

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	10 - 0 - 0
Yeas:	Bailey, Bentz, Berger, Boone, Edwards D., Gilman, Kahl, Schaufler, Weidner, Beyer
Nays:	0
Exc.:	0
Prepared By:	Patrick Brennan, Administrator
Meeting Dates:	2/18, 2/23, 3/11

WHAT THE MEASURE DOES: Expands the offense of failure to maintain a safe distance from emergency vehicles or ambulances to include roadside assistance vehicles and tow vehicles. Specifies that compliance requires either moving to an adjacent lane or slowing to at least five miles per hour below the posted speed limit.

ISSUES DISCUSSED:

- Similar laws in other states
- Accidents related to vehicles stopped along roadways
- Concern that vehicles may slow down while still exceeding the posted speed limit

EFFECT OF COMMITTEE AMENDMENT: Specifies that compliance requires either moving to adjacent lane or slowing to at least five miles per hour below the posted speed limit.

BACKGROUND: Oregon enacted its “Move Over” law with the passage of House Bill 2176 in 2003. The measure created the offense of failing to maintain a safe distance from an emergency vehicle or ambulance stopped alongside a roadway while displaying warning lights. While prior law had required drivers to yield to approaching emergency vehicles (ORS 811.145) and prohibited drivers from interfering with emergency vehicles (ORS 811.150), the new law provides protection for law enforcement officers and emergency responders parked on the shoulder of a roadway from being struck by passing vehicles. The “Move Over” law specifies that a driver approaching a stopped emergency vehicle (including police, fire, ambulance and airport security vehicles equipped with lights and siren) must either slow down or, where possible, change lanes. Violations are punishable as a Class B traffic violation.

Emergency vehicles are not the only vehicles that respond to vehicles stopped at the sides of roadways. Operators of tow trucks and roadside assistance vehicles (which assist with battery, tire, or mechanical problems, deliver fuel, or provide lockout services) also respond to vehicles stopped at the sides of roadways and are also at risk when vehicles pass nearby at high speeds. House Bill 2040-A expands ORS 811.147 to include roadside assistance vehicles equipped with warning lights.

House Bill 2040-A also clarifies the requirement that vehicles slow down if they are unable to switch lanes. The measure specifies that to comply the vehicle must slow to at least five miles per hour below the posted speed limit.