

HOUSE No. 4244

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, May 5, 2016.

The committee on Transportation to whom was referred the petition (accompanied by bill, House, No. 3054) of Harold P. Naughton, Jr. for legislation relative to the safety or emergency vehicle “move over law”, so-called, reports recommending that the accompanying bill (House, No. 4244) ought to pass.

For the committee,

WILLIAM M. STRAUS.

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**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relative to the move over law.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 89 of the General Laws, as appearing in the 2014 Official Edition, is hereby
2 amended by striking section 7C in its entirety and inserting in place thereof the following:-

3 (a) As used in this section the following words shall, unless the context clearly requires
4 otherwise, have the following meanings:

5 "Emergency response vehicle", a fire apparatus, police vehicle, ambulance, or disaster
6 vehicle.

7 "Highway maintenance vehicle", a vehicle used for the maintenance of highways and
8 roadways: (1) that is owned or operated by the executive office of transportation and public
9 works, a county, a municipality or any political subdivision thereof; or (2) that is owned or
10 operated by a person under contract with the executive office of transportation and public works,
11 a county, a municipality or any political subdivision thereof.

12 "Operator", any person who operates a motor vehicle as defined in section 1 of chapter
13 90.

14 "Person", a natural person, corporation, association, partnership or other legal entity.

15 "Recovery vehicle", a vehicle that is specifically designed to assist a disabled vehicle or
16 to tow a disabled vehicle.

17 "Utility Vehicle," a vehicle being used to install, maintain, repair, operate, or restore
18 communications service, electric or gas distribution or transmission service in an emergency and
19 that is operated by an employee of or a person under contract with a company incorporated for
20 the transmission of intelligence by electricity or by telephone, an electric distribution,
21 transmission, or natural gas distribution company as defined by section 1 of chapter 164.

22 (b) Upon approaching a stationary emergency vehicle, highway maintenance vehicle,
23 utility vehicle or recovery vehicle with flashing lights an operator shall:

24 (1) proceed with due caution, reduce the speed of the vehicle to that of a reasonable and
25 safe speed for road conditions, and, if practicable and on a highway having at least 4 lanes with
26 not less than 2 lanes proceeding in the same direction as the operator's vehicle, yield the right-of-
27 way by making a lane change into a lane not adjacent to that of the emergency response vehicle,
28 highway maintenance vehicle or recovery vehicle; or

29 (2) if changing lanes is impracticable, proceed with due caution and reduce the speed of
30 the vehicle to that of a reasonable and safe speed for road conditions.

31 (c) Violation of this section shall be punished by a fine of not more than \$100.