

Text of an amendment, as recommended by the committee on Ways and Means, and adopted by the House to the Senate bill relative to operating a motor vehicle when approaching stationary emergency vehicles (Senate, No. 2103, amended). October 24, 2008.



The Commonwealth of Massachusetts

In the Year Two Thousand and Eight.

AN ACT RELATIVE TO OPERATING A MOTOR VEHICLE WHEN APPROACHING STATIONARY EMERGENCY VEHICLES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Chapter 89 of the General Laws is hereby amended by inserting after section 7B the following section:-

Section 7C. (a) As used in this section the following words shall, unless the context clearly requires otherwise, have the following meanings:

"Emergency response vehicle", Any vehicle used by a federal, state, county or municipal agency to fulfill a public safety purpose or to render emergency response including, but not limited to, a fire apparatus, police vehicle, ambulance, or disaster vehicle.

"Highway maintenance vehicle", a vehicle used for the maintenance of highways and roadways: ~~(1) that is;~~ (1) owned or operated by the executive office of transportation and public works, or a county, a municipality or any political subdivision thereof; or ~~(2) that is~~ owned or operated by a person under contract with the executive office of transportation and public work or a county, a municipality or any political subdivision thereof.

"Operator", any person who operates a motor vehicle as defined in section 1 of chapter 90.

"Person", a natural person, corporation, association, partnership or other legal entity.

"Recovery vehicle", a vehicle that is specifically designed to assist or tow a disabled vehicle ~~or to tow a disabled vehicle.~~

Keniff's ?

Comment [c1]: BTR change

(b) Upon approaching a stationary emergency response vehicle, highway maintenance vehicle or recovery vehicle with flashing lights employed, an operator shall:

~~(1) proceed with due caution, reduce speed to at least 25 miles per hour below the posted speed limit; and, if practicable and on a highway having at least 4 travel lanes, at least 2 travel lanes of which the traffic proceeds in the same direction as the operator's vehicle with not less than 2 lanes proceeding in the same direction as the operator's vehicle, yield the right-of-way by making a lane change into a travel lane which is not adjacent to that the lane in which such stationary vehicle is stopped, of the emergency response vehicle, highway maintenance vehicle or recovery vehicle; or~~

~~(2) if changing lanes is impracticable, proceed with due caution, reduce speed to at least 25 miles per hour below the posted speed limit.~~

(c) Violation of this section shall be punished by a fine of not more than \$100.

House, No. 5120

**BILL RELATIVE TO OPERATING A
MOTOR VEHICLE WHEN
APPROACHING STATIONARY
EMERGENCY VEHICLES.**

105

Docket Number: SD00144

[SIMILAR MATTER FILED DURING PAST SESSION
SEE NO. OF]



The Commonwealth of Massachusetts

IN THE YEAR OF TWO THOUSAND AND SEVEN

AN ACT AN ACT RELATIVE TO OPERATING A MOTOR VEHICLE WHEN APPROACHING STATIONARY EMERGENCY VEHICLES

*Be it enacted by the Senate and House of Representatives in General Court assembled,
And by the authority of the same, as follows:*

- 1 SECTION 1. This act shall be referred to and may be cited as "The Move-Over Act".
- 2 SECTION 2. Chapter 89 of the General Laws, as appearing in the 2004 Official Edition, is
- 3 hereby amended by adding the following new subsection after Section 7B.
- 4 Section 7C.
- 5 (a) For the purpose of this section unless the context otherwise requires the following terms
- 6 shall have the following meanings:
- 7 "Highway maintenance vehicle" means a vehicle used for the maintenance of highways
- 8 and roadways in this state and is:

9 (1) Owned or operated by the department of transportation, a county, a
10 municipality or other political subdivision of this state; or,

11 (2) Owned or operated by a contractor under contract with the department of
12 transportation, a county, a municipality or other political subdivision of this state;

13 "Recovery vehicle" means a truck that is specifically designed for towing a disabled
14 vehicle or a combination of vehicles.

15 (b) Upon approaching any stationary fire apparatus, police vehicle, ambulance, disaster vehicle
16 or any other authorized emergency vehicle, when such vehicle is giving a signal by use of
17 flashing lights, a person who drives an approaching vehicle shall:

18 (1) Proceeding with due caution, yield the right-of-way by making a lane change into a
19 lane not adjacent to that of the authorized emergency vehicle, if possible with due regard to
20 safety and traffic conditions, if on a highway having at least four lanes with not less than two
21 lanes proceeding in the same direction as the approaching vehicle; or

22 (2) Proceeding with due caution, reduce the speed of the vehicle, maintaining a safe
23 speed for road conditions, if changing lanes would be impossible or unsafe.

24 (c) Upon approaching a stationary recovery vehicle or a highway maintenance vehicle, when
25 such vehicle is giving a signal by use of authorized flashing lights, a person who drives an
26 approaching vehicle shall:

27 (1) Proceeding with due caution, yield the right-of-way by making a lane change into a
28 lane not adjacent to the stationary recovery vehicle or the highway maintenance vehicle, if
29 possible with due regard to safety and traffic conditions, if on a highway having at least four
30 lanes with not less than two lanes proceeding in the same direction as the approaching vehicle;

31 or

32 (2) Proceeding with due caution, reduce the speed of the vehicle, maintaining a safe
33 speed for road conditions, if changing lanes would be impossible or unsafe.

