

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 81*

Short Title: Move Over Law/Increase Penalties. (Public)

Sponsors: Representative Jones.

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary Subcommittee on Criminal Matters, if favorable, Judiciary, if favorable, Finance, if favorable, Transportation, if favorable, Appropriations, if favorable, Rules, Calendar, and Operations of the House

February 14, 2019

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE PENALTIES FOR VIOLATION OF THE MOVE OVER LAW.

The General Assembly of North Carolina enacts:

SECTION 1. This act shall be known and may be cited as the "Officer Jason Quick Act."

SECTION 2. G.S. 20-157 reads as rewritten:

"§ 20-157. Approach of law enforcement, fire department or rescue squad vehicles or ambulances; driving over fire hose or blocking fire fighting equipment; parking, etc., near law enforcement, fire department, or rescue squad vehicle or ambulance.

...

(f) When an authorized emergency vehicle as described in subsection (a) of this section or any public service vehicle is parked or standing within 12 feet of a roadway and is giving a warning signal by appropriate light, the driver of every other approaching vehicle shall, as soon as it is safe and when not otherwise directed by an individual lawfully directing traffic, do one of the following:

...

For purposes of this section, "public service vehicle" means a vehicle that (i) is being used to assist motorists or law enforcement officers with wrecked or disabled vehicles, (ii) is being used to install, maintain, or restore utility service, including electric, cable, telephone, communications, and gas, (iii) is being used in the collection of refuse, solid waste, or recycling, or (iv) is a highway maintenance vehicle owned and operated by or contracted by the State or a local government and is operating an amber-colored flashing light authorized by G.S. 20-130.2. Violation of this subsection shall be negligence per se. Violation of this subsection is a Class 2 misdemeanor.

(g) Except as provided in subsections (a), (f), (h), and (i) of this section, violation of this section shall be an infraction punishable by a fine of two hundred fifty dollars (\$250.00).

(h) A person who violates this section and causes damage to property in the immediate area of the authorized emergency vehicle or public service vehicle in excess of five hundred dollars (\$500.00), or causes injury to a law enforcement officer, a firefighter, an emergency vehicle operator, an Incident Management Assistance Patrol member, a public service vehicle operator, or any other emergency response person in the immediate area of the authorized emergency vehicle or public service vehicle is guilty of a ~~Class 1 misdemeanor~~. Class I felony.



1 (i) A person who violates this section and causes serious injury or death to a law
2 enforcement officer, a firefighter, an emergency vehicle operator, an Incident Management
3 Assistance Patrol member, a public service vehicle operator, or any other emergency response
4 person in the immediate area of the authorized emergency vehicle or public service vehicle is
5 guilty of a ~~Class I~~ Class F felony. The Division may suspend, for up to six months, the drivers
6 license of any person convicted under this subsection. If the Division suspends a person's license
7 under this subsection, a judge may allow the licensee a limited driving privilege for a period not
8 to exceed the period of suspension, provided the person's license has not also been revoked or
9 suspended under any other provision of law. The limited driving privilege shall be issued in the
10 same manner and under the terms and conditions prescribed in G.S. 20-16.1(b)."

11 **SECTION 3.** This act becomes effective December 1, 2019, and applies to offenses
12 committed on or after that date.