

HOUSE No. 5163

Text of an amendment offered by Mr. DeLeo of Winthrop to the Senate Bill relative to operating a motor vehicle when approaching stationary emergency vehicles (Senate, No. 2103, amended). December 11, 2008.



The Commonwealth of Massachusetts

In the Year Two Thousand and Eight.

Striking out all after the enacting clause and inserting in place thereof the following:—

“SECTION 1. Chapter 89 of the General Laws is hereby amended by inserting after section 7B the following section:-

Section 7C. (a) As used in this section the following words shall, unless the context clearly requires otherwise, have the following meanings:

‘Emergency response vehicle’, a fire apparatus, police vehicle, ambulance, or disaster vehicle.

‘Highway maintenance vehicle’, a vehicle used for the maintenance of highways and roadways: (1) that is owned or operated by the executive office of transportation and public works, a county, a municipality or any political subdivision thereof; or (2) that is owned or operated by a person under contract with the executive office of transportation and public works, a county, a municipality or any political subdivision thereof.

‘Operator’, any person who operates a motor vehicle as defined in section 1 of chapter 90.

‘Person’, a natural person, corporation, association, partnership or other legal entity.

‘Recovery vehicle’ a vehicle that is specifically designed to assist a disabled vehicle or to tow a disabled vehicle.

(b) Upon approaching a stationary emergency vehicle, highway maintenance vehicle or recovery vehicle with flashing lights an operator shall:

(1) proceed with due caution, reduce the speed of the vehicle to that of a reasonable and safe speed for road conditions, and, if practicable and on a highway having at least 4 lanes with not less than 2 lanes proceeding in the same direction as the operator's vehicle, yield the right-of-way by making a lane change into a lane not adjacent to that of the emergency response vehicle, highway maintenance vehicle or recovery vehicle; or

(2) if changing lanes is impracticable, proceed with due caution and reduce the speed of the vehicle to that of a reasonable and safe speed for road conditions.

(c) Violation of this section shall be punished by a fine of not more than \$100.”.