

February 16, 1998

ENGROSSED
SENATE BILL No. 347

DIGEST OF SB 347 (Updated February 16, 1998 12:25 pm - DI 93)

Citations Affected: IC 9-21; IC 10-4; IC 22-14; IC 36-1.

Synopsis: Emergency vehicles and emergency management assistance compact. Requires the operator of a vehicle approaching a stationary emergency vehicle with flashing lights to change lanes or reduce the speed of the vehicle. Enacts the emergency management assistance compact, a compact that Indiana and other states may enter into to provide for: (1) mutual assistance among the party states in managing an emergency or disaster; and (2) cooperation in emergency related exercises, testing, or other training activities. Requires each state that is a party to the compact to formulate specified procedural plans and programs for interstate cooperation. Specifies that the executive director of the fire and building services department has law enforcement authority while investigating the causes and circumstances surrounding a fire or an explosion.

Effective: Upon passage.

**Sipes, Wyss, Craycraft, Jackman,
Meeks**

(HOUSE SPONSORS — COCHRAN, MAHERN, RUPPEL, BODIKER, TINCHER)

January 8, 1998, read first time and referred to Committee on Insurance and Interstate Cooperation.

January 20, 1998, reported favorably — Do Pass.

January 27, 1998, read second time, amended, ordered engrossed.

January 28, 1998, engrossed.

January 29, 1998, read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

February 4, 1998, read first time and referred to Committee on Public Safety.

February 16, 1998, amended, reported — Do Pass.

ES 347—LS 6758/DI 87+



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February 16, 1998

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

ENGROSSED SENATE BILL No. 347

A BILL FOR AN ACT to amend the Indiana Code concerning state police, civil defense, and military affairs.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 9-21-8-35 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 35. (a) Upon the
3 immediate approach of an authorized emergency vehicle, when the
4 person who drives the authorized emergency vehicle is giving audible
5 signal by siren or displaying alternately flashing red, red and white, or
6 red and blue lights, a person who drives another vehicle shall do the
7 following unless otherwise directed by a law enforcement officer:
8 (1) Yield the right-of-way.
9 (2) Immediately drive to a position parallel to and as close as
10 possible to the right-hand edge or curb of the highway clear of any
11 intersection.
12 (3) Stop and remain in the position until the authorized
13 emergency vehicle has passed.
14 (b) **Upon approaching a stationary authorized emergency**
15 **vehicle, when the authorized emergency vehicle is giving signal by**
16 **displaying alternately flashing red, red and white, or red and blue**
17 **lights, a person who drives an approaching vehicle shall:**

ES 347—LS 6758/DI 87+



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- 1 (1) proceeding with due caution, yield the right-of-way by
 2 making a lane change into a lane not adjacent to that of the
 3 authorized emergency vehicle, if possible with due regard to
 4 safety and traffic conditions, if on a highway having at least
 5 four (4) lanes with not less than two (2) lanes proceeding in
 6 the same direction as the approaching vehicle; or
 7 (2) proceeding with due caution, reduce speed of the vehicle,
 8 maintaining a safe speed for road conditions, if changing lanes
 9 would be impossible or unsafe.

10 (b) (c) This section does not operate to relieve the person who drives
 11 an authorized emergency vehicle from the duty to ~~drive~~ **operate the**
 12 **vehicle** with due regard for the safety of all persons using the highway.

13 SECTION 2. IC 10-4-2.5 IS ADDED TO THE INDIANA CODE
 14 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 15 UPON PASSAGE]:

16 **Chapter 2.5. Emergency Management Assistance Compact**

17 **Sec. 1. ARTICLE I—Purpose and authorities.**

18 **This compact is made and entered into by and between the**
 19 **participating member states which enact this compact, hereinafter**
 20 **called party states. For the purposes of this compact, "states"**
 21 **means the several states, the Commonwealth of Puerto Rico, the**
 22 **District of Columbia, and all U.S. territorial possessions.**

