



April 2024

# ROADSIDE SAFETY

## DOT Should Update Public Awareness Materials on Move Over Laws

# GAO Highlights

Highlights of [GAO-24-106216](#), a report to congressional committees

## Why GAO Did This Study

First responders, highway construction workers, and others risk being killed or injured when working on the side of the road. Reducing transportation-related fatalities and injuries is one of DOT's top priorities. NHTSA plays a key role in working toward that priority, including by supporting states' efforts to promote their Move Over laws.

The Infrastructure Investment and Jobs Act includes a provision for GAO to review issues related to states' Move Over laws. This report (1) identifies the key characteristics of states' Move Over laws, (2) describes how states have promoted these laws, and (3) assesses the extent to which DOT has supported states' efforts to promote these laws.

GAO reviewed Move Over laws and certain related legal provisions for all states, as well as online information about states' promotion efforts. GAO compared DOT's public awareness materials related to Move Over laws with DOT strategic plans and federal internal control standards. GAO also interviewed officials in seven states selected for specific characteristics of their Move Over laws, as well as DOT officials and stakeholders from law enforcement, trash and recycling, and other associations.

## What GAO Recommends

GAO recommends that NHTSA update its public awareness materials on states' Move Over laws to more fully reflect the range of vehicles covered by these laws, such as highway construction, utility, and disabled vehicles. DOT agreed with the recommendation.

View [GAO-24-106216](#). For more information, contact Elizabeth Repko at (202) 512-2834 or [repkoe@gao.gov](mailto:repkoe@gao.gov).

April 2024

## ROADSIDE SAFETY

### DOT Should Update Public Awareness Materials on Move Over Laws

#### What GAO Found

All states and the District of Columbia (states) have "Move Over or Slow Down" (Move Over) laws, which generally require drivers to change lanes, slow down, or both when approaching certain vehicles stopped on the roadside with their warning lights activated. These laws can protect vulnerable roadside workers. Move Over law requirements vary, such as in the specific actions required of drivers, potential penalties for a violation, and types of vehicles covered. All states have laws covering first responder vehicles, such as police cars, fire trucks, and ambulances. Move Over laws in all states also cover certain other types of vehicles, which may include highway construction, utility, trash, or disabled vehicles. There is no federal Move Over law.

States have promoted their Move Over laws in various ways, including through road signs and social media; targeted law enforcement; and annual public awareness events. When planning these efforts, states consider factors such as available resources and staff expertise.

#### Example of Move Over or Slow Down Road Sign



Source: New Mexico Department of Transportation. | [GAO-24-106216](#)

Within the Department of Transportation (DOT), the National Highway Traffic Safety Administration (NHTSA) supports states' efforts to promote Move Over laws through funding, research, and public awareness materials (e.g., sample social media posts, press releases, graphics, banners, and videos). However, NHTSA's public awareness materials generally focus on first responders and do not fully reflect states' Move Over laws, all of which now cover a wider range of vehicles. Officials GAO interviewed from two of the seven selected states said they use NHTSA's materials. State officials also described having limited resources and expertise to develop such materials themselves. Updating NHTSA's materials to more fully reflect the types of vehicles covered by states' laws, such as highway construction, utility, trash, and disabled vehicles, would enable NHTSA to help states better promote their Move Over laws and could ultimately improve safety for all motorists on the side of the road.

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## Abbreviations

AAA	American Automobile Association
AASHTO	American Association of State Highway and Transportation Officials
CRSS	Crash Report Sampling System
CRSW	Crash Responder Safety Week
D.C.	District of Columbia
DOT	Department of Transportation
ERSI	Emergency Responder Safety Institute
FARS	Fatality Analysis Reporting System
FHWA	Federal Highway Administration
GHSA	Governors Highway Safety Association
HSIP	Highway Safety Improvement Program
IACP	International Association of Chiefs of Police
IIJA	Infrastructure Investment and Jobs Act (2021)
LIUNA	Laborers' International Union of North America
MMUCC	Model Minimum Uniform Crash Criteria
mph	miles per hour
Move Over laws	"Move Over or Slow Down" laws
NCSL	National Conference of State Legislatures
NHTSA	National Highway Traffic Safety Administration
NWRA	National Waste and Recycling Association
PSA	public service announcement
TIM	traffic incident management

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April 4, 2024

The Honorable Maria Cantwell  
Chair  
The Honorable Ted Cruz  
Ranking Member  
Committee on Commerce, Science, and Transportation  
United States Senate

