

Bill as
Introduced

HB 1235 - AS INTRODUCED

2008 SESSION

08-2364

03/05

HOUSE BILL **1235**

AN ACT relative to motorist duties when approaching highway emergencies.

SPONSORS: Rep. Packard, Rock 3; Sen. Letourneau, Dist 19

COMMITTEE: Transportation

ANALYSIS

This bill requires drivers to give wide berth to emergency road service vehicles when approaching highway emergencies.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~(in brackets and struck through)~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eight

AN ACT relative to motorist duties when approaching highway emergencies.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Motorist Duties When Approaching Highway Emergencies; Emergency Road Service Vehicles.

2 Amend RSA 265:37-a, IV to read as follows:

3 IV. Give a wide berth, without endangering oncoming traffic, to public safety personnel,

4 ~~and~~ any persons in the roadway, **and marked emergency road service vehicles.** *that are put*

5 2 Effective Date. This act shall take effect January 1, 2009.

pulled over.

Amendments

Rep. M. Allen, Rock. 11
February 1, 2008
2008-0374h
03/01

Amendment to HB 1235

1 Amend the bill by replacing all after the enacting clause with the following:

2
3 1 Motorist Duties When Approaching Highway Emergencies; Emergency Road Service Vehicles.
4 Amend RSA 265:37-a, IV to read as follows:

5 IV. Give a wide berth, without endangering oncoming traffic, to public safety personnel,
6 [and] any persons in the roadway, *and stationary vehicles displaying blue, red, or amber*
7 *emergency lights.*

8 2 Effective Date. This act shall take effect January 1, 2009.

Amendment to HB 1235

- Page 2 -

2008-0374h

AMENDED ANALYSIS

This bill requires drivers to give wide berth to stationary vehicles displaying emergency lights when approaching highway emergencies.

Speakers

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 12.35 Date Jan. 24, 2008
Committee TRANSPORTATION

**** Please Print All Information ****

[illegible]

Hearing Minutes

HOUSE COMMITTEE ON TRANSPORTATION

PUBLIC HEARING ON HB 1235

BILL TITLE: relative to motorist duties when approaching highway emergencies.

DATE: January 24, 2008

LOB ROOM: 203 **Time Public Hearing Called to Order:** 10:08 a.m.

Time Adjourned: 10:25 a.m.

(please circle if present)

Committee Members: Reps. Ryan, R. Williams, P. Cote, Ferland, Jennifer Brown, C. Pennington Brown, Cunningham, Estes, Ingersoll, Nagle, O'Brien, Nedeau, G. Katsakiores, Packard, J. Flanders, Bergeron, M. Allen, Bergin and Dalrymple.

Bill Sponsors: Rep. Packard, Rock 3; Sen. Letourneau, Dist 19

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Ingersoll. Introduced the bill on behalf of Rep. Packard.

*Patrick Moody, AAA, Northern New England. Supports the bill. See Exhibit 1a and 1b. Offers an amendment (Exhibit 1b)

John Beaglund, self and NH Towing Assoc. Supports the bill. Would like to see bill amended to have included "tow truck."

Stuart Stone, VP NH Towing Assoc. and owns a body shop. Supports the bill. Would also like to have "tow truck" included in bill.

*Kevin O'Brien, DOS. Supports the bill. See Exhibit 2. Would like to include "tow trucks" and State and Municipal DOT vehicles in amendment.

*Anthony DiBlasi, AAA Northern New England. Supports the bill, in particular "tow operators." See Exhibit 3.

Respectfully submitted,



Peter Bergin,
Clerk

HOUSE COMMITTEE ON TRANSPORTATION

PUBLIC HEARING ON HB 1235

BILL TITLE: relative to motorist duties when approaching highway emergencies.

DATE: 11/24/2008

LOB ROOM: 203

Time Public Hearing Called to Order: 10:05

Time Adjourned: 10:25

(please circle if present)

Committee Members: Reps. Ryan, R. Williams, P. Cote, Ferland, Jennifer Brown, C. Pennington Brown, Cunningham, Estes, Ingersoll, Nagle, O'Brien, Nedean, G. Katsakiores, Packard, J. Flanders, Bergeron, M. Allen, Bergin and Dalrymple.