23 **The purpose of this compact is to provide for mutual assistance**
 24 **among the states entering into this compact in managing any**
 25 **emergency or disaster that is duly declared by the governor of the**
 26 **affected state, whether arising from natural disaster, technological**
 27 **hazard, man made disaster, civil emergency aspects of resources**
 28 **shortages, community disorders, insurgency, or enemy attack.**

29 **This compact shall also provide for mutual cooperation in**
 30 **emergency related exercises, testing, or other training activities**
 31 **using equipment and personnel simulating performance of any**
 32 **aspect of the giving and receiving of aid by party states or**
 33 **subdivisions of party states during emergencies, such actions**
 34 **occurring outside actual declared emergency periods. Mutual**
 35 **assistance in this compact may include the use of the states'**
 36 **National Guard forces, either in accordance with the National**
 37 **Guard Mutual Assistance Compact or by mutual agreement**
 38 **between states.**

39 **Sec. 2. ARTICLE II—General implementation.**

40 **Each party state entering into this compact recognizes that**
 41 **many emergencies transcend political jurisdictional boundaries**
 42 **and that intergovernmental coordination is essential in managing**



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1 these and other emergencies under this compact. Each state
2 further recognizes that there will be emergencies which require
3 immediate access and present procedures to apply outside
4 resources to make a prompt and effective response to such an
5 emergency. This is because few, if any, individual states have all
6 the resources they may need in all types of emergencies or the
7 capability of delivering resources to areas where emergencies exist.

8 The prompt, full, and effective utilization of resources of the
9 participating states, including any resources on hand or available
10 from the federal government or any other source, that are essential
11 to the safety, care, and welfare of the people in the event of any
12 emergency or disaster declared by a party state, shall be the
13 underlying principle on which all articles of this compact shall be
14 understood.

15 On behalf of the governor of each state participating in the
16 compact, the legally designated state official who is assigned
17 responsibility for emergency management will be responsible for
18 formulation of the appropriate interstate mutual aid plans and
19 procedures necessary to implement this compact.

20 **Sec. 3. ARTICLE III—Party state responsibilities.**

21 (a) It shall be the responsibility of each party state to formulate
22 procedural plans and programs for interstate cooperation in the
23 performance of the responsibilities listed in this article. In
24 formulating such plans, and in carrying them out, the party states,
25 insofar as practical, shall:

26 (1) review individual state hazards analyses and, to the extent
27 reasonably possible, determine all those potential emergencies
28 the party states might jointly suffer, whether due to natural
29 disaster, technological hazard, man made disaster, emergency
30 aspects of resources shortages, civil disorders, insurgency, or
31 enemy attack;

32 (2) review party states' individual emergency plans and
33 develop a plan which will determine the mechanism for the
34 interstate management and provision of assistance concerning
35 any potential emergency;

36 (3) develop interstate procedures to fill any identified gaps
37 and to resolve any identified inconsistencies or overlaps in
38 existing or developed plans;

39 (4) assist in warning communities adjacent to or crossing the
40 state boundaries;

41 (5) protect and assure uninterrupted delivery of services,
42 medicines, water, food, energy and fuel, search and rescue,



1 and critical lifeline equipment, services, and resources, both
2 human and material;

3 (6) inventory and set procedures for the interstate loan and
4 delivery of human and material resources, together with
5 procedures for reimbursement or forgiveness; and

6 (7) provide, to the extent authorized by law, for temporary
7 suspension of any statutes or ordinances that restrict the
8 implementation of the above responsibilities.

9 (b) The authorized representative of a party state may request
10 assistance to another party state by contacting the authorized
11 representative of that state. The provisions of this compact shall
12 only apply to requests for assistance made by and to authorized
13 representatives. Requests may be verbal or in writing. If verbal,
14 the request shall be confirmed in writing within thirty (30) days of
15 the verbal request. Requests shall provide the following
16 information:

17 (1) A description of the emergency service function for which
18 assistance is needed, including, but not limited to, fire
19 services, law enforcement, emergency medical,
20 transportation, communications, public works and
21 engineering, building, inspection, planning and information
22 assistance, mass care, resource support, health and medical
23 services, and search and rescue.

24 (2) The amount and type of personnel, equipment, materials
25 and supplies needed, and a reasonable estimate of the length
26 of time they will be needed.

