

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL 29
Judiciary Committee Substitute Adopted 2/19/19
PROPOSED HOUSE COMMITTEE SUBSTITUTE S29-PCS15377-BQ-35

Short Title: Move Over Law/Increase Penalties/Amber Lights.

(Public)

Sponsors:

Referred to:

February 7, 2019

1 A BILL TO BE ENTITLED
2 AN ACT TO INCREASE THE PENALTIES FOR VIOLATION OF THE MOVE OVER LAW
3 AND TO LIMIT THE USE OF FLASHING AMBER LIGHTS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. This act shall be known and may be cited as the "Officer Jason Quick
6 Act."

7 SECTION 2. G.S. 20-157 reads as rewritten:

8 "§ 20-157. Approach of law enforcement, fire department or rescue squad vehicles or
9 ambulances; driving over fire hose or blocking fire fighting equipment; parking,
10 etc., near law enforcement, fire department, or rescue squad vehicle or
11 ambulance.

12 ...

13 (f) When an authorized emergency vehicle as described in subsection (a) of this section
14 or any public service vehicle is parked or standing within 12 feet of a roadway and is giving a
15 warning signal by appropriate light, the driver of every other approaching vehicle shall, as soon
16 as it is safe and when not otherwise directed by an individual lawfully directing traffic, do one of
17 the following:

18 ...

19 For purposes of this section, "public service vehicle" means a vehicle that (i) is being used to
20 assist motorists or law enforcement officers with wrecked or disabled vehicles, (ii) is being used
21 to install, maintain, or restore utility service, including electric, cable, telephone,
22 communications, and gas, (iii) is being used in the collection of refuse, solid waste, or recycling,
23 or (iv) is a highway maintenance vehicle owned and operated by or contracted by the State or a
24 local government and is operating an amber-colored flashing light authorized by G.S. 20-130.2.
25 Violation of this subsection shall be negligence per se.

26 (g) Except as provided in subsections (a), (h), and (i) of this section, violation of this
27 section shall be an infraction punishable by a fine of two hundred fifty dollars (\$250.00).

28 (h) A person who violates this section and causes damage to property in the immediate
29 area of the authorized emergency vehicle or public service vehicle in excess of five hundred
30 dollars (\$500.00), or causes injury to a law enforcement officer, a firefighter, an emergency
31 vehicle operator, an Incident Management Assistance Patrol member, a public service vehicle
32 operator, or any other emergency response person in the immediate area of the authorized
33 emergency vehicle or public service vehicle is guilty of a Class 1 misdemeanor.

34 (i) A person who violates this section and causes serious injury or death to a law
35 enforcement officer, a firefighter, an emergency vehicle operator, an Incident Management



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1 Assistance Patrol member, a public service vehicle operator, or any other emergency response
2 person in the immediate area of the authorized emergency vehicle or public service vehicle is
3 guilty of a ~~Class I~~ Class F felony. The Division may suspend, for up to six months, the drivers
4 license of any person convicted under this subsection. If the Division suspends a person's license
5 under this subsection, a judge may allow the licensee a limited driving privilege for a period not
6 to exceed the period of suspension, provided the person's license has not also been revoked or
7 suspended under any other provision of law. The limited driving privilege shall be issued in the
8 same manner and under the terms and conditions prescribed in G.S. 20-16.1(b)."

9 **SECTION 3.** G.S. 20-130.2 reads as rewritten:

10 "**§ 20-130.2. Use of amber lights on certain ~~vehicles~~ vehicles; limited use.**

11 (a) All wreckers operated on the highways of the State shall be equipped with an
12 amber-colored flashing light which shall be so mounted and located as to be clearly visible in all
13 directions from a distance of 500 feet, which light shall be activated when at the scene of an
14 accident or recovery operation and when towing a vehicle which has a total outside width
15 exceeding 96 inches or which exceeds the width of the towing vehicle. It shall be lawful to equip
16 any other vehicle with a similar warning light including, but not by way of limitation,
17 maintenance or construction vehicles or equipment of the Department of Transportation engaged
18 in performing maintenance or construction work on the roads, maintenance or construction
19 vehicles of any person, firm or corporation, Radio Emergency Associated Citizens Team
20 (REACT) vehicles, and any other vehicles required to contain a warning light.

21 (b) Except as otherwise permitted under this Article, it shall be unlawful for any vehicle
22 to operate a flashing or strobing amber light while in motion on a street or highway unless one
23 of the following conditions apply:

- 24 (1) A law enforcement vehicle when in route to an emergency or when engaged
25 in the chase or apprehension of violators of the law or of persons charged with
26 or suspected of any violation.
- 27 (2) A fire, rescue, first responder, or emergency response vehicle in route to an
28 emergency situation, when traveling in response to a fire alarm or responding
29 to any other incident warranting the use of emergency lights and siren.
- 30 (3) When any vehicle, or vehicle's load exceeds a width of 102 inches, including
31 oversize loads in accordance with G.S. 20-116.
- 32 (4) When the use of flashing or strobing lights is required by the Department of
33 Transportation.
- 34 (5) When the vehicle must travel 15 miles per hour or more below the posted
35 speed limit for safety reasons or is otherwise impeding traffic which could
36 cause a danger to the public, in performing the vehicle's intended service,
37 including waste management vehicles, utility vehicles, school buses, farm
38 equipment, mail delivery vehicles, or any vehicle being used in a work zone.
- 39 (6) During a state of emergency declared by the Governor."

40 **SECTION 4.** This act becomes effective December 1, 2019, and applies to offenses
41 committed on or after that date.