

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
89th General Assembly
Regular Session, 2013

As Engrossed: H3/13/13
A Bill

HOUSE BILL 1750

By: Representative Barnett

For An Act To Be Entitled

AN ACT TO REQUIRE MOTORISTS TO MOVE OVER FOR AN
AUTHORIZED VEHICLE DISPLAYING A FLASHING OR WARNING
LIGHT AT THE SCENE OF A STOP; AND FOR OTHER PURPOSES.

Subtitle

TO REQUIRE MOTORISTS TO MOVE OVER FOR AN
AUTHORIZED VEHICLE DISPLAYING A FLASHING
OR WARNING LIGHT AT THE SCENE OF A STOP.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 27-51-310 is amended to read as follows:

27-51-310. Passing ~~emergency response vehicle or law enforcement~~
authorized vehicle stopped on highway.

(a) As used in this section, "authorized vehicle" means a vehicle that:

(1) Displays a flashing, revolving, or rotating blue, red, amber, amber and red, white, or green light; and

(2) Is one (1) of the following:

(A) An emergency response vehicle;

(B) A law enforcement vehicle;

(C) An Arkansas State Highway and Transportation Department vehicle;

(D) An Arkansas State Highway and Transportation Department contractor vehicle;

(E) A utility company vehicle; or

(F) A vehicle used in a towing operation as defined under



§ 27-51-904.

~~(a)(1) If an authorized emergency response vehicle or a law enforcement vehicle is parked or stopped at the scene of an emergency or other traffic stop and is displaying a flashing, revolving, or rotating blue, red, or amber and red light, an approaching motor vehicle operator shall move when possible into the farthest lane from the emergency response vehicle or law enforcement vehicle and remain in that lane until past the emergency response vehicle or law enforcement vehicle and any other vehicle involved in the emergency or other traffic stop.~~

~~(2) If changing lanes is not possible or is determined to be unsafe, an approaching motor vehicle operator shall reduce the motor vehicle's speed, proceed with caution, and maintain a reduced speed appropriate to the road and the conditions through the area where the authorized emergency response vehicle or law enforcement vehicle is stopped.~~

(b)(1) Except as provided under subdivision (b)(2) of this section, the driver of a motor vehicle that is approaching an authorized vehicle that is stopped or parked on a street, road, or highway or on the shoulder of a street, road, or highway shall:

(A) Move to the farthest possible lane or position from the authorized vehicle;

(B) Remain in that lane or position until the driver passes the authorized vehicle; and

(C) Otherwise exercise due caution.

(2) If the driver determines that is unsafe or not possible to change lanes as required under subdivision (b)(1) of this section, the driver shall:

(A) Reduce the motor vehicle's speed;

(B) Exercise due caution; and

(C) Maintain a reduced speed appropriate to the street, road, or highway and the conditions through the area where the authorized vehicle is stopped or parked.

~~(b)(1)(A)(c)(1)~~ Any party A person who pleads guilty or nolo contendere to or is found guilty of violating this section shall be guilty of a misdemeanor and shall be fined not less than thirty-five dollars (\$35.00) nor more than five hundred dollars (\$500), confined in the county jail not to exceed ninety (90) days, or both fined and imprisoned.

~~(B)(2)~~ In addition to the penalties prescribed in subdivision ~~(b)(1)(A)~~ (c)(1) of this section, the court may order community service for not more than seven (7) days and may suspend the person's driver's license for a period of not less than ninety (90) days nor more than six (6) months.

~~(2)(d)~~ There is created a rebuttable presumption that shall arise in any criminal action under this section to the effect that if it can be proven that a person is the registered owner of a vehicle that is driven in a manner that violates this section, the person is presumed to have been the driver of the vehicle at the time of the violation.

/s/Barnett