27 (3) The specific place and time for staging of the assisting
28 party's response and a point of contact at that location.

29 (c) There shall be frequent consultation between state officials
30 who have assigned emergency management responsibilities and
31 other appropriate representatives of the party states with affected
32 jurisdictions and the United States government, with free exchange
33 of information, plans, and resource records relating to emergency
34 capabilities.

35 **Sec. 4. ARTICLE IV—Limitations.**

36 Any party state requested to render mutual aid or conduct
37 exercises and training for mutual aid shall take such action as is
38 necessary to provide and make available the resources covered by
39 this compact in accordance with the terms of this compact.
40 However, it is understood that the state rendering aid may
41 withhold resources to the extent necessary to provide reasonable
42 protection for such state.



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1 Each party state shall afford to the emergency forces of any
2 party state, while operating within its state limits under the terms
3 and conditions of this compact, the same powers, except that of
4 arrest unless specifically authorized by the receiving state, duties,
5 rights, and privileges as are afforded forces of the state in which
6 they are performing emergency services. Emergency forces will
7 continue under the command and control of their regular leaders,
8 but the organizational units will come under the operational
9 control of the emergency services authorities of the state receiving
10 assistance. These conditions may be activated, as needed, only
11 subsequent to a declaration of a state emergency or disaster by the
12 governor of the party state that is to receive assistance or upon
13 commencement of exercises or training for mutual aid and shall
14 continue so long as the exercises or training for mutual aid are in
15 progress, the state of emergency or disaster remains in effect, or
16 loaned resources remain in the receiving state, whichever is longer.

17 **Sec. 5. ARTICLE V—Licenses and permits.**

18 Whenever any person holds a license, certificate, or other
19 permit issued by any state party to the compact evidencing the
20 meeting of qualifications for professional, mechanical, or other
21 skills, and when such assistance is requested by the receiving party
22 state, such person shall be considered licensed, certified, or
23 permitted by the state requesting assistance to render aid involving
24 such skill to meet a declared emergency or disaster, subject to such
25 limitations and conditions as the governor of the requesting state
26 may prescribe by executive order or otherwise.

27 **Sec. 6. ARTICLE VI—Liability.**

28 Officers or employees of a party state rendering aid in another
29 state under this compact shall be considered agents of the
30 requesting state for tort liability and immunity purposes. No party
31 state or its officers or employees rendering aid in another state
32 under this compact shall be liable on account of any act or
33 omission in good faith on the part of such forces while so engaged
34 or on account of the maintenance or use of any equipment or
35 supplies in connection therewith. Good faith in this article shall not
36 include willful misconduct, gross negligence, or recklessness.

37 **Sec. 7. ARTICLE VII—Supplementary agreements.**

38 Inasmuch as it is probable that the pattern and detail of the
39 machinery for mutual aid among two (2) or more states may differ
40 from that among the states that are party to this compact, this
41 compact contains elements of a broad base common to all states,
42 and nothing in this compact precludes any state entering into



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1 supplementary agreements with another state or affect any other
2 agreements already in force between states. Supplementary
3 agreements may comprehend, but shall not be limited to,
4 provisions for evacuation and reception of injured and other
5 persons and the exchange of medical, fire, police, public utility,
6 reconnaissance, welfare, transportation and communications
7 personnel, and equipment and supplies.

8 **Sec. 8. ARTICLE VIII—Compensation.**

9 Each party state shall provide for the payment of compensation
10 and death benefits to injured members of the emergency forces of
11 that state and representatives of deceased members of such forces
12 in case such members sustain injuries or are killed while rendering
13 aid under this compact, in the same manner and on the same terms
14 as if the injury or death were sustained within their own state.

15 **Sec. 9. ARTICLE IX—Reimbursement.**

16 Any party state rendering aid in another state under this
17 compact shall be reimbursed by the party state receiving such aid
18 for any loss or damage to or expense incurred in the operation of
19 any equipment and the provision of any service in answering a
20 request for aid and for the costs incurred in connection with such
21 requests. However, any aiding party state may assume in whole or
22 in part such loss, damage, expense, or other cost, or may loan such
23 equipment or donate such services to the receiving party state
24 without charge or cost, and any two (2) or more party states may
25 enter into supplementary agreements establishing a different
26 allocation of costs among those states. Article VIII expenses shall
27 not be reimbursable under this article.