Bill Sponsors: Rep. Packard, Rock 3; Sen. Letourneau, Dist 19

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted. behalf

- ① Rep: Ingersoll: introduced the bill on behalf of Rep Packard
- *② Patrick Moody represents Triple A See Exhibit 1a & 1b supports the bill, offers a amendment (Exhibit 1b).
- ③ John Beaglund, represents self and NH Towing Assoc. would like see bill amended to have "include" tow truck."
- ④ Stuart Stone: owns a ~~auto~~ body shop and is VP NH Towing Assoc. supports the bill. Would also like to have "tow truck" included in bill.
- *⑤ Kern O'Brien DOS, See Exhibit 2 Support Bill would ^{like to} include "tow trucks" and state and municipal DOT vehicles in amendments
- ⑥ *Anthony D. Blas, ~~Triple~~ represents Triple A, Northern supports bill, in particular "tow operators" See Exhibit 3

Sub-Committee Minutes

HOUSE COMMITTEE ON TRANSPORTATION
SUBCOMMITTEE WORK SESSION ON HB 1235

BILL TITLE: relative to motorist duties when approaching highway emergencies.

DATE: February 12, 2008

Subcommittee Members: Reps. Allen, Bergeron

Comments and Recommendations: OTP/A

Amendments:

Sponsor: Rep. Allen	OLS Document #:	2008	0374h
Sponsor: Rep.	OLS Document #:		
Sponsor: Rep.	OLS Document #:		

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep.
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON TRANSPORTATION
SUBCOMMITTEE WORK SESSION ON HB 1235

BILL TITLE: relative to motorist duties when approaching highway emergencies.

DATE: 2/12/08

Subcommittee Members: Reps. *Allan Bergeron*

Comments and Recommendations: *OTP/A*

Amendments:

Sponsor: Rep. *Allan*

OLS Document #: *03746*

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep.
Subcommittee Chairman/Clerk

Amendment to HB 1235

1 Amend the bill by replacing all after the enacting clause with the following:

2

3 1 Motorist Duties When Approaching Highway Emergencies; Emergency Road Service Vehicles.

4 Amend RSA 265:37-a, IV to read as follows:

5 IV. Give a wide berth, without endangering oncoming traffic, to public safety personnel,
6 [and] any persons in the roadway, *and stationary vehicles displaying blue, red, or amber*
7 *emergency lights.*

8 2 Effective Date. This act shall take effect January 1, 2009.

Amendment to HB 1235

- Page 2 -

2008-0374h

AMENDED ANALYSIS

This bill requires drivers to give wide berth to stationary vehicles displaying emergency lights when approaching highway emergencies.

Testimony

Exhibit 1a

Chairman Ryan

House Transportation Committee: Concord NH LOB 203 January 24th 10:00
RE: HB1235 AN ACT relative to motorist duties when approaching highway emergencies.

Good Morning, Mr. Chair and members of the committee, thank you for your time today. My name is Pat Moody, and I am the Manager of Public Relations for AAA Northern New England. Representing nearly 1 million members in Maine, New Hampshire and Vermont on state advocacy efforts on a range of transportation safety issues. Today, I come before you in support of HB 1235 to help protect our fleet drivers and network of emergency road service contractors.

AAA requested to have the bill introduced and strongly endorses HB 1235. AAA has no greater responsibility than to help safeguard motorists who are stranded on the roadside, as well as those who work everyday to protect them. For this reason, we have joined forces with nation's first-responders in a year long public information and legislative campaign aimed at reducing deaths and injuries among roadside workers and stranded motorists.

AAA has launched a full-scale blitz to support Move Over Laws. Our efforts consist of a national public awareness campaign that will include the use of public safety announcements and other publicity efforts. Our multi-prong approach includes lobbying for laws that include towers as well as educating the public about the dangers facing roadside personnel.

In 2005, 390 workers were killed in struck-by incidents, according to the National Institute for Occupational Safety and Health (NIOSH), accounting for seven percent of all fatal occupational injuries. Our best estimates are that somewhere between 60 and 100 tow truck drivers lose their lives in the United States every year while rendering roadside assistance to motorists along busy highways.







Motorists in 41 states are required to "move over" when they see the flashing lights of an emergency vehicle on the roadside, yet public awareness remains low. Just 24 states have laws that specifically include provisions for tow trucks or other roadside assistance vehicles. Maine upgraded their move over law in 2007 to include tow trucks and Vermont's also includes tow trucks in their law.

Those who provide roadside assistance are often called out late at night and during the worst of conditions to aid and protect people from danger. Please support this bill and help protect our emergency road service personnel.


"MOVE-OVER-LAWS" CHART
As of 12/3/2007

[illegible]

"MOVE-OVER-LAWS" CHART
Aug 12/32/99?

