

1 **LAW ENFORCEMENT TRAFFIC SAFETY AMENDMENTS**

2 2016 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Mike K. McKell**

5 Senate Sponsor: _____

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions related to a driver approaching an emergency vehicle.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ amends the Traffic Code as it relates to the operator of a vehicle approaching a
13 stationary authorized emergency vehicle.

14 **Money Appropriated in this Bill:**

15 None

16 **Other Special Clauses:**

17 None

18 **Utah Code Sections Affected:**

19 AMENDS:

20 **41-6a-904**, as last amended by Laws of Utah 2015, Chapter 412

22 *Be it enacted by the Legislature of the state of Utah:*

23 Section 1. Section **41-6a-904** is amended to read:

24 **41-6a-904. Approaching emergency vehicle -- Necessary signals -- Stationary**
25 **emergency vehicle -- Duties of respective operators.**

26 (1) Except when otherwise directed by a peace officer, the operator of a vehicle, upon
27 the immediate approach of an authorized emergency vehicle using audible or visual signals



28 under Section 41-6a-212 or 41-6a-1625, shall:

29 (a) yield the right-of-way and immediately move to a position parallel to, and as close
30 as possible to, the right-hand edge or curb of the highway, clear of any intersection; and

31 (b) then stop and remain stopped until the authorized emergency vehicle has passed.

32 (2) The operator of a vehicle, upon approaching a stationary authorized emergency
33 vehicle that is displaying alternately flashing red, red and white, or red and blue lights, shall:

34 (a) reduce the speed of the vehicle to a speed that is reasonably safe based on
35 conditions that exist;

36 (b) provide as much space as practical to the stationary authorized emergency vehicle;
37 and

38 (c) if traveling in a lane adjacent to the stationary authorized emergency vehicle and if
39 practical, with due regard to safety and traffic conditions, make a lane change into a lane not
40 adjacent to the authorized emergency vehicle.

41 (3) The operator of a vehicle, upon approaching a stationary tow truck or highway
42 maintenance vehicle that is displaying flashing amber lights, shall:

43 (a) reduce the speed of the vehicle to a speed that is reasonably safe based on
44 conditions that exist; and

45 (b) provide as much space as practical to the stationary tow truck or highway
46 maintenance vehicle.

47 (4) This section does not relieve the operator of an authorized emergency vehicle, tow
48 truck, or highway maintenance vehicle from the duty to drive with regard for the safety of all
49 persons using the highway.

50 (5) (a) (i) In addition to the penalties prescribed under Subsection (7), a person who
51 violates this section shall attend a four hour live classroom defensive driving course approved
52 by:

53 (A) the Driver License Division; or

54 (B) a court in this state.

55 (ii) Upon completion of the four hour live classroom course under Subsection (5)(a)(i),
56 the person shall provide to the Driver License Division a certificate of attendance of the
57 classroom course.

58 (b) The Driver License Division shall suspend a person's driver license for a period of

59 90 days if the person:

60 (i) violates a provision of Subsections (1) through (3); and

61 (ii) fails to meet the requirements of Subsection (5)(a)(i) within 90 days of sentencing
62 for or pleading guilty to a violation of this section.

63 (c) Notwithstanding the provisions of Subsection (5)(b), the Driver License Division
64 shall shorten the 90-day suspension period imposed under Subsection (5)(b) effective
65 immediately upon receiving a certificate of attendance of the four hour live classroom course
66 required under Subsection (5)(a)(i) if the certificate of attendance is received prior to
67 completion of the suspension period.

68 (d) A person whose license is suspended under Subsection (5)(b) is required to pay the
69 license reinstatement fees under Subsection 53-3-105(23), including a person whose
70 suspension is shortened as described under Subsection (5)(c).

71 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
72 Driver License Division shall make rules to implement the provisions of this part.

73 (7) A violation of Subsection (1), (2), or (3) is a class C misdemeanor.

Legislative Review Note
Office of Legislative Research and General Counsel