

By Senator Baxley

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1 A bill to be entitled
2 An act relating to operation of vehicles; amending s.
3 316.126, F.S.; requiring drivers to vacate lanes
4 closest to, or reduce speed and pass, vulnerable road
5 users, authorized emergency, sanitation, and utility
6 service vehicles or workers, and wrecker operators
7 under certain circumstances, subject to certain
8 requirements; deleting requirements of drivers
9 approaching certain authorized emergency vehicles,
10 sanitation vehicles, utility service vehicles, and
11 wreckers; providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Section 316.126, Florida Statutes, is amended to
16 read:

17 316.126 Operation of vehicles and actions of pedestrians on
18 approach of a vulnerable road user; an authorized emergency,
19 sanitation, or utility service vehicle or worker; or a wrecker
20 operator.—

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

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30 stop and remain in position until the authorized emergency
31 vehicle has passed, unless otherwise directed by a law
32 enforcement officer.

33 (b) When approaching a vulnerable road user as defined in
34 s. 316.027; an authorized emergency, sanitation, or utility
35 service vehicle or worker; or a wrecker operator as defined in
36 s. 1.01(15) performing his or her duties ~~If an authorized~~
37 ~~emergency vehicle displaying any visual signals is parked on the~~
38 ~~roadside, a sanitation vehicle is performing a task related to~~
39 ~~the provision of sanitation services on the roadside, a utility~~
40 ~~service vehicle is performing a task related to the provision of~~
41 ~~utility services on the roadside, or a wrecker displaying amber~~
42 ~~rotating or flashing lights is performing a recovery or loading~~
43 on the roadside, the driver of every other vehicle, as soon as
44 it is safe:

45 1. Shall vacate the lane closest to the vulnerable road
46 user; authorized emergency vehicle, sanitation vehicle, or
47 utility service vehicle or worker;~~7~~ or wrecker operator
48 performing his or her duties when driving on an interstate
49 highway or other highway with two or more lanes traveling in the
50 direction of the vulnerable road user; authorized emergency
51 vehicle, sanitation vehicle, or utility service vehicle or
52 worker;~~7~~ or wrecker operator performing his or her duties,
53 except when otherwise directed by a law enforcement officer. If
54 such movement cannot be safely accomplished, the driver shall
55 reduce speed and pass as provided in subparagraph 2.

56 2. Shall slow to a speed that is 20 miles per hour less
57 than the posted speed limit when the posted speed limit is 25
58 miles per hour or greater; or travel at 5 miles per hour when

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59 the posted speed limit is 20 miles per hour or less, when
60 driving on a two-lane road, except when otherwise directed by a
61 law enforcement officer. The driver shall pass at a distance not
62 less than 4 feet from the vulnerable road user; authorized
63 emergency, sanitation, or utility service vehicle or worker; or
64 wrecker operator performing his or her duties.

65 (c) The department ~~of Highway Safety and Motor Vehicles~~
66 shall provide an educational awareness campaign informing the
67 motoring public about the Move Over Act. The department shall
68 provide information about the Move Over Act in all newly printed
69 driver license educational materials.

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
73 officer.

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

82 (4) This section does not diminish or enlarge any rules of
83 evidence or liability in any case involving the operation of an
84 emergency vehicle.

85 (5) This section does not relieve the driver of an
86 authorized emergency vehicle from the duty to drive with due
87 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 2. This act shall take effect July 1, 2018.