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LAW

[First Reprint]
SENATE, No. 180

STATE OF NEW JERSEY
213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

Sponsored by:

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District 25 (Morris)

Senator JOHN A. GIRGENTI

District 35 (Bergen and Passaic)

Assemblywoman SHEILA Y. OLIVER

District 34 (Essex and Passaic)

Assemblywoman JOAN M. QUIGLEY

District 32 (Bergen and Hudson)

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District 10 (Monmouth and Ocean)

Assemblywoman LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Co-Sponsored by:

Senators Madden, Cunningham, Whelan, Kyrillos, Assemblywomen Vainieri Huttel, Wagner, Assemblymen Giblin, Ramos, Vas, Scalera, Conners, Gusciora, Assemblywoman Love and Assemblyman Chiappone

SYNOPSIS

Imposes conditions on drivers approaching stopped emergency vehicles, tow trucks or highway maintenance vehicles displaying flashing lights.

CURRENT VERSION OF TEXT

As amended by the Senate on May 22, 2008.

(Sponsorship Updated As Of: 12/16/2008)

1 AN ACT concerning motor vehicle operators and supplementing
2 chapter 4 of Title 39 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. a. The operator of a motor vehicle approaching a stationary
8 authorized emergency vehicle as defined in R.S.39:1-1 that is
9 displaying a flashing, blinking or alternating red ¹or blue¹ light ¹or,
10 any configuration of lights containing one of these colors,¹ shall
11 approach the authorized emergency vehicle with due caution and
12 shall, absent any other direction by a law enforcement officer,
13 proceed as follows:

14 (1) Make a lane change into a lane not adjacent to the authorized
15 emergency vehicle if possible in the existing safety and traffic
16 conditions; or

17 (2) If a lane change pursuant to paragraph (1) of subsection a. of
18 this section would be impossible, prohibited by law or unsafe,
19 reduce the speed of the motor vehicle to a reasonable and proper
20 speed for the existing road and traffic conditions, which speed shall
21 be less than the posted speed limit, and be prepared to stop.

22 b. The operator of a motor vehicle approaching a stationary
23 tow truck as defined in section 1 of P.L.1999, c.396 (C.39:3-84.6)
24 that is displaying a flashing amber light or a stationary highway
25 maintenance or emergency service vehicle that is operated by the
26 State, an authority or a county or municipality and displaying
27 flashing yellow, amber, or red lights shall approach the vehicle with
28 due caution and shall, absent any other direction by a law
29 enforcement officer, proceed as follows:

30 (1) Make a lane change into a lane not adjacent to the tow truck
31 or highway maintenance or emergency service vehicle if possible in
32 the existing safety and traffic conditions; or

33 (2) If a lane change under paragraph (1) of subsection b. of this
34 subsection would be impossible, prohibited by law or unsafe,
35 reduce the speed of the motor vehicle to a reasonable and proper
36 speed for the existing road and traffic conditions, which speed shall
37 be less than the posted speed limit, and be prepared to stop.

38 c. A violation of this section shall be punished by a fine of not
39 less than \$100 and not more than \$500.

40

41 2. This act shall take effect immediately.

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate floor amendments adopted May 22, 2008.

1 AN ACT concerning motor vehicle operators and supplementing
2 chapter 4 of Title 39 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. a. The operator of a motor vehicle approaching a stationary
8 authorized emergency vehicle as defined in R.S.39:1-1 that is
9 displaying a flashing, blinking or alternating red light shall
10 approach the authorized emergency vehicle with due caution and
11 shall, absent any other direction by a law enforcement officer,
12 proceed as follows:

13 (1) Make a lane change into a lane not adjacent to the authorized
14 emergency vehicle if possible in the existing safety and traffic
15 conditions; or

16 (2) If a lane change pursuant to paragraph (1) of subsection a. of
17 this section would be impossible, prohibited by law or unsafe,
18 reduce the speed of the motor vehicle to a reasonable and proper
19 speed for the existing road and traffic conditions, which speed shall
20 be less than the posted speed limit, and be prepared to stop.

21 b. The operator of a motor vehicle approaching a stationary
22 tow truck as defined in P.L.1999, c.396 (C.39:3-84.6 et seq.) that is
23 displaying a flashing amber light or a stationary highway
24 maintenance or emergency service vehicle that is operated by the
25 State, an authority or a county or municipality and displaying
26 flashing yellow, amber, or red lights shall approach the vehicle with
27 due caution and shall, absent any other direction by a law
28 enforcement officer, proceed as follows:

29 (1) Make a lane change into a lane not adjacent to the tow truck
30 or highway maintenance or emergency service vehicle if possible in
31 the existing safety and traffic conditions; or

32 (2) If a lane change under paragraph (1) of subsection b. of this
33 subsection would be impossible, prohibited by law or unsafe,
34 reduce the speed of the motor vehicle to a reasonable and proper
35 speed for the existing road and traffic conditions, which speed shall
36 be less than the posted speed limit, and be prepared to stop.