28 **Sec. 10. ARTICLE X—Evacuation.**

29 Plans for the orderly evacuation and interstate reception of
30 portions of the civilian population as the result of any emergency
31 or disaster of sufficient proportions to so warrant, shall be worked
32 out and maintained between the party states and the emergency
33 management services directors of the various jurisdictions where
34 any type of incident requiring evacuations might occur. Such plans
35 shall be put into effect by request of the state from which evacuees
36 come and shall include the manner of transporting such evacuees,
37 the number of evacuees to be received in different areas, the
38 manner in which food, clothing, housing, and medical care will be
39 provided, the registration of the evacuees, the providing of facilities
40 for the notification of relatives or friends, and the forwarding of
41 such evacuees to other areas or the bringing in of additional
42 materials, supplies, and all other relevant factors. Such plans shall



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1 provide that the party state receiving evacuees and the party state
2 from which the evacuees come shall mutually agree as to
3 reimbursement of out-of-pocket expenses incurred in receiving and
4 caring for such evacuees, for expenditures for transportation, food,
5 clothing, medicines and medical care, and like items. Such
6 expenditures shall be reimbursed as agreed by the party state from
7 which the evacuees come. After the termination of the emergency
8 or disaster, the party state from which the evacuees come shall
9 assume the responsibility for the ultimate support of repatriation
10 of such evacuees.

11 **Sec. 11. ARTICLE XI—Implementation.**

12 (a) This compact shall become effective immediately upon its
13 enactment into law by any two (2) states. Thereafter, this compact
14 shall become effective as to any other state upon enactment by such
15 state.

16 (b) Any party state may withdraw from this compact by
17 enacting a statute repealing the same, but no such withdrawal shall
18 take effect until thirty (30) days after the governor of the
19 withdrawing state has given notice in writing of such withdrawal
20 to the governors of all other party states. Such action shall not
21 relieve the withdrawing state from obligations assumed under this
22 compact before the effective date of withdrawal.

23 (c) Duly authenticated copies of this compact and of such
24 supplementary agreements as may be entered into shall, at the time
25 of their approval, be deposited with each of the party states and
26 with the Federal Emergency Management Agency and other
27 appropriate agencies of the United States Government.

28 **Sec. 12. ARTICLE XII—Validity.**

29 This compact shall be construed to effectuate the purposes
30 stated in Article I. If any provision of this compact is declared
31 unconstitutional, or the applicability of this compact to any person
32 or circumstances is held invalid, the constitutionality of the
33 remainder of this compact and the applicability of this compact to
34 other persons and circumstances shall not be affected.

35 **Sec. 13. ARTICLE XIII—Additional provisions.**

36 Nothing in this compact shall authorize or permit the use of
37 military force by the National Guard of a state at any place outside
38 that state in any emergency for which the President is authorized
39 by law to call into federal service the militia, or for any purpose for
40 which the use of the Army or the Air Force would, in the absence
41 of express statutory authorization, be prohibited under 18 U.S.C.
42 1385.



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1 **Sec. 14. Right To Alter, Amend, or Repeal.**

2 The right to alter, amend, or repeal this chapter is hereby
3 expressly reserved. The consent granted by this chapter shall:

4 (1) not be construed as impairing or in any manner affecting
5 any right or jurisdiction of the United States in and over the
6 subject of the compact;

7 (2) not be construed as consent to the National Guard Mutual
8 Assistance Compact;

9 (3) be construed as understanding that the first paragraph of
10 Article II of the compact provides that emergencies will
11 require procedures to provide immediate access to existing
12 resources to make a prompt and effective response;

13 (4) not be construed as providing authority under Article III
14 (a)(7) that does not otherwise exist for the suspension of
15 statutes or ordinances;

16 (5) be construed as understanding that Article III (c) does not
17 impose any affirmative obligation to exchange information,
18 plans, and resource records on the United States or any party
19 which has not entered into the compact; and

20 (6) be construed as understanding that Article XIII does not
21 affect the authority of the President over the National Guard
22 provided by Article I of the Constitution of the United States
23 and 10 U.S.C.

