

**ONE HUNDREDTH LEGISLATURE - SECOND SESSION -
2008**

COMMITTEE STATEMENT

LB786

Hearing Date: February 26, 2008

Committee On: Transportation and Telecommunications

Introducer(s): (Howard)

Title: Regulate traffic approaching or passing a stopped authorized emergency vehicle

Roll Call Vote - Final Committee Action:

Placed on General File with Amendments

Vote Results:

| | |
|-----------------------|---|
| 6 Yes | Senators Aguilar, Fischer, Hudkins, Lautenbaugh, Pedersen, Schimek |
| 2 No | Senators Loudon, Stuthman |
| 0 Absent | |
| 0 Present, not voting | |

Proponents:

Senator Gwen Howard
Rose White
John Benner
Jerry Stilmock

Korby Gilbertson
Joe Kohout
Jack Cheloha
Gary Behlmann
James Woerner
Eugene Tschida

Representing:

Introducer
AAA Nebraska
MAMAP
Nebraska State Volunteer Firefighters
Association
State Troopers Association of Nebraska
Nebraska Fraternal Order of Polic
City of Omaha
Professional Towers Association of Nebraska
Professional Towers Association of Nebraska
Metro Area Motorist Assist Program

Opponents:
Terry Campbell

Representing:
Best Highway Safety Practices Institute

Neutral:

Representing:

Summary of purpose and/or change:

LB 786 requires drivers approaching an emergency vehicle along a controlled-access highway to proceed with due care and caution and move into the passing lane.

The bill requires a driver in a vehicle on a controlled-access highway passing a stopped emergency vehicle to proceed with due care and caution. In addition, when this situation occurs on a highway with at least two adjacent lanes of travel in the same direction, the driver shall yield the right-of-way by moving into a lane at least one moving lane apart from the stopped emergency vehicle. If moving into another lane is not possible, then the driver shall reduce his or her speed and exercise due care and caution or proceed as directed by a peace officer.

A violation of this section for a first offense is an infraction and for a second or subsequent offense is a Class IIIA misdemeanor. Enforcement of this section is not required for simulated situations involving an authorized emergency vehicle.

In addition, the Department of Roads is required to erect and maintain signs giving notice of this section along controlled-access highways. The section does not become effective until such signs are posted.

The driver of the emergency vehicle is not relieved of the duty to drive with due regard for the safety of all persons using the highway.

An authorized emergency vehicle includes vehicles operated by the Department of Roads, State Patrol, or U.S. Department of Transportation towing or roadside assistance vehicles. The vehicles shall emit a warning emergency light signal.

Explanation of amendments, if any:

The committee amendment, AM2084, strikes Section 2, subsection (2) of the original bill. The Department of Roads will not be required to erect and maintain signs giving notice of the requirement to move over when passing emergency vehicles

Senator Deb Fischer, Chairperson