

I MINA' TRENTA NA LIHESLATURAN GUÅHAN
2009 (FIRST) Regular Session

2009 OCT 16 PM 2:12

WUW

Bill No. 262-30 (COR)

Introduced by:

Telo Taitague
T. C. Ada
A. B. Palacios

**AN ACT TO ADD A NEW ARTICLE 8 TO CHAPTER 3 16GCA
RELATIVE TO CREATING *MOVE OVER* REQUIREMENTS
TO MAKE GUAM'S ROADS SAFER.**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1.** A new Article 8 is *added* to Chapter 3 of 16GCA to read as
3 follows:

4 **“Article 8**

5
6 **Move Over Requirements**

7
8 **§3800. Short Title.** This Article may be cited as the *Move Over Act*.

9
10 **§3801. Legislative Findings.** *I Liheslaturan Guåhan* finds that nearly every State
11 in the nation has enacted *Move Over* laws. A *Move Over* law typically requires
12 motorists to change lanes and/or slow down when approaching an authorized
13 emergency vehicle that is parked or otherwise stopped on a roadway. Although
14 these general requirements are consistent, State *Move Over* laws differ
15 significantly in the specific provisions defining when drivers are obligated to take
16 action and what action they are required to take.

17

1 The National Highway Traffic Safety Administration (NHTSA) and the National
2 Conference of State Legislatures recommend that State Move Over laws contain
3 (1) a provision that requires drivers to reduce speed when approaching an accident
4 scene, (2) a requirement that, if possible, to change lanes to the farthest lane from
5 the accident and (3) provide strong sentencing enhancement for those that injure
6 or cause injury to anyone tending to accident scenes.

7
8 It is the intent of *I Liheslatura* to make Guam’s road safer by implementing a
9 *Move Over* law.

10
11 **§3802. Definitions.**

12
13 *Emergency Scene:* An emergency scene is a location designated by the potential
14 need to provide emergency medical care and is identified by emergency vehicles
15 with flashing lights, rescue equipment, or emergency personnel on the scene.

16
17 *Emergency Vehicle:* For purposes of this section emergency vehicle means any
18 ambulance, police, fire, rescue, recovery, or towing vehicle to a traffic incident.

19
20 *Emergency services personnel* means fire, police, or emergency medical services
21 personnel (EMS) responding to an emergency incident.

22
23 **§3803. Road User Duties Approaching Incidents**

24 (1) When in or approaching an incident, every driver shall maintain a speed no
25 greater than is reasonable and prudent under the conditions, including actual
26 and potential hazards then existing.

1 (2) When in or approaching an incident area, every driver shall obey the
2 directions of any authorized official directing traffic and all applicable traffic
3 control devices.

4 (3) Except for emergency vehicles in the incident area, when in or approaching
5 an incident area every driver shall reduce speed and vacate any lane wholly or
6 partially blocked.

7 (4) The driver of a vehicle shall ensure that the vehicle is kept under control
8 when approaching or passing an emergency scene or authorized emergency
9 vehicle stopped on or near the right-of-way of a street or highway with
10 emergency lights flashing. The exercise of control required for a driver to
11 comply with this section is that control possible and necessary by the driver to
12 prevent a collision, to prevent injury to persons or property, and to avoid
13 interference with the performance of emergency duties by emergency personnel
14

15 **§3804. Driver's Responsibility to Change Lanes.** Upon approaching a
16 stationary emergency vehicle or police vehicle that is displaying visible signals of
17 flashing or rotating amber, blue, red, or green lights, the operator of the
18 approaching vehicle shall:

19 (a) reduce the vehicle's speed, proceed with caution, and, if possible
20 considering safety and traffic conditions, move to a lane that is not adjacent
21 to the lane in which the emergency vehicle or police vehicle is located or
22 move as far away from the emergency vehicle or police vehicle as possible,
23 or

24 (b) if changing lanes is not possible or is determined to be unsafe, reduce
25 the vehicle's speed, proceed with caution, and maintain a reduced speed,

1 appropriate to the road and the conditions, through the area where the
2 emergency vehicle or police vehicle is stopped.

3
4 **§3805. Penalties.** If a violation of this section results in a serious injury or death
5 to another person, in addition to any other penalty imposed by Public Law, the
6 violator's driver's license shall be suspended for a period of at least one (1) year
7 and not more than (5) years. Violators may be sentenced, in addition to any other
8 penalty imposed by Public Law, to an additional term of imprisonment of up to ten
9 (10) years or an additional fine of up to Twenty Thousand Dollars (\$20,000) or
10 both.

11
12 **§3806. Driver Awareness.** The Department of Revenue and Taxation shall
13 provide an educational awareness campaign informing the motoring public about
14 the *Move Over Act*. The department shall provide information about the *Move*
15 *Over Act* in all newly printed driver's license educational materials after the
16 effective date of this Article.

17
18 **§3807. Effective Date and Implementation.** This Article shall be effective
19 Ninety (90) Days after the date of enactment. All provisions of Public Law
20 inconsistent with the provisions of this Article on the effective date are considered
21 repealed.

22
23 **§3808. Severability.** *If* any provision of this Act or its application to any person or
24 circumstances is held invalid, the invalidity shall *not* affect other provisions or

1 applications of this Act which can be given effect without the invalid provision or
2 application, and to this end the provisions of this Act are severable.”