



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

2019-2020 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	June 27, 2019
Introduced by:	Sens. Britt, McInnis	Prepared by:	Kristen L. Harris*
Analysis of:	Third Edition		Committee Co-Counsel

OVERVIEW: Senate Bill 29 would: 1) amend G.S. 20-157 to increase the penalty for those who cause serious injury or death for violating the State's Move Over Law and 2) 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.

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.

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578

Senate Bill 29

Page 2

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.

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.

**Shawn Middlebrooks, Legislative Analysis Division, substantially contributed to this summary.*