

**ONE HUNDRED FIRST LEGISLATURE - FIRST SESSION - 2009**  
**COMMITTEE STATEMENT**  
**LB92**

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**Hearing Date:** Tuesday January 20, 2009  
**Committee On:** Transportation and Telecommunications  
**Introducer:** Howard  
**One Liner:** Require vehicles to move over upon approach of stopped emergency vehicles

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

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**Vote Results:**

<b>Aye:</b>	7	Senators Campbell, Fischer, Gay, Hadley, Janssen, Lautenbaugh, Louden
<b>Nay:</b>		
<b>Absent:</b>		
<b>Present Not Voting:</b>	1	Senator Stuthman

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**Proponents:**

Senator Gwen Howard  
David Engler  
Bruce Beins  
Tom Bartek  
Rose White  
William Lundy  
Bill Bowes

Korby Gilbertson  
Jack Cheloha  
Russell Tice  
Charles Graham  
JoAnne Hitz  
Susan Jacobus

**Representing:**

Introducer  
Nebraska Professional Firefighters Association  
Nebraska EMS Association (NEMSA)  
Omaha Professional Firefighters  
AAA Nebraska  
Nebraska State Volunteer Firefighters Association  
Nebraska State Volunteer Firefighters Association,  
Nebraska Municipal Fire Chiefs, Papillion Fire  
Department  
State Troopers Association of Nebraska  
City of Omaha  
Metro Area Motorist Assist Program  
Motorist Assist  
Professional Towers Association of Nebraska  
National Association of Emergency Medical Technicians  
(NAEMT)

**Opponents:**

**Representing:**

**Neutral:**

**Representing:**

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**Summary of purpose and/or changes:**

LB 92 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 amends § 60-6,151 to require 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

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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.

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**Explanation of amendments:**

The committee amendment, AM 305, replaces the original sections and becomes the bill. The amendment makes one significant change by expanding the scope of vehicles that motorists are required to move over for. In addition to proceeding with due care and caution when approaching or passing a stopped authorized emergency vehicle, the amendment requires a driver to use the same care when approaching or passing a road assistance vehicle.

The amendment provides a definition of road assistance vehicle to include a vehicle operated by the Department of Roads, a State Patrol motorist assistance vehicle, or a U.S. Department of Transportation registered towing or roadside assistance vehicle. A vehicle under this definition is required to emit a warning signal through properly displayed emergency indicators.

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Deb Fischer, Chairperson