

REFERENCE TITLE: **approaching stationary vehicles; yield right-of-way**

State of Arizona  
Senate  
Forty-ninth Legislature  
Second Regular Session  
2010

# **SB 1138**

Introduced by  
Senator Nelson

**AN ACT**

**AMENDING SECTION 28-775, ARIZONA REVISED STATUTES; RELATING TO MOTOR VEHICLE  
RIGHT-OF-WAY.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-775, Arizona Revised Statutes, is amended to  
3 read:

4 28-775. Authorized emergency vehicles; approaching; following  
5 fire apparatus; passing stationary vehicles;  
6 defensive driving schools; driver license  
7 examinations

8 A. Except when otherwise directed by a police officer, on the  
9 immediate approach of an authorized emergency vehicle **THAT IS** equipped with  
10 at least one lighted lamp exhibiting a red or red and blue light or lens  
11 visible under normal atmospheric conditions from a distance of five hundred  
12 feet to the front of the vehicle and that is giving an audible signal by  
13 siren, exhaust whistle or bell, the driver of another vehicle shall:

14 1. Yield the right-of-way.

15 2. Immediately drive to a position parallel to and as close as  
16 possible to the right-hand edge or curb of the roadway clear of any  
17 intersection.

18 3. Stop and remain in the position prescribed in paragraph 2 of this  
19 subsection until the authorized emergency vehicle has passed.

20 B. An authorized emergency vehicle being operated with activated  
21 emergency lights and siren is exempt from the requirements of this section.

22 C. The driver of a vehicle other than one on official business shall  
23 not follow any fire apparatus traveling in response to a fire alarm closer  
24 than five hundred feet or drive into or park the vehicle within the block  
25 where fire apparatus has stopped in answer to a fire alarm.

26 D. When a police vehicle is giving a visual signal with at least one  
27 lighted red or red and blue light or lens and is giving an audible signal by  
28 siren, the driver of another vehicle:

29 1. Shall not approach or drive parallel to the police vehicle.

30 2. Shall maintain a distance of at least three hundred feet behind any  
31 police vehicle involved in an emergency until the police vehicle moves to the  
32 lane closest to the right-hand edge or curb of the roadway.

33 E. If a person who drives a vehicle approaches a stationary **authorized**  
34 **emergency** vehicle and the **authorized-emergency STATIONARY** vehicle is giving a  
35 signal by displaying alternately flashing ~~red or red and blue~~ lights **OR IS**  
36 **DISPLAYING WARNING LIGHTS**, the person shall do either of the following:

37 1. If on a highway having at least four lanes with at least two lanes  
38 proceeding in the same direction as the approaching vehicle, proceed with due  
39 caution and if possible, with due regard to safety and traffic conditions,  
40 yield the right-of-way by making a lane change into a lane not adjacent to  
41 that of the authorized emergency vehicle.

42 2. If changing lanes would be impossible or unsafe, proceed with due  
43 caution and reduce the speed of the vehicle, maintaining a safe speed for  
44 road conditions.

1           F. This section does not relieve the driver of an authorized emergency  
2 vehicle from the duty to drive with due regard for the safety of all persons  
3 using the highway.

4           G. Defensive driving school courses that are offered by defensive  
5 driving schools operated pursuant to chapter 8, article 7 of this title may  
6 include educational information relating to subsections D and E. The  
7 department may include information relating to subsections D and E in any of  
8 the department's examination, information or education material.