

HB 1335

2004

1 A bill to be entitled

2 An act relating to emergency lights on vehicles; amending
3 s. 316.2397, F.S.; requiring wreckers to display amber
4 rotating or flashing lights in certain situations;
5 amending s. 316.126, F.S.; requiring drivers who are
6 approaching a wrecker performing a recovery or loading on
7 the roadside to take certain precautions; providing an
8 effective date.

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

11
12 Section 1. Subsection (3) of section 316.2397, Florida
13 Statutes, is amended to read:

14 316.2397 Certain lights prohibited; exceptions.--

15 (3) Vehicles of the fire department and fire patrol,
16 including vehicles of volunteer firefighters as permitted under
17 s. 316.2398, vehicles of medical staff physicians or technicians
18 of medical facilities licensed by the state as authorized under
19 s. 316.2398, ambulances as authorized under this chapter, and
20 buses and taxicabs as authorized under s. 316.2399 are permitted
21 to show or display red lights. Vehicles of the fire department,
22 fire patrol, police vehicles, and such ambulances and emergency
23 vehicles of municipal and county departments, public service
24 corporations operated by private corporations, the Department of
25 Environmental Protection, the Department of Transportation, and
26 the Department of Agriculture and Consumer Services as are
27 designated or authorized by their respective department or the
28 chief of police of an incorporated city or any sheriff of any
29 county are hereby authorized to operate emergency lights and

HB 1335

2004

30 sirens in an emergency. Wreckers, mosquito control fog and spray
 31 vehicles, and emergency vehicles of governmental departments or
 32 public service corporations may show or display amber lights
 33 when in actual operation or when a hazard exists provided they
 34 are not used going to and from the scene of operation or hazard
 35 without specific authorization of a law enforcement officer or
 36 law enforcement agency. Wreckers must ~~may~~ use amber rotating or
 37 flashing lights while performing recoveries and loading on the
 38 roadside day or night, and may use such lights while towing a
 39 vehicle on wheel lifts, slings, or under reach ~~only~~ if the
 40 operator of the wrecker deems such lights necessary. A flatbed,
 41 car carrier, or rollback may not use amber rotating or flashing
 42 lights when hauling a vehicle on the bed unless it creates a
 43 hazard to other motorists because of protruding objects.
 44 Further, escort vehicles may ~~will be permitted to~~ show or
 45 display amber lights when in the actual process of escorting
 46 overdimensioned equipment, material, or buildings as authorized
 47 by law. Vehicles of private watch, guard, or patrol agencies
 48 licensed pursuant to chapter 493 may show or display amber
 49 lights while patrolling condominium, cooperative, and private
 50 residential and business communities by which employed and which
 51 traverse public streets or highways.

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

54 316.126 Operation of vehicles and actions of pedestrians
 55 on approach of authorized emergency vehicle.--

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

HB 1335

2004

59 vehicle is giving audible signals by siren, exhaust whistle, or
 60 other adequate device, or visible signals by the use of
 61 displayed blue or red lights, yield the right-of-way to the
 62 emergency vehicle and shall immediately proceed to a position
 63 parallel to, and as close as reasonable to the closest edge of
 64 the curb of the roadway, clear of any intersection and shall
 65 stop and remain in position until the authorized emergency
 66 vehicle has passed, unless otherwise directed by any law
 67 enforcement officer.

68 (b) When an authorized emergency vehicle making use of any
 69 visual signals is parked or a wrecker displaying amber rotating
 70 or flashing lights is performing a recovery or loading on the
 71 roadside, the driver of every other vehicle, as soon as it is
 72 safe:

73 1. Shall vacate the lane closest to the emergency vehicle
 74 or wrecker when driving on an interstate highway or other
 75 highway with two or more lanes traveling in the direction of the
 76 emergency vehicle or wrecker, except when otherwise directed by
 77 a law enforcement officer.

78 2. Shall slow to a speed that is 20 miles per hour less
 79 than the posted speed limit when the posted speed limit is 25
 80 miles per hour or greater; or travel at 5 miles per hour when
 81 the posted speed limit is 20 miles per hour or less, when
 82 driving on a two-lane road, except when otherwise directed by a
 83 law enforcement officer.

84 (c) The Department of Highway Safety and Motor Vehicles
 85 shall provide an educational awareness campaign informing the
 86 motoring public about the Move Over Act. The department shall

HB 1335

2004

87 provide information about the Move Over Act in all newly printed
88 driver's license educational materials after July 1, 2002.

89

90 This section shall not relieve the driver of an authorized
91 emergency vehicle from the duty to drive with due regard for the
92 safety of all persons using the highway.

93 Section 3. This act shall take effect July 1, 2004.