24 **Sec. 15. Construction and Severability.**

25 It is intended that the provisions of this compact shall be
26 reasonably and liberally construed to effectuate the purposes
27 thereof. If any part or application of this compact, or legislation
28 enabling the compact, is held invalid, the remainder of the compact
29 or its application to other situations or persons shall not be
30 affected.

31 **Sec. 16. Inconsistency of Language.**

32 The validity of this compact shall not be affected by any
33 insubstantial difference in its form or language as adopted by the
34 states.

35 SECTION 3. IC 22-14-2-8, AS AMENDED BY P.L.167-1997,
36 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 UPON PASSAGE]: Sec. 8. (a) Regardless of the extent of the
38 investigation conducted by a fire department under IC 36-8-17-7, the
39 office may conduct an investigation into the causes and circumstances
40 surrounding any fire or explosion.

41 (b) To carry out this section, the office may:

42 (1) exercise its powers under section 4 of this chapter;



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- 1 (2) assist a prosecuting attorney with any criminal investigation;
 2 (3) subpoena witnesses and order the production of books,
 3 documents, and other evidence;
 4 (4) give oaths and affirmations;
 5 (5) take depositions and conduct hearings;
 6 (6) separate witnesses and otherwise regulate the course of
 7 proceedings; and
 8 (7) obtain and secure evidence.

9 (c) Subpoenas, discovery orders, and protective orders issued under
 10 this section shall be enforced under IC 4-21.5-6-2.

11 (d) A person who is summoned and testifies under this section is
 12 entitled to receive a minimum salary per diem and a mileage allowance
 13 from the fire and building services fund. The budget agency shall set
 14 the amount of the per diem and mileage allowance.

15 (e) The state fire marshal and the investigators in the arson division
 16 of the office of the state fire marshal have law enforcement authority
 17 at all times while discharging their duties under this section as
 18 employees of the department.

19 **(f) The executive director of the fire and building services**
 20 **department has law enforcement authority at all times while**
 21 **discharging the duties of the executive director under this section.**

22 SECTION 4. IC 36-1-7-3 IS AMENDED TO READ AS FOLLOWS
 23 [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) An agreement under this
 24 section must provide for the following:

- 25 (1) Its duration.
 26 (2) Its purpose.
 27 (3) The manner of financing, staffing, and supplying the joint
 28 undertaking and of establishing and maintaining a budget
 29 therefor.
 30 (4) The methods that may be employed in accomplishing the
 31 partial or complete termination of the agreement and for disposing
 32 of property upon partial or complete termination.
 33 (5) Administration through:
 34 (A) a separate legal entity, the nature, organization,
 35 composition, and powers of which must be provided; or
 36 (B) a joint board composed of representatives of the entities
 37 that are parties to the agreement, and on which all parties to
 38 the agreement must be represented.
 39 (6) The manner of acquiring, holding, and disposing of real and
 40 personal property used in the joint undertaking, whenever a joint
 41 board is created under subdivision (5)(B).

42 In addition, such an agreement may provide for any other appropriate

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(b) A separate legal entity or joint board established by an agreement under this section has only the powers delegated to it by the agreement. The agreement may not provide for members, directors, or trustees of the separate legal entity or joint board to make appointments (either individually or jointly) to fill vacancies on the separate legal entity or joint board.

(c) Subsection (a)(6) does not apply to an emergency management assistance compact under IC 10-4-2.5.

SECTION 5. IC 36-1-7-7, AS AMENDED BY P.L.229-1996, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) **Except as provided in subsection (c)**, if an agreement under section 3 of this chapter concerns the provision of law enforcement or firefighting services, the following provisions apply:

(1) Visiting law enforcement officers or firefighters have the same powers and duties as corresponding personnel of the entities they visit, but only for the period they are engaged in activities authorized by the entity they are visiting, and are subject to all provisions of law as if they were providing services within their own jurisdiction.

