



House of Representatives

General Assembly

File No. 36

February Session, 2012

Substitute House Bill No. 5094

House of Representatives, March 19, 2012

The Committee on Public Safety and Security reported through REP. DARGAN of the 115th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE "MOVE OVER" LAW.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 14-283b of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2012*):

3 (a) For the purpose of this section "emergency vehicle" means any
4 vehicle with activated flashing lights (1) operated by a member of an
5 emergency medical service organization responding to an emergency
6 call, (2) operated by a fire department or by any officer of a fire
7 department responding to a fire or other emergency, (3) operated by a
8 police officer, (4) that is a maintenance vehicle, as defined in section 14-
9 1, or (5) that is a wrecker, as defined in section 14-1, "police officer" has
10 the meaning set forth in section 7-294a, and "highway" [means a state
11 or public highway with three] has the meaning set forth in section 14-1,
12 provided such highway has two or more travel lanes that proceed in
13 the same direction.

14 (b) Any operator of a motor vehicle on a highway when
 15 approaching one or more stationary emergency vehicles located on the
 16 shoulder, lane or breakdown lane of such highway shall (1)
 17 immediately reduce speed to a reasonable level below the posted
 18 speed limit, and (2) if traveling in the lane adjacent to the shoulder,
 19 lane or breakdown lane containing such emergency vehicle, move such
 20 motor vehicle over one lane, unless such movement would be
 21 unreasonable or unsafe.

22 (c) [A violation of any provision of this section shall be] Any person
 23 who violates the provisions of subsection (b) of this section shall have
 24 committed an infraction, except that if [a violation of the provisions of
 25 subsection (a)] such violation results in the injury of the operator of an
 26 emergency vehicle, [the operator of the motor vehicle that caused such
 27 injury] such person shall be fined [in an amount not to exceed] not
 28 more than two thousand five hundred dollars [,] and, if such violation
 29 results in the death of the operator of an emergency vehicle, [the
 30 operator of the motor vehicle that caused such death] such person shall
 31 be fined [in an amount not to exceed] not more than ten thousand
 32 dollars.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2012	14-283b

Section 1	October 1, 2012	14-283b
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Statement of Legislative Commissioners:

The definition of "highway" was rewritten for clarity.

PS *Joint Favorable Subst.-LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 13 \$	FY 14 \$
Judicial Dept.	GF - Revenue Gain	Less than \$1,000	Less than \$1,000

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill is anticipated to result in a General Fund revenue gain of less than \$1,000 per year as a result of applying the “move over” law to two lane highways. The increase in number of roadways that the law applies to could result in increased violations and fines. However, since FY 09 only three violations of the “move over” law have resulted in a fine.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**HB 5094*****AN ACT CONCERNING THE "MOVE OVER" LAW.*****SUMMARY:**

This bill applies the "move over" law to two lane highways. The current law applies to highways with three or more lanes.

The "move over" law requires a motorist approaching one or more stationary emergency vehicles located on the travel lane, breakdown lane, or shoulder of a highway to (1) immediately slow to a reasonable speed below the posted speed limit and (2) move over one lane if traveling in the lane adjacent to the location of the emergency vehicle, unless this would be unreasonable or unsafe.

For these requirements to apply, the emergency vehicle must have flashing lights activated. For purposes of the "move over" law, an "emergency vehicle" includes a maintenance vehicle or wrecker or a vehicle operated by:

1. a member of an emergency medical service organization responding to an emergency call;
2. a fire department or an officer of the department responding to a fire or other emergency; or
3. a police officer.

A violation of these requirements is an infraction, unless the violation results in the injury or death of the emergency vehicle operator, in which case the fines are a maximum of \$2,500 and \$10,000, respectively.

The bill also makes technical changes.

EFFECTIVE DATE: October 1, 2012

BACKGROUND

Maintenance Vehicle

A “maintenance vehicle” is defined by law as a vehicle the state or a municipality, a state bridge or parkway authority, or any public service company uses to maintain public highways or bridges and facilities located within the limits of such highways or bridges (CGS § 14-1(46)).

Wrecker

A “wrecker” is defined by law as a vehicle (1) registered, designed, equipped, and used by a Department of Motor Vehicles - licensed motor vehicle dealer or repairer for the purpose of towing or transporting wrecked or disabled motor vehicles for compensation or for related purposes or (2) contracted for the consensual towing or transporting of one or more motor vehicles to or from a place of sale, purchase, salvage, or repair (CGS § 14-1(102)).

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable

Yea 21 Nay 0 (03/01/2012)