The Honorable Sam Graves  
Chairman  
The Honorable Rick Larsen  
Ranking Member  
Committee on Transportation and Infrastructure  
House of Representatives

First responders, tow truck operators, and highway construction workers, among others, risk being killed or injured when working on the side of the road. The Emergency Responder Safety Institute (ERSI) reported, for example, that 28 first responders and 18 tow truck operators were struck and killed in 2022.<sup>1</sup> Other types of roadside workers are also at risk. For example, according to a news report, in September 2023, a driver in Washington state failed to move over or slow down in a work zone and crashed into a highway maintenance truck, resulting in injuries to both the driver and a worker with the state’s department of transportation.

States’ “Move Over or Slow Down” (Move Over) laws—which typically require motorists to move over one lane, slow their vehicle down, or both, when approaching certain types of vehicles—can protect vulnerable workers and improve highway safety. According to the U.S. Department of Transportation’s (DOT) National Highway Traffic Safety Administration (NHTSA), the first Move Over law originated in South Carolina in 1996. Currently, all states and the District of Columbia (D.C.) have Move Over laws. There is no federal Move Over law.

Reducing transportation-related fatalities and serious injuries has consistently been DOT’s top priority. Within DOT, both NHTSA and the Federal Highway Administration (FHWA) work to improve the safety of

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<sup>1</sup>Struck-by crashes involve a person being struck by a motorist. ERSI gathered data on struck-by crash fatalities among emergency responders through an online reporting tool, as well as from news coverage of crashes. For more information, see <https://www.respondersafety.com/>.

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the nation's roads, including by providing states with grant funding and other support, such as public awareness materials for state traffic safety campaigns.

The Infrastructure Investment and Jobs Act (IIJA) includes a provision for us to review issues related to states' Move Over laws.<sup>2</sup> This report (1) identifies the key characteristics of states' Move Over laws; (2) describes how states have promoted their Move Over laws; and (3) assesses the extent to which DOT has supported states' efforts to promote these laws.

To identify key characteristics of states' Move Over laws, we reviewed the Move Over laws of the 50 states and D.C. (states), as well as certain other related statutes, regulations, and legal sources, as appropriate.<sup>3</sup> We summarized key characteristics of each state's Move Over law, including the general actions required of drivers, such as specific speed reductions; types of vehicles covered by these laws, such as first responder vehicles and tow trucks; and penalties that may be imposed for violations, such as fines and driver's license points.<sup>4</sup>

To describe how states have promoted their Move Over laws, we reviewed and summarized online information about these efforts for each state. We also selected and interviewed officials from a non-generalizable sample of seven states on their strategies for promoting Move Over laws and challenges associated with these efforts.<sup>5</sup> We selected these states based on factors including diversity in the types of vehicles covered by their Move Over laws, according to the American Automobile Association (AAA); and stakeholder recommendations of states with Move Over–related public awareness or enforcement provisions in their laws. We also interviewed relevant stakeholders, including representatives of AAA,

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<sup>2</sup>Pub. L. No. 117-58, § 24109, 135 Stat. 429, 809-810 (2021).

<sup>3</sup>We conducted our legal review from February 2023 through September 2023. Our descriptions of a state's Move Over law and certain other related statutes, regulations, and legal sources do not reflect any amendments made to them after we completed our review for that particular state. We completed our review for most states after the end of their 2023 legislative sessions, according to the National Conference of State Legislatures' 2023 State Legislative Session Calendar. For more information on the scope of our legal review, see appendix I.

<sup>4</sup>When summarizing key characteristics of states' Move Over laws, we use "most" for a count of 37 or more states, "many" for 25 to 36 states, "some" for 13 to 24 states, and "few" for 12 or fewer states.

<sup>5</sup>Our selected states were Arizona, Florida, Illinois, Maryland, Montana, Nebraska, Pennsylvania, and Utah. Montana did not respond to our requests for an interview, so we interviewed officials from seven of the eight selected states.

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ERSI, the National Conference of State Legislatures, and the International Association of Chiefs of Police.

To assess the extent to which DOT has supported states' efforts to promote Move Over laws, we interviewed NHTSA and FHWA officials and reviewed applicable statutes and regulations, as well as the agencies' public awareness materials and public awareness campaign guidance. We obtained updates on the research and data collection DOT has undertaken to improve emergency responder safety that we described in our prior report in 2020.<sup>6</sup> We also interviewed state DOT and public safety officials to learn about their experiences with DOT's support for their Move Over laws, including funding.<sup>7</sup> We compared DOT's support for states' public awareness efforts with agency strategic plans and federal internal control standards.<sup>8</sup> Specifically, we determined that the internal control principle on communicating externally—which states that management should externally communicate the necessary quality information to achieve the entity's objectives and address risks—was significant to our objectives. See appendix I for more information about our scope and methodology.

