

ACA 27-51-310. Passing emergency response vehicle or law enforcement vehicle stopped on highway.

(a) (1) If an authorized emergency response vehicle or a law enforcement vehicle is parked or stopped at the scene of an emergency or other traffic stop and is displaying a flashing, revolving, or rotating blue, red, or amber and red light, an approaching motor vehicle operator shall move when possible into the farthest lane from the emergency response vehicle or law enforcement vehicle and remain in that lane until past the emergency response vehicle or law enforcement vehicle and any other vehicle involved in the emergency or other traffic stop.

(2) If changing lanes is not possible or is determined to be unsafe, an approaching motor vehicle operator shall reduce the motor vehicle's speed, proceed with caution, and maintain a reduced speed, appropriate to the road and the conditions, through the area where the authorized emergency response vehicle or law enforcement vehicle is stopped.

(b) (1) (A) Any party who pleads guilty or nolo contendere to or is found guilty of violating this section shall be guilty of a misdemeanor and shall be fined not less than thirty-five dollars (\$35.00) nor more than five hundred dollars (\$500), confined in the county jail not to exceed ninety (90) days, or both fined and imprisoned.

(B) In addition to the penalties prescribed in subdivision (b)(1)(A) of this section, the court may order community service for not more than seven (7) days and may suspend the person's driver's license for a period of not less than ninety (90) days nor more than six (6) months.

(2) There is created a rebuttable presumption that shall arise in any criminal action under this section to the effect that if it can be proven that a person is the registered owner of a vehicle that is driven in a manner that violates this section, the person is presumed to have been the driver of the vehicle at the time of the violation.