

**CHAPTER NO. 384**

**HOUSE BILL NO. 1023**

**By Representative Fowlkes**

**Substituted for: Senate Bill No. 1587**

**By Senator Cooper**

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 8, Part 1, relative to rules of the road.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-8-132, is amended by deleting subsection (b) in its entirety and by substituting instead the following:

(b) Upon approaching a stationary authorized emergency vehicle, when such vehicle is giving a signal by use of flashing lights, a person who drives an approaching vehicle shall:

(1) Proceeding with due caution, yield the right-of-way by making a lane change into a lane not adjacent to that of the authorized emergency vehicle, if possible with due regard to safety and traffic conditions, if on a highway having at least four (4) lanes with not less than two (2) lanes proceeding in the same direction as the approaching vehicle; or

(2) Proceeding with due caution, reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be impossible or unsafe.

(c) Upon approaching a stationary recovery vehicle or a highway maintenance vehicle, when such vehicle is giving a signal by use of authorized flashing lights, a person who drives an approaching vehicle shall:

(1) Proceeding with due caution, yield the right-of-way by making a lane change into a lane not adjacent to the stationary recovery vehicle or the highway maintenance vehicle, if possible with due regard to safety and traffic conditions, if on a highway having at least four (4) lanes with not less than two (2) lanes proceeding in the same direction as the approaching vehicle; or

(2) Proceeding with due caution, reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be impossible or unsafe.

(d) For the purpose of this section unless the context otherwise requires:

(1) "Highway maintenance vehicle" means a vehicle used for the maintenance of highways and roadways in this state and is:

(A) Owned or operated by the department of transportation, a county, a municipality or other political subdivision of this state; or,

(B) Owned or operated by a contractor under contract with the department of transportation, a county, a municipality or other political subdivision of this state.

(2) "Recovery vehicle" means a truck that is specifically designed for towing a disabled vehicle or a combination of vehicles.

(e) A violation of this section is a Class C misdemeanor punishable only by a fine of fifty dollars (\$50.00).

(f) This section shall not operate to relieve the driver of an authorized emergency vehicle, a recovery vehicle or a highway maintenance vehicle from the duty to operate such vehicle with due regard for the safety of all persons using the highway.

SECTION 2. This act shall take effect July 1, 2003, the public welfare requiring it, provided, however, that until July 1, 2004, only warning citations shall be issued for violations of Section 1 and the provisions of subsection (e) shall not be applicable until July 1, 2004.

**PASSED: May 29, 2003**

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

**APPROVED this 23<sup>rd</sup> day of June 2003**

  
PHIL BREDESEN, GOVERNOR