We conducted this performance audit from August 2022 to April 2024 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

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## Background

NHTSA and FHWA both play key roles in supporting states' efforts to promote Move Over laws. NHTSA's mission is to save lives, prevent injuries, and reduce economic costs due to road traffic crashes through education, research, safety standards, and enforcement. It does so, in part, by encouraging Americans to make safer choices when they drive, ride, and walk. For example, in coordination with the states, NHTSA

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<sup>6</sup>Our prior work focused on emergency responders, including police, fire, emergency medical services, and other emergency response vehicles. For more information, see GAO, *Emergency Responder Safety: States and DOT Are Implementing Actions to Reduce Roadside Crashes*, [GAO-21-166](#) (Washington, D.C.: Dec. 17, 2020).

<sup>7</sup>We contacted six additional states regarding new grant funding and eligibilities under the IIJA (Alaska, D.C., Kentucky, Louisiana, Missouri, and New Mexico). We selected these states based on the types of vehicles covered by their Move Over laws, according to AAA, as well as whether we had identified a dedicated state Move Over website.

<sup>8</sup>GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704g](#) (Washington, D.C.: Sept. 10, 2014).



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administers a high-visibility enforcement program to carry out campaigns to reduce impaired driving and increase seatbelt use, as required by statute.<sup>9</sup> These campaigns may include the use of broadcast and print media advertising and internet-based outreach. NHTSA also administers:

- Section 402 Highway Safety Program grants to states to conduct their highway safety programs.<sup>10</sup> According to NHTSA officials, states may use these grants for public awareness campaigns for Move Over laws, or for specialized traffic units that enforce these laws.
- Section 405 National Priority Safety Program grants to states to address national priorities for reducing highway deaths and injuries.<sup>11</sup> Enacted in 2021, the IIJA authorized a new grant program within Section 405, Preventing Roadside Deaths, that provides funding to states to prevent death and injury from crashes involving motor vehicles striking other vehicles and individuals stopped at the roadside.<sup>12</sup> States were able to apply for these grants for the first time for fiscal year 2024.<sup>13</sup>

FHWA supports state and local governments in the design, construction, and maintenance of the nation's highway system through financial and technical assistance. FHWA is responsible for working across federal

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<sup>9</sup>NHTSA provides most of the means necessary for national advertising and education efforts associated with high-visibility enforcement campaigns, while states provide law enforcement resources using their Sections 402 and 405 grant funding. See 23 U.S.C. § 404.

<sup>10</sup>Each state must have a highway safety program that is designed to reduce traffic accidents and the resulting deaths, injuries, and property damage, and is approved by NHTSA. The program must also meet applicable administrative requirements, such as providing that a portion of the Section 402 grant funds received by the state will be expended by localities to carry out local highway safety programs. See 23 U.S.C. § 402.

<sup>11</sup>Under the National Priority Safety Program (Section 405), there are different grant programs through which states receive funding for different purposes. For example, Impaired Driving Countermeasures (Section 405(d)) grants are provided to states for the exclusive purpose of reducing impaired driving. See 23 U.S.C. § 405.

<sup>12</sup>IIJA § 24105(a)(10). Preventing Roadside Deaths (Section 405(h)) grants are provided under the National Priority Safety Program.

<sup>13</sup>See IIJA § 24105(c). The IIJA also amended the application process for Section 402 and Section 405 grants, among other aspects of these grant programs, for fiscal year 2024 and thereafter. See IIJA §§ 24102, 24105(a), (c). For example, each state must now submit a triennial highway safety plan and separate annual grant application for Section 402 and Section 405 grants for NHTSA's approval. Prior to the IIJA's enactment, each state was required to submit an annual highway safety plan as its application for these grants.

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programs to improve safety for workers in transportation occupations such as construction, freight, and traffic incident management (TIM).