State	Policies/EMS/ Fire	Tow Trucks	Code	Summary
New York				Legislation pending in Assembly – requires drivers to use due care not to collide with stationary emergency vehicles. ASOC403 Link: http://assembly.state.ny.us/bills/2008/ASOC403
North Carolina			20-157	Requires drivers to reduce speed and vacate lane closest to stationary emergency vehicle (July 1, 2008) – identifies emergency vehicles as police, fire, rescue or ambulance Link: http://www.ncleg.gov/Legislative/committees/subcommittees/transportation/2008-2009/20-157.html
North Dakota			39-10-29	Requires drivers to reduce speed and vacate lane closest to stationary emergency vehicle. Link: http://www.ndcourts.net/courts/courtorder/ASC10.pdf
Ohio			4511.213	Requires drivers to vacate lane closest to stationary emergency vehicle Link: http://codes.ohio.gov/orc/4511.213
Oklahoma			47-11-314	Requires drivers to vacate lane closest to stationary emergency vehicle Link: http://legisweb.ok-state.gov/statutes/47/47-11/47-11-314.html
Oregon			811.147	Requires drivers to vacate lane closest to stationary emergency vehicle Link: http://www.leg.state.or.us/orsb/811.html

"MOVE-OVER-LAWS" CHART
As of 12/31/2007

State	Police/EMS/ Fire	Tow Trucks	Code	Summary
Wyoming			31-5-224	Requires drivers to vacate lane closest to stationary emergency vehicle. Link: http://www.wy.gov/transportation/traffic/lane-changing.htm
Total	41	25		

Proposed Amendment to HB 1235

Amend RSA 265:37-a to read as follows:

IV. Reduce speed and give a wide berth, without endangering oncoming traffic, to public safety personnel, any persons in the roadway, and vehicles displaying amber, red or blue emergency lights.

a

Exhibit 2

**New Hampshire Department of Safety
Legislative Position Paper
Date: January 24, 2008**

Bill Title: *Motorist duties when approaching highway emergencies*

Testimony before: **Transportation**

LSR#: 08-2364

BILL#: HB 1235

AMENDMENTS:

SAFETY'S POSITON

☐

SUPPORT

☐

OPPOSE

☐

NO POSITION

☒

REQUEST AMENDMENT/ADDITION

☐

REQUEST INFORMATION

As proposed, the Bill is intended to do the following:

This amends the "move over" law that was passed two years ago to provide that motorists must move over and give a wide berth without endangering oncoming traffic, to public safety workers and any persons in the roadway. It was introduced to address the many deaths that are occurring to police officers, firefighters and EMT's when stopped in the roadway at a traffic stop or at the scene of an accident, or guarding a construction zone.

This bill would expand that provision to cover marked emergency road service vehicles such as the service vehicles DOT intends to deploy during the widening of I-93. We think this bill makes sense and since there is some question whether emergency road service vehicles would include tow trucks, we would recommend adding tow trucks and towing personnel, and state and local department of transportation vehicles and personnel.

Exhibit 3

My name is Tony DiBlasi, I am the Fleet Training Coordinator at AAA Northern New England. I have been with the organization for the last 11 years.

I am responsible for training a department of 65 road-service Providers across Maine and New Hampshire. I also on occasion develop and deliver training to our contractor network.

It is my job to make sure our providers are safe, and that they have the skills necessary to effectively manage risk when working on a road side. Often times training and equipment are not enough.

I want to protect our employees, contractors, and all road service providers as much as possible.

I am an example of why this law is necessary. In the winter of 2001 while pulling a vehicle out of an interstate median during a snowstorm, I was struck.

The driver of the vehicle did not feel that it was necessary to move over, he tried to squeeze between my service unit and the rest of the traffic.

I am so very lucky that I was standing in the right place and that the impact sent me into a snow bank cushioning my fall. I consider that a near miss. Many others have not been so lucky.

It is important to remember that we are not only sent out to render service to a disabled vehicle, but to the occupants of that vehicle. Often times we are faced with escorting families from their car to our truck.

This law needs to be in place, not only for our safety as road service providers, but for the safety of the general public.

Thank you for your time and your consideration. (*Questions*)

Voting Sheets

HOUSE COMMITTEE ON TRANSPORTATION

EXECUTIVE SESSION on HB 1235

BILL TITLE: relative to motorist duties when approaching highway emergencies.

DATE: February 12, 2008

LOB ROOM: 203

Amendments: OTP 14-0

Sponsor: Rep. Packard OLS Document #: 2008 0374h

Sponsor: Rep. Flanders OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Packard

Seconded by Rep. Flanders

Vote: 14-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Peter F. Bergin, Clerk

HOUSE COMMITTEE ON TRANSPORTATION

EXECUTIVE SESSION on HB 1235

BILL TITLE: relative to motorist duties when approaching highway emergencies.

