



This Bill Analysis reflects the contents of the bill as it was presented in committee.

SENATE BILL 29: Move Over Law/Increase Penalties/Amber Lights.

2019-2020 General Assembly

Committee:	House Judiciary. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	June 26, 2019
Introduced by:	Sens. Britt, McInnis	Prepared by:	Shawn Middlebrooks Staff Attorney
Analysis of:	PCS to Second Edition S29-CSBQ-35		

OVERVIEW: The Proposed Committee Substitute (PCS) Senate Bill 29 would

- Amend G.S. 20-157 to increase the penalty for who cause serious injury or death for violating the State's Move Over Law.
- Make it unlawful for any vehicle to use a flashing or strobing amber-colored light unless certain conditions apply.

CURRENT LAW AND ANALYSIS:

SECTION 2.

When an authorized emergency vehicle or public service vehicle is parked within 12 feet of the roadway and is giving a warning signal, the driver of every other approaching vehicle must either: (1) move his or her vehicle to a lane not nearest the parked or standing authorized emergency or public service vehicle, or (2) slowly operate his or her vehicle at a safe speed and be prepared to stop, provided that the driver can do so safely and without interfering with vehicular traffic. A violation of this provision is an infraction punishable by a fine of \$250.00. G.S. 20-157(g).

A violation of this section that result in *damage to property or injury* to a law enforcement officer or emergency response person is a Class 1 misdemeanor. G.S. 20-157(h).

Similarly, a violation of this section that results in *serious injury or death* to a law enforcement officer or emergency response person is a **Class I felony**. G.S. 20-157(i).

G.S. 20-157 also contains the following provisions in regard to authorized emergency and public service vehicles:

- **When an emergency vehicle approaches.** Subsection (a) requires a driver to pull over to the right hand edge or curb, clear of any intersections, when approached by an emergency vehicle and stop until the emergency vehicle passes.
- **Following, parking near, or blocking fire apparatus.** Subsections (b), (c), and (d) make it unlawful to follow any fire apparatus too closely when it is traveling in response to a fire alarm, to park too close to where a fire apparatus has stopped to answer an alarm, or to drive a motor vehicle over or block a fire hose or any other equipment being used at a fire.
- **Parking near emergency vehicles at an accident scene.** Subsection (e) makes it unlawful to park and leave a vehicle within 100 feet of an emergency vehicle that is engaged in the investigation of an accident or is rendering assistance to victims of an accident.

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Senate PCS 29

Page 2

The PCS Senate Bill 29 would make a violation of this section a **Class F felony** if the violation results in *serious injury or death* to a law enforcement officer or emergency response person.

SECTION 3.

All wreckers operating on the highways of the State shall be equipped with an amber-colored flashing light, and shall be activated when at the scene of an accident or recovery and when towing a vehicle of a certain width. G.S. 20-130.2.

The PCS to Senate Bill 29 would make it unlawful for any vehicle to use a flashing or strobing amber light on a street or highways unless certain conditions apply.

Nothing in this section prohibits or restricts a motor vehicle from operating emergency flashers or hazard lights originally installed on the vehicle.

EFFECTIVE DATE: This bill would be effective December 1, 2019 and apply to offenses committed on or after that date.

BACKGROUND: Senate Bill 29 is named for Officer Jason Quick who was killed on December 15, 2018, when he was struck by an oncoming vehicle while investigating a motor vehicle crash on I-95 near Exit 22 in North Carolina.