34 (d) Violation of any provision of this section shall be punished by a fine of not more than one
35 hundred dollars

36 (e) The secretary of public safety shall direct the governor's highway safety bureau to conduct
37 an extensive public information and education program throughout the Commonwealth to
38 make motorists aware of this act.

To the Honorable Senate and House of Representatives of the Commonwealth of
Massachusetts in the General Court assembled.

The undersigned, citizen of _____, respectfully petitions for the
passage of the accompanying bill and for legislation.

AN ACT RELATIVE TO OPERATING A MOTOR VEHICLE WHEN APPROACHING
STATIONARY EMERGENCY VEHICLES

James Timilty(JET0)	Bristol and Norfolk
David Linsky(DPL1)	Fifth Middlesex
Bruce Tarr(BET0)	First Essex and Middlesex
John Quinn(JFQ1)	Ninth Bristol
Robert Coughlin(RKC1)	Eleventh Norfolk

AN ACT RELATIVE TO OPERATING UPON APPROACH OF STATIONARY EMERGENCY VEHICLES

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to increase safety for police officers and emergency response personnel in the Commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1.

This act shall be referred to and may be cited as "The Move-Over Act".

SECTION 2. Chapter 89 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by adding the following new subsection after Section 7B.

Section 7C.

(a) For the purpose of this section unless the context otherwise requires the following terms shall have the following meanings:

"Highway maintenance vehicle" means a vehicle used for the maintenance of highways and roadways in this state and is:

- (1) Owned or operated by the department of transportation, a county, a municipality or other political subdivision of this state; or,
- (2) Owned or operated by a contractor under contract with the department of transportation, a county, a municipality or other political subdivision of this state;

"Recovery vehicle" means a truck that is specifically designed for towing a disabled vehicle or a combination of vehicles.

(b) Upon approaching any stationary fire apparatus, police vehicle, ambulance, disaster vehicle or any other authorized emergency vehicle, when such vehicle is giving a signal by use of flashing lights, a person who drives an approaching vehicle shall:

- (1) Proceeding with due caution, yield the right-of-way by making a lane change into a lane not adjacent to that of the authorized emergency vehicle, if possible with due regard to safety and traffic conditions, if on a highway having at least four lanes with not less than two lanes proceeding in the same direction as the approaching vehicle; or

(2) Proceeding with due caution, reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be impossible or unsafe.

(c) Upon approaching a stationary recovery vehicle or a highway maintenance vehicle, when such vehicle is giving a signal by use of authorized flashing lights, a person who drives an approaching vehicle shall:

(1) Proceeding with due caution, yield the right-of-way by making a lane change into a lane not adjacent to the stationary recovery vehicle or the highway maintenance vehicle, if possible with due regard to safety and traffic conditions, if on a highway having at least four lanes with not less than two lanes proceeding in the same direction as the approaching vehicle; or

(2) Proceeding with due caution, reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be impossible or unsafe.

(d) Violation of any provision of this section shall be punished by a fine of not more than one hundred dollars

(e) The secretary of public safety shall direct the governor's highway safety bureau to conduct an extensive public information and education program throughout the Commonwealth to make motorists aware of this act.



**AN ACT RELATIVE TO OPERATING UPON APPROACH OF STATIONARY
EMERGENCY VEHICLES**

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(b) Upon approaching any stationary fire apparatus, police vehicle, ambulance, disaster vehicle or any other authorized emergency vehicle, when such vehicle is giving a signal by use of flashing lights, a person who drives an approaching vehicle shall:

- (1) Proceeding with due caution, yield the right-of-way by making a lane change into a lane not adjacent to that of the authorized emergency vehicle, if possible with due regard to safety and traffic conditions, if on a highway having at least four lanes with not less than two lanes proceeding in the same direction as the approaching vehicle; or

(2) Proceeding with due caution, reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be impossible or unsafe.

(c) Upon approaching a stationary recovery vehicle or a highway maintenance vehicle, when such vehicle is giving a signal by use of authorized flashing lights, a person who drives an approaching vehicle shall:

(1) Proceeding with due caution, yield the right-of-way by making a lane change into a lane not adjacent to the stationary recovery vehicle or the highway maintenance vehicle, if possible with due regard to safety and traffic conditions, if on a highway having at least four lanes with not less than two lanes proceeding in the same direction as the approaching vehicle; or

(2) Proceeding with due caution, reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be impossible or unsafe.

(d) Violation of any provision of this section shall be punished by a fine of not more than one hundred dollars

(e) The secretary of public safety shall direct the governor's highway safety bureau to conduct an extensive public information and education program throughout the Commonwealth to make motorists aware of this act.

AN ACT RELATIVE TO OPERATING UPON APPROACH OF STATIONARY EMERGENCY VEHICLES

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(c) Upon approaching a stationary recovery vehicle or a highway maintenance vehicle, when such vehicle is giving a signal by use of authorized flashing lights, a person who drives an approaching vehicle shall:

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(e) The secretary of public safety shall direct the governor's highway safety bureau to conduct an extensive public information and education program throughout the Commonwealth to make motorists aware of this act.