37 c. A violation of this section shall be punished by a fine of not
38 less than \$100 and not more than \$500.

39

40 2. This act shall take effect immediately.

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43 *SPONSOR'S* STATEMENT

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45 This bill requires motor vehicle operators to reduce the speed of
46 their vehicles and change lanes when approaching an authorized
47 emergency vehicle, tow truck or highway maintenance or

S180 BUCCO, GIRGENTI

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1 emergency service vehicle that is displaying flashing, blinking or
2 alternating emergency lights.

3 Under the bill's provisions, the operator of a motor vehicle
4 approaching an authorized emergency vehicle is to approach the
5 vehicle with due caution and, absent any other direction by a law
6 enforcement officer, make a lane change into a lane not adjacent to
7 the authorized emergency vehicle. If a lane change would be
8 impossible, prohibited by law or unsafe, the operator is to reduce
9 the speed of the motor vehicle to a reasonable and proper speed for
10 the existing road and traffic conditions, which must be less than the
11 posted speed limit, and be prepared to stop.

12 The bill also requires the operator of a motor vehicle
13 approaching a stationary tow truck or highway maintenance or
14 emergency service vehicle to approach the vehicle with due caution
15 and, absent any other direction by a law enforcement officer, make
16 a lane change into a lane not adjacent to the tow truck or highway
17 maintenance or emergency service vehicle if possible in the
18 existing safety and traffic conditions. If a lane change would be
19 impossible, prohibited by law or unsafe, the operator is to reduce
20 the speed of the motor vehicle to a reasonable and proper speed for
21 the existing road and traffic conditions, which must be less than the
22 posted speed limit, and be prepared to stop.

23 A violation of the bill's provisions is punishable by a fine of
24 \$100 to \$500.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'
AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 180

STATE OF NEW JERSEY

DATED: MAY 5, 2008

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably Senate Bill No. 180.

This bill requires motor vehicle operators to reduce the speed of their vehicles and change lanes when approaching an authorized emergency vehicle, tow truck or highway maintenance or emergency service vehicle that is displaying flashing, blinking or alternating emergency lights.

Under the bill's provisions, the operator of a motor vehicle approaching an authorized emergency vehicle is to approach the vehicle with due caution and, absent any other direction by a law enforcement officer, make a lane change into a lane not adjacent to the authorized emergency vehicle. If a lane change would be impossible, prohibited by law or unsafe, the operator is to reduce the speed of the motor vehicle to a reasonable and proper speed for the existing road and traffic conditions, which must be less than the posted speed limit, and be prepared to stop.

The bill also requires the operator of a motor vehicle approaching a stationary tow truck or highway maintenance or emergency service vehicle to approach the vehicle with due caution and, absent any other direction by a law enforcement officer, make a lane change into a lane not adjacent to the tow truck or highway maintenance or emergency service vehicle if possible in the existing safety and traffic conditions. If a lane change would be impossible, prohibited by law or unsafe, the operator is to reduce the speed of the motor vehicle to a reasonable and proper speed for the existing road and traffic conditions, which must be less than the posted speed limit, and be prepared to stop.

A violation of the bill's provisions is punishable by a fine of \$100 to \$500.

This bill was pre-filed for introduction in the 2008-2009 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

STATEMENT TO

SENATE, No. 180

with Senate Floor Amendments
(Proposed By Senator BUCCO)

ADOPTED: MAY 22, 2008

Senate Bill No. 180 requires motor vehicle operators to reduce the speed of their vehicles and change lanes when approaching an authorized emergency vehicle, tow truck, or highway maintenance or emergency service vehicle that is displaying certain flashing, blinking, or alternating emergency lights.

These Senate amendments include within the bill's provisions authorized emergency vehicles displaying blue lights or displaying any configuration of red and blue lights. As introduced, the bill only included authorized emergency vehicles displaying red lights.

1 AN ACT concerning motor vehicle operators and supplementing
2 chapter 4 of Title 39 of the Revised Statutes.

3

4 BE IT ENACTED by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. a. The operator of a motor vehicle approaching a stationary
8 authorized emergency vehicle as defined in R.S.39:1-1 that is
9 displaying a flashing, blinking or alternating red light shall
10 approach the authorized emergency vehicle with due caution and
11 shall, absent any other direction by a law enforcement officer,
12 proceed as follows:

13 (1) Make a lane change into a lane not adjacent to the authorized
14 emergency vehicle if possible in the existing safety and traffic
15 conditions; or

16 (2) If a lane change pursuant to paragraph (1) of subsection a. of
17 this section would be impossible, prohibited by law or unsafe,
18 reduce the speed of the motor vehicle to a reasonable and proper
19 speed for the existing road and traffic conditions, which speed shall
20 be less than the posted speed limit, and be prepared to stop.

