

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 366

SPONSOR: Transportation Committee and Senator Crist

SUBJECT: State Uniform Traffic Control

DATE: January 14, 2002      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Vickers	Meyer	TR	Favorable/CS
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

This CS (cited as the “Move Over Act”) provides that when an emergency vehicle is parked and using its visual signals, motorists are to, as soon as it is safe, vacate the lane closest to the emergency vehicle when driving on a highway with two or more lanes traveling in the direction of the emergency vehicle. On two lane roads, motorists are required to reduce their speed to 20 miles an hour less than the posted speed limit. Violation of this section is punishable as a noncriminal traffic infraction (\$25 to \$50). For a 2 year period, proceeds from the civil fine are to be used for an educational awareness campaign. After July 1, 2004, proceeds are to be distributed to the minor children of law enforcement officers killed as a result of the violation of this provision. This CS also provides additional authority to wrecker operators with regard to the use of rotating amber lights while recovering or towing a vehicle.

This CS substantially amends sections 316.126 and 316.2397 of the Florida Statutes.

**II. Present Situation:**

Section 316.126, F.S., provides that upon the approach of an emergency vehicle motorists are to immediately proceed to a position parallel to, and as close as reasonable to the closest edge of the curb of the roadway, clear of any intersection and stop. Motorists are to remain in this position until the emergency vehicle has passed, unless otherwise directed by any law enforcement officer. Violation of this provision is a moving infraction punishable by a civil fine of \$60 and 3 points.

There is currently no requirement to yield if the emergency vehicle is parked. Representatives of state and local law enforcement officers have voiced concerns regarding the number of law

enforcement officers injured and killed in the course of conducting routine traffic stops adjacent to the roadway.

Section 316.2397, F.S., provides wreckers are authorized to display amber lights when in actual operation or when a hazard exists, but such lights may not be used when the wrecker is going to or from the scene of an emergency unless authorized by law enforcement. Wrecker operators have asserted that this provision results in inconsistent interpretations of the law by local law enforcement agencies.

### **III. Effect of Proposed Changes:**

This CS (cited as the “Move Over Act”) amends s. 316.126, F.S., to provide that when an emergency vehicle is parked and using its visual signals, motorists are to, as soon as it is safe, vacate the lane closest to the emergency vehicle when driving on an interstate highway or other highway with two or more lanes traveling in the direction of the emergency vehicle. On two lane roads, motorists are required to reduce their speed to 20 miles per hour less than the posted speed limit. The CS provides that a violation of this section is punishable as a noncriminal traffic infraction (\$25 to \$50). For a 2 year period, proceeds from the civil fine are to be used for an educational awareness campaign. After July 1, 2004, proceeds are to be distributed to the minor children of law enforcement officers killed as a result of the violation of this provision.

The CS also amends s. 316.2397, F.S., to provide greater specificity regarding the use of rotating amber lights by wreckers. The CS provides that wreckers may use such lights while recovering or loading on roadside day or night, and while towing a vehicle on wheel lifts, slings, or underreach only if the operator deems such lights necessary. Flatbeds, car carriers or rollbacks are prohibited from using amber rotating lights when hauling a vehicle on the bed unless a hazard is created for other motorists.

The CS would provide more specific actions to be followed by motorists whenever they encounter an authorized emergency vehicle parked at the scene of an existing emergency. Such actions would protect emergency workers at the scene by reducing speeds and moving vehicles away from the emergency. The provision authorizing the use of amber lights would allow consistent use by wrecker operators while towing or recovering a vehicle without having to rely on interpretation of the law by various local law enforcement agencies. Wrecker operators would continue to be prohibited from activating amber lights when traveling to the scene of a crash or recovery of a vehicle.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

C. Trust Funds Restrictions:

None.

**V. Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

A violation of this provision is a noncriminal traffic violation punishable by a fine of not less than \$25, but not more than \$50.

The CS provides wrecker operators with additional authority regarding the use of amber strobe lights while recovering or towing a vehicle.

C. Government Sector Impact:

The CS directs the Department of Highway Safety and Motor Vehicles to conduct an educational awareness campaign to inform the public of the law. In addition, the Department is to incorporate information concerning this law into all driver's license educational materials.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.