

By Senator Evers

2-00654-14

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1 A bill to be entitled
 2 An act relating to the Move Over Act; amending s.
 3 316.003, F.S.; defining the term "utility service
 4 vehicle"; amending s. 316.126, F.S.; requiring a
 5 driver to move over for a utility service vehicle on
 6 the roadside under certain circumstances; making
 7 technical changes; providing an effective date.

8
 9 Be It Enacted by the Legislature of the State of Florida:

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 11 Section 1. Subsection (92) is added to section 316.003,
 12 Florida Statutes, to read:

13 316.003 Definitions.—The following words and phrases, when
 14 used in this chapter, shall have the meanings respectively
 15 ascribed to them in this section, except where the context
 16 otherwise requires:

17 (92) UTILITY SERVICE VEHICLE.—A motor vehicle that bears an
 18 emblem that is visible from the roadway and clearly identifies
 19 that the vehicle belongs to or is under contract with a person,
 20 entity, cooperative, board, commission, district, or unit of
 21 local government that provides electric, natural gas, water,
 22 wastewater, cable, telephone, or communications services.

23 Section 2. Section 316.126, Florida Statutes, is amended to
 24 read:

25 316.126 Operation of vehicles and actions of pedestrians on
 26 approach of an authorized emergency or utility service vehicle.—

27 (1) (a) Upon the immediate approach of an authorized
 28 emergency vehicle, while en route to meet an existing emergency,
 29 the driver of every other vehicle shall, when such emergency

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30 vehicle is giving audible signals by siren, exhaust whistle, or
31 other adequate device, or visible signals by the use of
32 displayed blue or red lights, yield the right-of-way to the
33 emergency vehicle and shall immediately proceed to a position
34 parallel to, and as close as reasonable to the closest edge of
35 the curb of the roadway, clear of any intersection and shall
36 stop and remain in position until the authorized emergency
37 vehicle has passed, unless otherwise directed by a ~~any~~ law
38 enforcement officer.

39 (b) ~~If~~ When an authorized emergency vehicle displaying
40 ~~making use of~~ any visual signals is parked on the roadside, a
41 utility service vehicle is performing a task related to the
42 provision of utility services on the roadside, or a wrecker
43 displaying amber rotating or flashing lights is performing a
44 recovery or loading on the roadside, the driver of every other
45 vehicle, as soon as it is safe:

46 1. Shall vacate the lane closest to the emergency vehicle,
47 utility service vehicle, or wrecker when driving on an
48 interstate highway or other highway with two or more lanes
49 traveling in the direction of the emergency vehicle, utility
50 service vehicle, or wrecker, except when otherwise directed by a
51 law enforcement officer. If such movement cannot be safely
52 accomplished, the driver shall reduce speed as provided in
53 subparagraph 2.

54 2. Shall slow to a speed that is 20 miles per hour less
55 than the posted speed limit when the posted speed limit is 25
56 miles per hour or greater; or travel at 5 miles per hour when
57 the posted speed limit is 20 miles per hour or less, when
58 driving on a two-lane road, except when otherwise directed by a

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59 law enforcement officer.

60 (c) The Department of Highway Safety and Motor Vehicles
61 shall provide an educational awareness campaign informing the
62 motoring public about the Move Over Act. The department shall
63 provide information about the Move Over Act in all newly printed
64 driver ~~driver's~~ license educational materials ~~after July 1,~~
65 2002.

66

67 ~~This section does not relieve the driver of an authorized~~
68 ~~emergency vehicle from the duty to drive with due regard for the~~
69 ~~safety of all persons using the highway.~~

70 (2) Every pedestrian using the road right-of-way shall
71 yield the right-of-way until the authorized emergency vehicle
72 has passed, unless otherwise directed by a law enforcement ~~any~~
73 ~~police~~ officer.

74 (3) An ~~Any~~ authorized emergency vehicle, when en route to
75 meet an existing emergency, shall warn all other vehicular
76 traffic along the emergency route by an audible signal, siren,
77 exhaust whistle, or other adequate device or by a visible signal
78 by the use of displayed blue or red lights. While en route to
79 such emergency, the emergency vehicle shall otherwise proceed in
80 a manner consistent with the laws regulating vehicular traffic
81 upon the highways of this state.

82 (4) This section does not ~~Nothing herein contained shall~~
83 diminish or enlarge any rules of evidence or liability in any
84 case involving the operation of an emergency vehicle.

85 (5) This section does ~~shall~~ not ~~operate to~~ relieve the
86 driver of an authorized emergency vehicle from the duty to drive
87 with due regard for the safety of all persons using the highway.

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88 (6) A violation of this section is a noncriminal traffic
89 infraction, punishable pursuant to chapter 318 as either a
90 moving violation for infractions of subsection (1) or subsection
91 (3), or as a pedestrian violation for infractions of subsection
92 (2).

93 Section 3. This act shall take effect July 1, 2014.