

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005**

**H**

**1**

**HOUSE BILL 288**

Short Title: MV Move-Over Law Changes.

(Public)

---

Sponsors: Representatives Rapp, McGee (Primary Sponsors); Adams, Alexander, B. Allen, L. Allen, Barnhart, Bell, Bordsen, Capps, Coates, Cole, Coleman, Crawford, Culp, Earle, England, Farmer-Butterfield, Fisher, Frye, Gibson, Glazier, Goforth, Grady, Harrell, Harrison, Hill, Holliman, Insko, Jeffus, Johnson, Jones, Justus, Kiser, LaRoque, Lewis, Luebke, Martin, McAllister, McLawhorn, Miller, Parmon, Pate, Preston, Ray, Saunders, Sherrill, Stam, Steen, Sutton, Tolson, Vinson, Walker, Weiss, Wilson, Womble, Wray, Wright, and Yongue.

---

Referred to: Judiciary III.

---

February 17, 2005

A BILL TO BE ENTITLED

1 AN ACT TO AMEND THE LAW CONCERNING WHAT THE DRIVER OF A  
2 MOTOR VEHICLE SHALL DO UPON THE APPROACH OF AN EMERGENCY  
3 VEHICLE.  
4

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 20-157 reads as rewritten:

7 "**§ 20-157. Approach of police, fire department or rescue squad vehicles or**  
8 **ambulances; driving over fire hose or blocking fire-fighting equipment;**  
9 **parking, etc., near police, fire department, or rescue squad vehicle or**  
10 **ambulance.**

11 (a) Upon the approach of any police or fire department vehicle or public or  
12 private ambulance or rescue squad emergency service vehicle giving warning signal by  
13 appropriate light and by audible bell, siren or exhaust whistle, audible under normal  
14 conditions from a distance not less than 1000 feet, the driver of every other vehicle shall  
15 immediately drive the same to a position as near as possible and parallel to the  
16 right-hand edge or curb, clear of any intersection of streets or highways, and shall stop  
17 and remain in such position unless otherwise directed by a police or traffic officer until  
18 police or fire department vehicle or public or private ambulance or rescue squad  
19 emergency service vehicle shall have passed. Provided, however, this subsection shall  
20 not apply to vehicles traveling in the opposite direction of the vehicles herein  
21 enumerated when traveling on a four-lane limited access highway with a median divider  
22 dividing the highway for vehicles traveling in opposite directions, and provided further

1 that the violation of this subsection shall not be negligence per se. Violation of this  
2 subsection is a Class 2 misdemeanor.

3 (b) It shall be unlawful for the driver of any vehicle other than one on official  
4 business to follow any fire apparatus traveling in response to a fire alarm closer than  
5 one block or to drive into or park such vehicle within one block where fire apparatus has  
6 stopped in answer to a fire alarm.

7 (c) Outside of the corporate limits of any city or town it shall be unlawful for the  
8 driver of any vehicle other than one on official business to follow any fire apparatus  
9 traveling in response to a fire alarm closer than 400 feet or to drive into or park such  
10 vehicle within a space of 400 feet from where fire apparatus has stopped in answer to a  
11 fire alarm.

12 (d) It shall be unlawful to drive a motor vehicle over a fire hose or any other  
13 equipment that is being used at a fire at any time, or to block a fire-fighting apparatus or  
14 any other equipment from its source of supply regardless of its distance from the fire.

15 (e) It shall be unlawful for the driver of a vehicle, other than one on official  
16 business, to park and leave standing such vehicle within 100 feet of police or fire  
17 department vehicles, public or private ambulances, or rescue squad emergency vehicles  
18 which are engaged in the investigation of an accident or engaged in rendering assistance  
19 to victims of such accident.

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

25 (1) Move the vehicle into a lane that is not the lane nearest the parked or  
26 standing authorized emergency vehicle and continue traveling in that  
27 lane until safely clear of the authorized emergency vehicle. This  
28 paragraph applies only if the roadway has at least two lanes for traffic  
29 proceeding in the direction of the approaching vehicle and if the  
30 approaching vehicle may change lanes safely and without interfering  
31 with any vehicular traffic.

32 (2) Slow the vehicle, maintaining a safe speed for traffic conditions, and  
33 operate the vehicle at a reduced speed and be prepared to stop until  
34 completely past the authorized emergency vehicle. This paragraph  
35 applies only if the roadway has only one lane for traffic proceeding in  
36 the direction of the approaching vehicle or if the approaching vehicle  
37 may not change lanes safely and without interfering with any vehicular  
38 traffic.

39 Violation of this subsection shall not be negligence per se.

40 (g) Except as provided in subsections (a), (h), (i), and (j) of this section, a person  
41 who violates this section is guilty of a Class 1 misdemeanor punishable by a fine of not  
42 more than two hundred fifty dollars (\$250.00) or imprisonment for not more than 120  
43 days, or both.

1       (h) A person who violates this section and causes damage to property in the  
2 immediate area of the stationary authorized emergency vehicle is guilty of a Class I  
3 felony punishable by a fine of not more than five hundred dollars (\$500.00) or  
4 imprisonment, or both. The person's drivers license shall be suspended for 180 days.

5       (i) A person who violates this section and causes injury to a police officer, a  
6 firefighter, an emergency vehicle removal operator, an Incident Management Assistance  
7 Patrol member, or any other emergency response person in the immediate area of the  
8 stationary authorized emergency vehicle is guilty of a Class H felony punishable by a  
9 fine of not more than five thousand dollars (\$5,000) or imprisonment, or both. The  
10 person's drivers license shall be revoked for two years.

11       (j) A person who violates this section and causes or is the proximate cause of the  
12 death of a police officer, a firefighter, an emergency vehicle removal operator, an  
13 Incident Management Assistance Patrol member, or any other emergency response  
14 person in the immediate area of the stationary authorized emergency vehicle is guilty of  
15 a Class F felony punishable by a fine of not more than ten thousand dollars (\$10,000) or  
16 by imprisonment, or both. The person's drivers license shall be revoked for two years."

17       **SECTION 2.** G.S. 20-17(a) reads as rewritten:

18       "(a) The Division shall forthwith revoke the license of any driver upon receiving a  
19 record of the driver's conviction for any of the following offenses:

20       ...

21       (17) A violation of G.S. 20-157(i) or (j)."

22       **SECTION 3.** This act becomes effective December 1, 2005, and applies to  
23 offenses committed on or after that date.