(2) An entity providing visiting personnel remains responsible for the conduct of its personnel, for their medical expenses, for worker's compensation, and if the entity is a volunteer fire company, for all benefits provided by IC 36-8-12.

(b) A ~~unit~~ law enforcement or fire service agency of a unit or of the state may request the assistance of a law enforcement or fire service agency of another unit, even if no agreement for such assistance is in effect. In such a case, subsection (a)(1) and (a)(2) apply, the agency requesting assistance shall pay all travel expenses, and all visiting personnel shall be supervised by the agency requesting assistance.

(c) This subsection applies to a law enforcement officer that visits another state after a request for assistance from another state under the emergency management compact is made under IC 10-4-2.5. A law enforcement officer that visits another state does not have the power of arrest unless the law enforcement officer is specifically authorized to exercise the power by the receiving state.

SECTION 6. **An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. President: The Senate Committee on Insurance and Interstate Cooperation, to which was referred Senate Bill 347, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 347 as introduced.)

WORMAN, Chairperson

Committee Vote: Yeas 7, Nays 0.

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SENATE MOTION

Mr. President: I move that Senators Craycraft and Jackman be added as coauthors of Senate Bill 347.

SIPES

SENATE MOTION

Mr. President: I move that Senate Bill 347 be amended to read as follows:

Page 8, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 2. IC 22-14-2-8, AS AMENDED BY P.L.167-1997, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) Regardless of the extent of the investigation conducted by a fire department under IC 36-8-17-7, the office may conduct an investigation into the causes and circumstances surrounding any fire or explosion.

(b) To carry out this section, the office may:

- (1) exercise its powers under section 4 of this chapter;
- (2) assist a prosecuting attorney with any criminal investigation;
- (3) subpoena witnesses and order the production of books, documents, and other evidence;
- (4) give oaths and affirmations;
- (5) take depositions and conduct hearings;
- (6) separate witnesses and otherwise regulate the course of proceedings; and
- (7) obtain and secure evidence.

(c) Subpoenas, discovery orders, and protective orders issued under this section shall be enforced under IC 4-21.5-6-2.

(d) A person who is summoned and testifies under this section is entitled to receive a minimum salary per diem and a mileage allowance from the fire and building services fund. The budget agency shall set the amount of the per diem and mileage allowance.

(e) The state fire marshal and the investigators in the arson division of the office of the state fire marshal have law enforcement authority at all times while discharging their duties under this section as employees of the department.

(f) The executive director of the fire and building services department has law enforcement authority at all times while discharging the duties of the executive director under this section."

ES 347—LS 6758/DI 87+



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Renumber all SECTIONS consecutively.

(Reference is to Senate Bill 347 as printed January 21, 1998.)

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SENATE MOTION

Mr. President: I move that Senator Meeks be added as coauthor of Senate Bill 347.

SIPES

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Safety, to which was referred Senate Bill 347, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 9-21-8-35 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 35. (a) Upon the immediate approach of an authorized emergency vehicle, when the person who drives the authorized emergency vehicle is giving audible signal by siren or displaying alternately flashing red, red and white, or red and blue lights, a person who drives another vehicle shall do the following unless otherwise directed by a law enforcement officer:

- (1) Yield the right-of-way.
- (2) Immediately drive to a position parallel to and as close as possible to the right-hand edge or curb of the highway clear of any intersection.
- (3) Stop and remain in the position until the authorized emergency vehicle has passed.

(b) Upon approaching a stationary authorized emergency vehicle, when the authorized emergency vehicle is giving signal by displaying alternately flashing red, red and white, or red and blue 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 speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be impossible or unsafe.**

~~(b)~~ (c) This section does not operate to relieve the person who drives an authorized emergency vehicle from the duty to **drive operate the vehicle** with due regard for the safety of all persons using the highway."

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Renumber all SECTIONS consecutively.
and when so amended that said bill do pass.

(Reference is to Senate Bill 347 as reprinted January 28, 1998.)

L. LUTZ, Chair

Committee Vote: yeas 9, nays 0.

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