

[First Reprint]

**ASSEMBLY, No. 1179**

**STATE OF NEW JERSEY**  
**213th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

**Sponsored by:**

**Assemblywoman SHEILA Y. OLIVER**

**District 34 (Essex and Passaic)**

**Assemblywoman JOAN M. QUIGLEY**

**District 32 (Bergen and Hudson)**

**Assemblyman JAMES W. HOLZAPFEL**

**District 10 (Monmouth and Ocean)**

**Assemblywoman LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**Co-Sponsored by:**

**Assemblywomen Vainieri Huttel, Wagner, Assemblymen Giblin, Ramos, Vas, Scalera, Conners, Gusciora, Assemblywoman Love and Assemblyman Chiappone**

**SYNOPSIS**

Imposes conditions on drivers approaching stopped emergency vehicles, tow trucks or highway maintenance vehicles displaying flashing lights.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Law and Public Safety Committee on May 5, 2008, with amendments.

**(Sponsorship Updated As Of: 12/9/2008)**

1 AN ACT concerning motor vehicle operators and supplementing  
2 chapter 4 of Title 39 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. a. The operator of a motor vehicle approaching a stationary  
8 authorized emergency vehicle as defined in R.S.39:1-1 that is  
9 displaying a flashing, blinking or alternating red <sup>1</sup>or blue<sup>1</sup> light <sup>1</sup>, or  
10 any configuration of lights containing one of these colors.<sup>1</sup> shall  
11 approach the authorized emergency vehicle with due caution and  
12 shall, absent any other direction by a law enforcement officer,  
13 proceed as follows:

14 (1) Make a lane change into a lane not adjacent to the authorized  
15 emergency vehicle if possible in the existing safety and traffic  
16 conditions; or

17 (2) If a lane change pursuant to paragraph (1) of subsection a. of  
18 this section would be impossible, prohibited by law or unsafe,  
19 reduce the speed of the motor vehicle to a reasonable and proper  
20 speed for the existing road and traffic conditions, which speed shall  
21 be less than the posted speed limit, and be prepared to stop.

22 b. The operator of a motor vehicle approaching a stationary  
23 tow truck as defined in section 1 of P.L.1999, c.396 (C.39:3-84)  
24 that is displaying a flashing amber light or a stationary highway  
25 maintenance or emergency service vehicle that is operated by the  
26 State, an authority or a county or municipality and displaying  
27 flashing yellow, amber, or red lights shall approach the vehicle with  
28 due caution and shall, absent any other direction by a law  
29 enforcement officer, proceed as follows:

30 (1) Make a lane change into a lane not adjacent to the tow truck  
31 or highway maintenance or emergency service vehicle if possible in  
32 the existing safety and traffic conditions; or

33 (2) If a lane change under paragraph (1) of subsection b. of this  
34 subsection would be impossible, prohibited by law or unsafe,  
35 reduce the speed of the motor vehicle to a reasonable and proper  
36 speed for the existing road and traffic conditions, which speed shall  
37 be less than the posted speed limit, and be prepared to stop.

38 c. A violation of this section shall be punished by a fine of not  
39 less than \$100 and not more than \$500.

40

41 2. This act shall take effect immediately.

**EXPLANATION** – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly ALP committee amendments adopted May 5, 2008.