21 b. The operator of a motor vehicle approaching a stationary
22 tow truck as defined in P.L.1999, c.396 (C.39:3-84.6 et seq.) that is
23 displaying a flashing amber light or a stationary highway
24 maintenance or emergency service vehicle that is operated by the
25 State, an authority or a county or municipality and displaying
26 flashing yellow, amber, or red lights shall approach the vehicle with
27 due caution and shall, absent any other direction by a law
28 enforcement officer, proceed as follows:

29 (1) Make a lane change into a lane not adjacent to the tow truck
30 or highway maintenance or emergency service vehicle if possible in
31 the existing safety and traffic conditions; or

32 (2) If a lane change under paragraph (1) of subsection b. of this
33 subsection would be impossible, prohibited by law or unsafe,
34 reduce the speed of the motor vehicle to a reasonable and proper
35 speed for the existing road and traffic conditions, which speed shall
36 be less than the posted speed limit, and be prepared to stop.

37 c. A violation of this section shall be punished by a fine of not
38 less than \$100 and not more than \$500.

39

40 2. This act shall take effect immediately.

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43 SPONSOR'S STATEMENT

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45 This bill requires motor vehicle operators to reduce the speed of
46 their vehicles and change lanes when approaching an authorized
47 emergency vehicle, tow truck, or highway maintenance or

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1 emergency service vehicle that is displaying flashing, blinking, or
2 alternating emergency lights.

3 Under the bill's provisions, the operator of a motor vehicle
4 approaching an authorized emergency vehicle is to approach the
5 vehicle with due caution and, absent any other direction by a law
6 enforcement officer, make a lane change into a lane not adjacent to
7 the authorized emergency vehicle. If a lane change would be
8 impossible, prohibited by law or unsafe, the operator is to reduce
9 the speed of the motor vehicle to a reasonable and proper speed for
10 the existing road and traffic conditions, which must be less than the
11 posted speed limit, and be prepared to stop.

12 The bill also requires the operator of a motor vehicle
13 approaching a stationary tow truck or highway maintenance or
14 emergency service vehicle to approach the vehicle with due caution
15 and, absent any other direction by a law enforcement officer, make
16 a lane change into a lane not adjacent to the tow truck or highway
17 maintenance or emergency service vehicle if possible in the existing
18 safety and traffic conditions. If a lane change would be impossible,
19 prohibited by law or unsafe, the operator is to reduce the speed of
20 the motor vehicle to a reasonable and proper speed for the existing
21 road and traffic conditions, which must be less than the posted
22 speed limit, and be prepared to stop.

23 A violation of the bill's provisions is punishable by a fine of
24 \$100 to \$500.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1179

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 5, 2008

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 1179.

As amended, Assembly Bill No. 1179 requires motor vehicle operators to reduce the speed of their vehicles and change lanes when approaching an authorized emergency vehicle, tow truck, or highway maintenance or emergency service vehicle that is displaying certain flashing, blinking, or alternating emergency lights.

Under the amended bill's provisions, the operator of a motor vehicle approaching an authorized emergency vehicle is to approach the vehicle with due caution and, absent any other direction by a law enforcement officer, make a lane change into a lane not adjacent to the authorized emergency vehicle. If a lane change would be impossible, prohibited by law or unsafe, the operator is to reduce the speed of the motor vehicle to a reasonable and proper speed for the existing road and traffic conditions.

The amended bill also requires the operator of a motor vehicle approaching a stationary tow truck or highway maintenance or emergency service vehicle to approach the vehicle with due caution and, absent any other direction by a law enforcement officer, make a lane change into a lane not adjacent to the tow truck or highway maintenance or emergency service vehicle if possible in the existing safety and traffic conditions. If a lane change would be impossible, prohibited by law or unsafe, the operator is to reduce the speed of the motor vehicle to a reasonable and proper speed for the existing road and traffic conditions.

Under the amended bill, an authorized emergency vehicle is defined as a fire department vehicle, police vehicle, or approved ambulance responding to an emergency call when that vehicle is displaying a flashing, blinking, or alternating red or blue light, or a configuration of red or blue lights. As introduced, the bill applied only to emergency vehicles displaying red lights.

A violation of the bill's provisions is punishable by a fine of \$100 to \$500.

This amended bill was pre-filed for introduction in the 2008-2009 session pending technical review. As reported, the amended bill

includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS:

The committee amended the bill to include within its provisions emergency vehicles displaying blue lights or displaying any configuration of red and blue lights. As introduced, the bill only included emergency vehicles displaying red lights.