Through its TIM program, FHWA works with partners (e.g., law enforcement, fire, and rescue organizations; emergency medical services; transportation agencies; and towing and recovery companies) to improve the safety of those managing traffic incidents, as well as the efficiency of incident and emergency response. FHWA and its partners do so through training, education, outreach, and other efforts. FHWA also administers funding to states through the Highway Safety Improvement Program (HSIP), which states can use for installing road signs or other infrastructure improvements that may relate to Move Over laws.<sup>14</sup>

In 2020, we reviewed issues related to Move Over laws and emergency responder roadside safety.<sup>15</sup> We found that states faced challenges related to public awareness and enforcement of their Move Over laws, and that DOT had taken—or planned to take—actions to improve roadside safety. For example, we reported that NHTSA had proposed updates to the information that it encourages states to include in their crash report forms, to better identify crashes involving violations of Move Over laws.<sup>16</sup> Since then, NHTSA has published the Model Minimum Uniform Crash Criteria (MMUCC) 6th edition, which includes new selections to capture crashes involving Move Over attempts or failures to attempt. States use the MMUCC to develop their own crash report forms.

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<sup>14</sup>The purpose of HSIP is to achieve a significant reduction in traffic fatalities and serious injuries on all public roads. HSIP projects must be consistent with the state's strategic highway safety plan and either correct or improve a hazardous road location or feature or address a highway safety problem. Projects must also be identified through a data-driven process. See 23 U.S.C. § 148.

<sup>15</sup>[GAO-21-166](#).

<sup>16</sup>NHTSA maintains data systems to gather information on crashes, fatalities, and serious injuries on the nation's highways. The Fatality Analysis Reporting System (FARS) contains a census of all fatal traffic crashes in the United States. When a fatal crash occurs, a state or local police officer typically completes a crash report form unique to each state. The Crash Report Sampling System (CRSS) provides a sample of police-reported motor vehicle crashes and is used to develop national estimates of the number of injuries associated with motor vehicle crashes, among other things.

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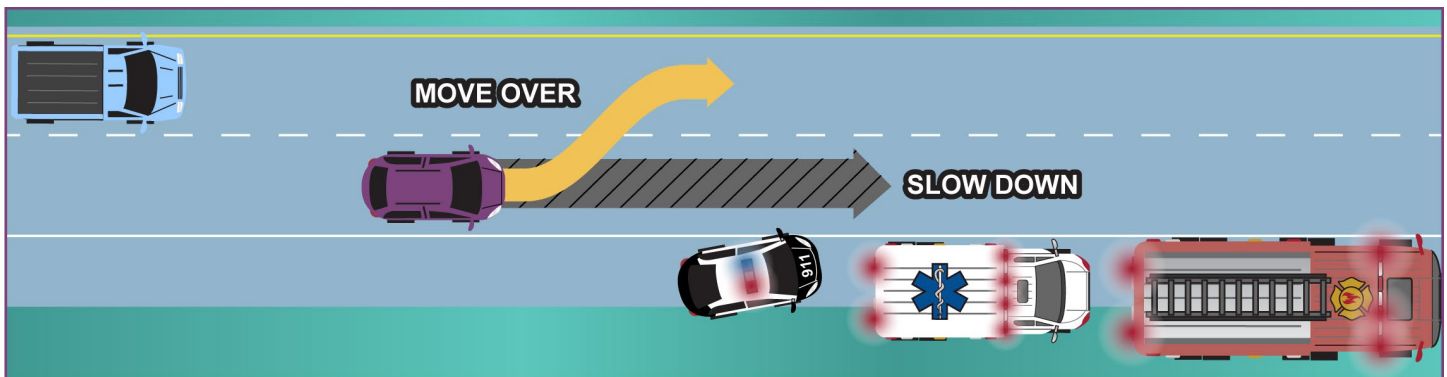
## Key Characteristics of States' Move Over Laws Include Required Actions and Covered Vehicles

All States Require That Drivers Move Over, Slow Down, or Both

Move Over laws in every state generally require drivers to move over (i.e., change lanes), slow down, or both when approaching certain vehicles stopped on the roadside with their warning lights on (see fig. 1).

