

By the Committee on Transportation; and Senator Carlton

306-1970-04

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

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

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

316.2397 Certain lights prohibited; exceptions.--
(3) Vehicles of the fire department and fire patrol,
including vehicles of volunteer firefighters as permitted
under s. 316.2398, vehicles of medical staff physicians or
technicians of medical facilities licensed by the state as
authorized under s. 316.2398, ambulances as authorized under
this chapter, and buses and taxicabs as authorized under s.
316.2399 are permitted to show or display red lights. Vehicles
of the fire department, fire patrol, police vehicles, and such
ambulances and emergency vehicles of municipal and county
departments, public service corporations operated by private
corporations, the Department of Environmental Protection, the
Department of Transportation, and the Department of
Agriculture and Consumer Services as are designated or
authorized by their respective department or the chief of
police of an incorporated city or any sheriff of any county
are hereby authorized to operate emergency lights and sirens

1 in an emergency. Wreckers, mosquito control fog and spray
2 vehicles, and emergency vehicles of governmental departments
3 or public service corporations may show or display amber
4 lights when in actual operation or when a hazard exists
5 provided they are not used going to and from the scene of
6 operation or hazard without specific authorization of a law
7 enforcement officer or law enforcement agency. Wreckers must
8 ~~may~~ use amber rotating or flashing lights while performing
9 recoveries and loading on the roadside day or night, and may
10 use such lights while towing a vehicle on wheel lifts, slings,
11 or under reach ~~only~~ if the operator of the wrecker deems such
12 lights necessary. A flatbed, car carrier, or rollback may not
13 use amber rotating or flashing lights when hauling a vehicle
14 on the bed unless it creates a hazard to other motorists
15 because of protruding objects. Further, escort vehicles may
16 ~~will be permitted to~~ show or display amber lights when in the
17 actual process of escorting overdimensioned equipment,
18 material, or buildings as authorized by law. Vehicles of
19 private watch, guard, or patrol agencies licensed pursuant to
20 chapter 493 may show or display amber lights while patrolling
21 condominium, cooperative, and private residential and business
22 communities by which employed and which traverse public
23 streets or highways.

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

26 316.126 Operation of vehicles and actions of
27 pedestrians on approach of authorized emergency vehicle.--

28 (1)(a) Upon the immediate approach of an authorized
29 emergency vehicle, while en route to meet an existing
30 emergency, the driver of every other vehicle shall, when such
31 emergency vehicle is giving audible signals by siren, exhaust

1 whistle, or other adequate device, or visible signals by the
2 use of displayed blue or red lights, yield the right-of-way to
3 the emergency vehicle and shall immediately proceed to a
4 position parallel to, and as close as reasonable to the
5 closest edge of the curb of the roadway, clear of any
6 intersection and shall stop and remain in position until the
7 authorized emergency vehicle has passed, unless otherwise
8 directed by any law enforcement officer.

9 (b) When an authorized emergency vehicle making use of
10 any visual signals is parked or a wrecker displaying amber
11 rotating or flashing lights is performing a recovery or
12 loading on the roadside, the driver of every other vehicle, as
13 soon as it is safe:

14 1. Shall vacate the lane closest to the emergency
15 vehicle or wrecker when driving on an interstate highway or
16 other highway with two or more lanes traveling in the
17 direction of the emergency vehicle or wrecker, except when
18 otherwise directed by a law enforcement officer.

19 2. Shall slow to a speed that is 20 miles per hour
20 less than the posted speed limit when the posted speed limit
21 is 25 miles per hour or greater; or travel at 5 miles per hour
22 when the posted speed limit is 20 miles per hour or less, when
23 driving on a two-lane road, except when otherwise directed by
24 a law enforcement officer.

25 (c) The Department of Highway Safety and Motor
26 Vehicles shall provide an educational awareness campaign
27 informing the motoring public about the Move Over Act. The
28 department shall provide information about the Move Over Act
29 in all newly printed driver's license educational materials
30 after July 1, 2002.

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

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

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6 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
7 COMMITTEE SUBSTITUTE FOR
8 Senate Bill 402

9 The CS authorizes wreckers to use amber rotating or flashing
10 lights while towing a vehicle on wheel lifts, slings, or under
11 reach if the operator of the wrecker deems such lights
12 necessary. Also, the CS provides that when a wrecker is
13 performing a recovery or loading on the roadside while
14 displaying amber rotating or flashing lights, motorists are
15 to, as soon as it is safe, vacate the lane closest to the
16 wrecker when driving on an interstate highway or other highway
17 with two or more lanes traveling in the direction of the
18 emergency vehicle. On two lane roads, motorists are required
19 to reduce their speed to 20 mph less than the posted speed
20 limit when the posted speed limit is 25 mph or greater or slow
21 to a speed of 5 mph when the posted speed limit is 20 mph or
22 less; unless otherwise instructed by a law enforcement
23 officer.