and when not otherwise directed by an
20 individual lawfully directing traffic, do one of the following:

21 (1) Move the vehicle into a lane that is not the lane nearest the parked or
22 standing authorized emergency vehicle and continue traveling in that
23 lane until safely clear of the authorized emergency vehicle. This
24 paragraph applies only if the roadway has at least two lanes for traffic
25 proceeding in the direction of the approaching vehicle and if the
26 approaching vehicle may change lanes safely and without interfering
27 with any vehicular traffic.

28 (2) Slow the vehicle, maintaining a safe speed for traffic conditions, and
29 operate the vehicle at a reduced speed and be prepared to stop until
30 completely past the authorized emergency vehicle. This paragraph
31 applies only if the roadway has only one lane for traffic proceeding in
32 the direction of the approaching vehicle or if the approaching vehicle
33 may not change lanes safely and without interfering with any vehicular
34 traffic.

35 Violation of this subsection shall not be negligence per se.

36 (g) Except as provided in subsections (a), (h), (i), and (j) of this section, a person
37 who violates this section is guilty of a Class 1 misdemeanor punishable by a fine of not
38 more than two hundred fifty dollars (\$250.00) or imprisonment for not more than 120
39 days, or both.

40 (h) A person who violates this section and causes damage to property in the
41 immediate area of the stationary authorized emergency vehicle is guilty of a Class I
42 felony punishable by a fine of not more than five hundred dollars (\$500.00) or
43 imprisonment, or both. The person's drivers license shall be suspended for 180 days.

1 (i) A person who violates this section and causes injury to a police officer, a
2 firefighter, an emergency vehicle removal operator, an Incident Management Assistance
3 Patrol member, or any other emergency response person in the immediate area of the
4 stationary authorized emergency vehicle is guilty of a Class H felony punishable by a
5 fine of not more than five thousand dollars (\$5,000) or imprisonment, or both. The
6 person's drivers license shall be revoked for two years.

7 (j) A person who violates this section and causes or is the proximate cause of the
8 death of a police officer, a firefighter, an emergency vehicle removal operator, an
9 Incident Management Assistance Patrol member, or any other emergency response
10 person in the immediate area of the stationary authorized emergency vehicle is guilty of
11 a Class F felony punishable by a fine of not more than ten thousand dollars (\$10,000) or
12 by imprisonment, or both. The person's drivers license shall be revoked for two years."

13 **SECTION 2.** G.S. 20-17(a) reads as rewritten:

14 "(a) The Division shall forthwith revoke the license of any driver upon receiving a
15 record of the driver's conviction for any of the following offenses:

16 ...

17 (17) A violation of G.S. 20-157(i) or (j)."

18 **SECTION 3.** This act becomes effective December 1, 2005, and applies to
19 offenses committed on or after that date.