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Figure 1: Actions Generally Required of Drivers in States' Move Over or Slow Down Laws



Source: GAO illustration and analysis of states' Move Over or Slow Down laws. | GAO-24-106216

Move Over laws vary in their requirements, as illustrated by the examples provided in table 1.<sup>17</sup> Furthermore, the specific requirements that apply in a given situation may depend on the type of vehicle, road, or designated area involved. In Oregon, for example, drivers can comply with the state's Move Over law by slowing down or moving over, depending on the type

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<sup>17</sup>The actions required of the driver may vary among and within states based on the type of road or covered vehicle, how many lanes the road has, or other factors, depending on the state. For the purposes of a Move Over law, terms such as "highway," "roadway," and "interstate" are defined, if at all, under state law, and thus their definitions may vary by state. When discussing a specific state's Move Over law, we use the term that the particular law uses. Otherwise, we use the general terms "road" or "highway" in this report. In addition, when we discuss types of vehicles covered by a state's Move Over law, it is implied that such vehicles are stopped and displaying warning lights appropriate to their type, unless otherwise specified.

of road.<sup>18</sup> In New Mexico, drivers must slow down regardless of whether they are able to safely move over.<sup>19</sup>

**Table 1: Examples of Actions Required of Drivers in States' Move Over or Slow Down Laws**

State	Actions required of the driver
California	<ul style="list-style-type: none"> <li>• Driver must move over into a lane not adjacent to the covered vehicle, if practicable and not prohibited by law.</li> <li>• If moving over would be unsafe or impracticable, driver must slow down to a reasonable and prudent speed considering weather, road, and pedestrian and vehicular traffic conditions.</li> </ul>
Hawaii	<ul style="list-style-type: none"> <li>• Driver must always slow down to a reasonable and prudent speed given weather, road, and pedestrian and vehicular traffic conditions.</li> <li>• If necessary, driver must come to a complete stop before moving over one lane if it is also necessary and safe to do so, or two lanes if possible.</li> </ul>
Massachusetts	<ul style="list-style-type: none"> <li>• Driver must always proceed with caution and slow down to a safe speed for road conditions.</li> <li>• If practicable and on a highway with four or more lanes, at least two of which travel in the same direction as the driver is traveling, driver must move over into a lane not adjacent to the covered vehicle.</li> </ul>

Source: GAO analysis of states' Move Over or Slow Down laws. | GAO-24-106216

Notes: Requirements may vary among and within states based on road type or other factors, including which types of vehicles are covered, depending on the state.

In addition, for the purposes of a Move Over or Slow Down law, terms such as "highway" and "interstate" are defined, if at all, under state law, and thus their definitions may vary by state.

When discussing types of vehicles covered by a state's Move Over or Slow Down law, it is implied that such vehicles are stopped and displaying warning lights appropriate to their type, unless otherwise specified.

We conducted our legal review from February 2023 through September 2023. Our descriptions of a state's Move Over or Slow Down law do not reflect any amendments made to the law after we completed our review for that particular state. We completed our review for most states after the end of their 2023 legislative sessions, which we determined using the National Conference of State Legislatures' state legislative session calendar.

<sup>18</sup>In Oregon, drivers can comply by slowing down on any highway, or if on a highway with at least two lanes traveling in the same direction as the driver is traveling, by moving over instead. See Or. Rev. Stat. § 811.147.

<sup>19</sup>New Mexico specifically requires a driver approaching a covered vehicle to move over to a lane not adjacent to the stationary vehicle, slow down to a reasonable and prudent speed, and proceed with caution. If moving over into another lane is unsafe, the driver must still slow down to a reasonable and prudent speed and proceed with caution, as well as be prepared to stop. See N.M. Stat. § 66-7-332(B).

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Move Over laws in every state apply on roads with two or more lanes traveling in the same direction.<sup>20</sup> Move Over laws may also apply to other types of roads or certain situations or areas (e.g., highway work zones). For example, in addition to highways, Arkansas' Move Over law covers certain vehicles when they are stopped or parked on a street or road.<sup>21</sup> Requirements for the driver may also vary by road type. For example, drivers in Montana must slow down to a speed 20 miles per hour (mph) below the posted speed limit on an interstate, to 30 mph below the posted speed limit on a state highway or county road, or to half of the posted speed limit on any other road.<sup>22</sup>

States differ in how prescriptive their slow down requirements are. Move Over laws in most states require that vehicles slow to a safe or reasonable speed, while some states require specific speed reductions (e.g., to at least 20 mph below the speed limit, or to 5 mph).<sup>23</sup> Two states' Move Over laws provide for both, but the specific slow down requirement that applies depends on the circumstances. For example, in Georgia, drivers approaching first responder or certain other vehicles are required to slow down to a "reasonable and proper" speed for existing road and

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<sup>20</sup>The Move Over law's application to these and other road types may be express or permissive. For example, Hawaii's Move Over law is silent regarding road type; the Move Over law simply applies whenever the driver is approaching a stationary, covered vehicle. See Haw. Rev. Stat. § 291C-27. We interpreted this silence to permit the application of the Move Over law on any road type.