DATE: 2/12/08

LOB ROOM: 202

Amendments:

OTP - 14-0

Sponsor: Rep. Packard

OLS Document #: 0374h

Sponsor: Rep. Flanders

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

14-0

Moved by Rep. Packard

Seconded by Rep. Flanders

Vote: (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Peter F. Bergin, Clerk

TRANSPORTATION

Bill #: 1235 Title: relative to motorist duties when approaching highway emergencies
 PH Date: 1/24/08 Exec Session Date: 2/12/08

Motion: OTP/A Amendment #: 0374h

MEMBER	YEAS	NAYS
Ryan, Jim, Chairman	✓	
Williams, Robert W, V Chairman	✓	
Cote, Peter R		
Ferland, Brenda L		
Brown, Jennifer M	✓	
Brown, C. Pennington	✓	
Cunningham, Howard N	✓	
Estes, Carole J	✓	
Ingersoll, Paul H	✓	
Nagle, Maureen A		
O'Brien, Michael B	✓	
Nedeau, Stephen H	✓	
Katsakiores, George N	✓	
Packard, Sherman A	✓	
Flanders, John W	✓	
Bergeron, Jean-Guy J	✓	
Allen, Mary M		
Bergin, Peter F, Clerk	✓	
Dalrymple, David C		
	14	0
TOTAL VOTE:		
Printed: 12/18/2007		

Bill #: 1235Title: relative to motorist duties when approaching
highway emergenciesPH Date: 1. 124 108Exec Session Date: 2 112 108Motion: OTPAmendment #: 0374h

MEMBER	YEAS	NAYS
Ryan, Jim, Chairman	✓	
Williams, Robert W, V Chairman	✓	
Cote, Peter R		
Ferland, Brenda L		
Brown, Jennifer M	✓	
Brown, C. Pennington	✓	
Cunningham, Howard N	✓	
Estes, Carole J	✓	
Ingersoll, Paul H	✓	
Nagle, Maureen A		
O'Brien, Michael B	✓	
Nedeau, Stephen H	✓	
Katsakiores, George N	✓	
Packard, Sherman A	✓	
Flanders, John W	✓	
Bergeron, Jean-Guy J	✓	
Allen, Mary M		
Bergin, Peter F	✓	
Dalrymple, David C		
	14	0
TOTAL VOTE:		
Printed: 1/9/2007		

Committee Report

CONSENT CALENDAR

February 13, 2008

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on TRANSPORTATION to which was referred HB1235,

AN ACT relative to motorist duties when approaching highway emergencies. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. Sherman A Packard

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	TRANSPORTATION
Bill Number:	HB1235
Title:	relative to motorist duties when approaching highway emergencies.
Date:	February 13, 2008
Consent Calendar:	YES
Recommendation:	OUGHT TO PASS WITH AMENDMENT

STATEMENT OF INTENT

This bill clarifies what emergency vehicles will be given a wide berth when passing such a vehicle. Any stationary vehicle displaying blue, red, or amber lights shall be included.

Vote 14-0.

Rep. Sherman A Packard
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

TRANSPORTATION

HB1235, relative to motorist duties when approaching highway emergencies. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sherman A Packard for TRANSPORTATION. This bill clarifies what emergency vehicles will be given a wide berth when passing such a vehicle. Any stationary vehicle displaying blue, red, or amber lights shall be included. **Vote 14-0.**

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

COMMITTEE:

Transportation

BILL NUMBER:

1235

TITLE:

relative to motorist duties when approaching
highway emergency

DATE:

2/12/08

CONSENT CALENDAR: YES ☒ NO ☐

- ☐ OUGHT TO PASS
- ☒ OUGHT TO PASS W/ AMENDMENT
- ☐ INEXPEDIENT TO LEGISLATE
- ☐ RE-REFER
- ☐ INTERIM STUDY (Available only 2nd year of biennium)

Amendment No.

STATEMENT OF INTENT:

This Bill clarifies what emergency vehicles
will be given a wide berth when
passing such a vehicle. Any stationary
vehicle displaying blue, red, or amber
lights shall be included.

COMMITTEE VOTE:

14-0

- Copy to Committee Bill File
- Use Another Report for Minority Report

RESPECTFULLY SUBMITTED,

Rep. Sherman Pichard
For the Committee

Committee Report

HB 1235 OTPw/A # 0374h 14-0 Consent Calendar

This bill clarifies what emergency vehicles will be given a wide berth when passing such a vehicle. Any stationary vehicle displaying blue, red, or amber lights shall be included.

For the committee,

Sherman Packard

A handwritten signature in black ink, appearing to be 'SP', with a long horizontal stroke extending to the right.