

This Document can be made available in alternative formats upon request

State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 1955

01/26/2012 Authored by Beard

The bill was read for the first time and referred to the Committee on Transportation Policy and Finance

03/07/2012 Adoption of Report: Pass and re-referred to the Committee on Public Safety and Crime Prevention Policy and Finance

1.1 A bill for an act  
1.2 relating to public safety; traffic regulations; clarifying move-over law; adding  
1.3 requirement for speed when driving by certain parked vehicles; amending  
1.4 Minnesota Statutes 2010, section 169.18, subdivisions 11, 12.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2010, section 169.18, subdivision 11, is amended to read:

1.7 Subd. 11. **Passing parked emergency vehicle; citation; probable cause.** (a) When  
1.8 approaching and before passing an authorized emergency vehicle with its emergency  
1.9 lights activated that is parked or otherwise stopped on or next to a street or highway  
1.10 ~~having two lanes in the same direction~~, the driver of a vehicle shall ~~safely move the~~  
1.11 ~~vehicle to the lane farthest away from the emergency vehicle, if it is possible to do so.~~  
1.12 proceed with due caution, reduce the speed of the vehicle to a reasonable and safe speed  
1.13 for road conditions, and, if possible, safely:

1.14 (1) move the vehicle to the lane farthest away from the emergency vehicle on a  
1.15 street or highway having two lanes in the same direction; or

1.16 (2) move the vehicle so as to leave a full lane vacant between the driver and any lane  
1.17 in which the emergency vehicle is completely or partially parked, or otherwise stopped on  
1.18 a street or highway having more than two lanes in the same direction.

1.19 ~~(b) When approaching and before passing an authorized emergency vehicle with its~~  
1.20 ~~emergency lights activated that is parked or otherwise stopped on or next to a street or~~  
1.21 ~~highway having more than two lanes in the same direction, the driver of a vehicle shall~~  
1.22 ~~safely move the vehicle so as to leave a full lane vacant between the driver and any lane~~  
1.23 ~~in which the emergency vehicle is completely or partially parked or otherwise stopped,~~  
1.24 ~~if it is possible to do so.~~

2.1 ~~(e)~~ (b) A peace officer may issue a citation to the driver of a motor vehicle if the  
 2.2 peace officer has probable cause to believe that the driver has operated the vehicle in  
 2.3 violation of this subdivision within the four-hour period following the termination of the  
 2.4 incident or a receipt of a report under paragraph ~~(d)~~ (c). The citation may be issued even  
 2.5 though the violation was not committed in the presence of the peace officer.

2.6 ~~(d)~~ (c) Although probable cause may be otherwise satisfied by other evidentiary  
 2.7 elements or factors, probable cause is sufficient for purposes of this subdivision when the  
 2.8 person cited is operating the vehicle described by a member of the crew of an authorized  
 2.9 emergency vehicle responding to an incident in a timely report of the violation of this  
 2.10 subdivision, which includes a description of the vehicle used to commit the offense  
 2.11 and the vehicle's license plate number. For the purposes of issuance of a citation under  
 2.12 paragraph ~~(e)~~ (b), "timely" means that the report must be made within a four-hour period  
 2.13 following the termination of the incident.

2.14 ~~(e)~~ (d) For purposes of ~~paragraphs paragraph (a) and (b) only~~, the terms "authorized  
 2.15 emergency vehicle" and "emergency vehicle" include a towing vehicle defined in section  
 2.16 169.011, subdivision 83, that has activated flashing lights authorized under section 169.64,  
 2.17 subdivision 3, in addition to the vehicles described in the definition for "authorized  
 2.18 emergency vehicle" in section 169.011, subdivision 3.

2.19 Sec. 2. Minnesota Statutes 2010, section 169.18, subdivision 12, is amended to read:

2.20 Subd. 12. **Passing certain parked vehicles.** ~~(a)~~ When approaching and before  
 2.21 passing a freeway service patrol, road maintenance, or construction vehicle with its  
 2.22 warning lights activated that is parked or otherwise stopped on or next to a street or  
 2.23 highway ~~having two lanes in the same direction~~, the driver of a vehicle shall ~~safely move~~  
 2.24 ~~the vehicle to the lane farthest away from the vehicle, if it is possible to do so.~~ proceed  
 2.25 with due caution, reduce the speed of the vehicle to a reasonable and safe speed for road  
 2.26 conditions, and, if possible, safely:

2.27 (1) move the vehicle to the lane farthest away from the parked or stopped vehicle on  
 2.28 a street or highway having two lanes in the same direction; or

2.29 (2) move the vehicle so as to leave a full lane vacant between the driver and any  
 2.30 lane in which the parked or stopped vehicle is located on a street or highway having  
 2.31 more than two lanes in the same direction.

2.32 ~~(b) When approaching and before passing a freeway service patrol, road~~  
 2.33 ~~maintenance, or construction vehicle with its warning lights activated that is parked or~~  
 2.34 ~~otherwise stopped on or next to a street or highway having more than two lanes in the~~  
 2.35 ~~same direction, the driver of a vehicle shall safely move the vehicle so as to leave a full~~

- 3.1 ~~lane vacant between the driver and any lane in which the vehicle is completely or partially~~
- 3.2 ~~parked or otherwise stopped, if it is possible to do so.~~