**A** **BILL**

TO AMEND SECTION 56‑5‑2360, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OPERATION OF A MOTOR VEHICLE THAT IS APPROACHED BY AN AUTHORIZED EMERGENCY VEHICLE MAKING USE OF AUDIBLE AND VISUAL SIGNALS, SO AS TO PROVIDE INSTRUCTIONS ON HOW A DRIVER OF A MOTOR VEHICLE THAT IS APPROACHING CERTAIN PARKED AUTHORIZED EMERGENCY VEHICLES OR POLICE VEHICLES SHALL PROCEED, AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THIS SECTION.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 56‑5‑2360 of the 1976 Code is amended to read:

“Section 56‑5‑2360. ~~(a)~~(A) Upon the immediate approach of an authorized emergency vehicle or police vehicle making use of an audible signal meeting the requirements of Section 56‑5‑4970 and visual signals meeting the requirements of Section 56‑5‑4700, or of a police vehicle properly and lawfully making use of an audible signal or visual signal, the driver of every other vehicle traveling along a two‑lane roadway shall yield the ~~right‑of‑way~~ right of way and shall immediately drive to a position parallel to, and as close as possible, to the right hand edge or curb of the roadway clear of any intersection and shall stop and remain in that position until the authorized emergency vehicle or police vehicle has passed, except when otherwise directed by a police officer. A driver of a vehicle traveling along a multilane roadway shall yield the ~~right‑of‑way~~ right of way and shall remain in, or move to a location that allows the emergency vehicle or police vehicle to pass safely, except as otherwise directed by a police officer.

~~(b)~~(B) This section shall not operate to relieve the driver of an authorized emergency vehicle or police vehicle from the duty to drive with due regard for the safety of all persons using the highway.

(C) When an authorized emergency vehicle or police vehicle is parked or standing within twelve feet of a roadway and is giving a warning signal by appropriate visual signal, the driver of every other approaching vehicle, as soon as it is safe and when not otherwise directed by a police officer, shall do one of the following:

(1) move the vehicle into a lane that is not the lane nearest to the parked or standing authorized emergency vehicle or police vehicle and continue traveling in that lane until safely clear of the authorized emergency vehicle or police vehicle. This item applies only if the roadway has at least two lanes for traffic proceeding in the direction of the approaching vehicles and if the approaching vehicle may change lanes safely and without interfering with any vehicular traffic; or

(2) slow the vehicle, maintaining a safe speed for traffic conditions, operate the vehicle at a reduced speed and be prepared to stop until completely past the authorized emergency vehicle or police vehicle. This paragraph applies only if the roadway has only one lane for traffic proceeding in the direction of the approaching vehicle or if the approaching vehicle may not change lanes safely and without interfering with any vehicular traffic.

(D) A person who violates this section, but does not cause serious bodily injury or death to a law enforcement officer, firefighter, emergency vehicle operator, or any other emergency response person in the immediate area of the authorized emergency vehicle or police vehicle is guilty of a misdemeanor and, upon conviction, must be fined not less than two hundred dollars or imprisoned not less than forty‑eight hours nor more than thirty days. However, in lieu of the forty‑eight hour minimum imprisonment, the court may provide for forty‑eight hours of public service employment. The minimum forty‑eight hour imprisonment or public service employment must be served at a time when it does not interfere with the offender’s regular employment under terms and conditions as the court considers proper. However, the court may not compel an offender to perform public service employment instead of the minimum sentence.

(E) A person who violates this section and causes serious injury or death to a law enforcement officer, firefighter, emergency vehicle operator, or any other emergency response person in the immediate area of the authorized emergency vehicle or police vehicle is guilty of a felony and, upon conviction, must be fined not more than ten thousand dollars and imprisoned not more than ten years.”

SECTION 2. This act takes effect upon approval by the Governor.

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