

*I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN*  
2014 (SECOND) Regular Session

Bill No. 277-32 (CR)

Introduced by:

Brant T. McCreadie 

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**AN ACT TO ADD A NEW SECTION 3349 TO ARTICLE 3,  
CHAPTER 3, TITLE 16 OF THE GUAM CODE ANNOTATED  
RELATIVE TO THE DUTIES OF DRIVERS WHEN  
APPROACHING STATIONARY VEHICLES DISPLAYING  
EMERGENCY OR WARNING LIGHTS.**

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

**Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that forty-eight (48) states have enacted “Move Over” laws. “Move Over” laws require motorists to change lanes and give safe clearance to vehicles on the side of the road that are responding to traffic stops or emergencies. If drivers are unable to change lanes or the width of the roads prohibit the execution of a lane change, they must slow to predetermined speed below the posted limit. Law enforcement officers are generally empowered to issue citations if these regulations are not followed.

*I Liheslaturan Guåhan* understands the dangers faced by law enforcement officers and the safety issues presented to emergency responders, tow truck operators and other related personnel as they respond to roadside situations. Therefore, it is the intent of *I Liheslaturan Guåhan* to ensure roadside conditions are made safer for individuals and vehicles involved with responding to roadside situations including, but not limited to, traffic stops and accidents by requiring motorists to exercise caution when approaching stationary vehicles.

1           **Section 2.** A new Section 3349 is hereby added to Article 3, Chapter 3, Title 16  
2 of the Guam Code Annotated to read:

3           “§3349. Duties of Driver When Approaching Stationary Vehicles  
4 Displaying Emergency or Warning Lights.

5           (1) When an authorized emergency vehicle is stationary and making use  
6 of emergency flashing lights for the purpose of performing duties in accordance  
7 with Title 10 of the Guam Code Annotated, or a tow truck is stationary and  
8 making the use of emergency flashing lights for the purpose of providing  
9 services or performing duties in accordance with Chapter 12, Title 16 of the  
10 Guam Code Annotated, the driver of an approaching vehicle shall vacate, in no  
11 less than one hundred (100) feet before approaching said emergency vehicle or  
12 tow truck, the lane closest to it when driving on a public road or highway with  
13 two or more lanes. If such movement cannot be safely accomplished, the driver  
14 shall reduce speed to no more than ten (10) miles per hour until the driver has  
15 passed at least fifty (50) feet from the emergency vehicle or tow truck, unless  
16 otherwise directed by a peace officer.

17           (2) Any individual violating this Section shall be guilty of an infraction,  
18 punishable by a fine of one hundred dollars (\$100.00). All monies collected  
19 under this Section shall be deposited into the Police Services Fund.

20           (3) The Guam Police Department shall be responsible for providing an  
21 educational awareness campaign informing the public of the provisions of this  
22 Section.

23           (4) This Section does not relieve the driver of an authorized emergency  
24 vehicle or tow truck from the duty to drive with due regard for the safety of all  
25 persons and vehicles using public roads and highways.”

1           **Section 3. Enactment.** The provisions of this Act shall become effective  
2 immediately upon enactment.

3           **Section 4. Severability.** *If* any provision of this Law or its application to any  
4 person or circumstance is found to be invalid or contrary to law, such invalidity shall  
5 *not* affect other provisions or applications of this Law which can be given effect  
6 without the invalid provisions or application, and to this end the provisions of this  
7 Law are severable.