

By Representative Flanagan

1 A bill to be entitled
2 An act relating to state uniform traffic
3 control; creating the "Move Over Act"; amending
4 s. 316.126, F.S.; providing requirements with
5 respect to authorized emergency vehicles making
6 use of visual signals when parked; amending s.
7 316.2397, F.S.; authorizing wreckers to use
8 amber rotating or flashing lights under certain
9 circumstances; providing an effective date.

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11 Be It Enacted by the Legislature of the State of Florida:

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13 Section 1. Short title.--This act may be cited as the
14 "Move Over Act."

15 Section 2. Subsection (1) of section 316.126, Florida
16 Statutes, is amended to read:

17 316.126 Operation of vehicles and actions of
18 pedestrians on approach of authorized emergency vehicle.--

19 (1)(a) Upon the immediate approach of an authorized
20 emergency vehicle, while en route to meet an existing
21 emergency, the driver of every other vehicle shall, when such
22 emergency vehicle is giving audible signals by siren, exhaust
23 whistle, or other adequate device, or visible signals by the
24 use of displayed blue or red lights, yield the right-of-way to
25 the emergency vehicle and shall immediately proceed to a
26 position parallel to, and as close as reasonable to the
27 closest edge of the curb of the roadway, clear of any
28 intersection and shall stop and remain in position until the
29 authorized emergency vehicle has passed, unless otherwise
30 directed by any law enforcement officer.

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1 (b) When an authorized emergency vehicle making use of
2 any visual signals is parked, the driver of every other
3 vehicle, as soon as it is safe:

4 1. Shall merge into the lane farthest from the
5 emergency vehicle when driving on an interstate highway or
6 other highway with two or more lanes traveling in the
7 direction of the emergency vehicle, except when otherwise
8 directed by a law enforcement officer.

9 2. Shall slow to speed that is 20 miles per hour less
10 than the posted speed limit when driving on a two-lane road,
11 except when otherwise directed by a police officer.

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13 This section shall not operate to relieve the driver of an
14 authorized emergency vehicle from the duty to drive with due
15 regard for the safety of all persons using the highway.

16 Section 3. Subsection (3) of section 316.2397, Florida
17 Statutes, is amended to read:

18 316.2397 Certain lights prohibited; exceptions.--

19 (3) Vehicles of the fire department and fire patrol,
20 including vehicles of volunteer firefighters as permitted
21 under s. 316.2398, vehicles of medical staff physicians or
22 technicians of medical facilities licensed by the state as
23 authorized under s. 316.2398, ambulances as authorized under
24 this chapter, and buses and taxicabs as authorized under s.
25 316.2399 are permitted to show or display red lights.
26 Wreckers, mosquito control fog and spray vehicles, and
27 emergency vehicles of governmental departments or public
28 service corporations may show or display amber lights when in
29 actual operation or when a hazard exists provided they are not
30 used going to and from the scene of operation or hazard
31 without specific authorization of a law enforcement officer or

1 law enforcement agency. Wreckers may use amber rotating or
2 flashing lights while performing recoveries and loading on
3 roadside day or night, and while towing a vehicle on wheel
4 lifts, slings, or underreach only if the operator of the
5 wrecker deems such lights necessary. A flatbed, car carrier,
6 or rollback may not use amber rotating or flashing lights when
7 hauling a vehicle on the bed unless it creates a hazard to
8 other motorists because of protruding objects. Further, escort
9 vehicles will be permitted to show or display amber lights
10 when in the actual process of escorting overdimensioned
11 equipment, material, or buildings as authorized by law.
12 Vehicles of private watch, guard, or patrol agencies licensed
13 pursuant to chapter 493 may show or display amber lights while
14 patrolling condominium, cooperative, and private residential
15 and business communities by which employed and which traverse
16 public streets or highways.

17 Section 4. This act shall take effect July 1, 2002.

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19 HOUSE SUMMARY

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21 Creates the "Move Over Act." Provides that when an
22 authorized emergency vehicle making use of visual signals
23 is parked, the driver of every other vehicle, when
24 driving on a highway with two lanes or more, traveling in
25 the direction of the emergency vehicle shall merge into
26 the lane farthest from the emergency vehicle and when
27 driving on a two-lane road, slow to a speed that is 20
28 miles per hour less than the posted speed limit.
29 Authorizes wreckers to use amber rotating or flashing
30 lights under described circumstances. See bill for
31 details.