<sup>21</sup>Ark. Code § 27-51-310.

<sup>22</sup>These slow down requirements apply only in the absence of a temporary posted speed limit and, for interstates, state highways, and county roads, only if the driver is able to move over into a lane that is not adjacent to that of the vehicle covered by the Move Over law. If there is no temporary posted speed limit and the driver is traveling on one of those road types but unable to move over as required, the driver must slow down to half of the posted speed limit, just as the driver is required to do on any other road type. See Mont. Code § 61-8-388.

<sup>23</sup>Regarding laws that require the driver to slow down to a safe or reasonable speed, we included in our count the Move Over laws that include the term "safe," "reasonable," or a term we determined to be substantively the same, such as "prudent." In addition, a Move Over law might elaborate on what is presumed to be a "safe" or "reasonable" speed. However, if that presumed speed is not required, then we did not include it in our count of states that require a specific speed reduction. For example, when a driver in Colorado is approaching a stationary vehicle or slow-moving construction, maintenance, or repair vehicle, the driver must slow down to a "safe speed." In a situation involving a stationary vehicle—rather than a slow-moving vehicle—Colorado's Move Over law provides that the following speeds are generally presumed to be safe: 1) 25 mph or less when the speed limit is less than 45 mph; or 2) 20 mph less than the speed limit when the limit is 45 mph or higher. See Colo. Rev. Stat. § 42-4-705. However, because this is a general presumption and not a requirement, we excluded Colorado from our count of states that require a specific speed reduction.

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traffic conditions, but when approaching a vehicle with active sanitation workers (i.e., those collecting and transporting trash and recyclables), drivers are required to slow to 25 mph or at least 10 mph less than the posted speed limit, whichever speed is higher.<sup>24</sup> Two other states' Move Over laws require drivers to simply slow down without providing that the reduced speed be safe or reasonable or a specific speed reduction.<sup>25</sup>

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## All States' Move Over Laws Cover First Responder and Other Types of Vehicles

All states have Move Over laws covering first responder vehicles. In addition, all states cover certain other types of vehicles, which may include highway maintenance or construction vehicles, utility vehicles, trash trucks, or disabled vehicles.<sup>26</sup> Some state laws cover all vehicles.<sup>27</sup> See appendix II for more information about the types of vehicles covered by each state.

**First responder vehicles and tow trucks.** All (51) states' Move Over laws cover first responder vehicles, such as law enforcement vehicles, fire trucks, and ambulances.<sup>28</sup> Move Over laws in most (48) states also cover tow trucks.<sup>29</sup> (See fig. 2.) State laws may also cover other types of responder vehicles. For example, Maine's Move Over law covers "authorized emergency vehicle[s]," which, in addition to first responders, is defined to include "hazardous material response vehicle[s]," among a variety of other vehicles.<sup>30</sup>

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<sup>24</sup>This speed reduction is only required when a lane change would be impossible, prohibited by law, or unsafe. See Ga. Code §§ 40-6-16, 40-6-16.1.

<sup>25</sup>These states are New Hampshire and Utah. See N.H. Rev. Stat. § 265:37-a; Utah Code § 41-6a-904.

<sup>26</sup>When we discuss covered vehicles below, generally and in examples, it is implied that the vehicles are stopped on or adjacent to certain types of roads and displaying warning lights appropriate to their type, unless otherwise specified.

<sup>27</sup>We included the states with Move Over laws covering all vehicles in our counts of states with laws that cover a specific vehicle type. For more information on how we determined whether a Move Over law covers a vehicle type, see appendix I. For more information about the types of vehicles covered by states' Move Over laws, see appendix II.

<sup>28</sup>For the purposes of this report, first responder vehicles also include vehicles described in a Move Over law that we considered to be substantively the same as law enforcement vehicles, fire trucks, and ambulances, such as "police vehicles" and "emergency medical services vehicle[s]."

<sup>29</sup>For the purposes of this report, tow trucks also include wreckers, recovery vehicles, roadside assistance vehicles, and vehicles we considered to be substantively the same as those vehicles.

<sup>30</sup>Me. Stat. tit. 29-a, § 2054.

**Figure 2: Examples of First Responder Vehicles and Tow Trucks Covered by States' Move Over or Slow Down Laws**



Sources: (clockwise from upper left) PhotoSpirit, luckybusiness, Nejrion Photo, and astrosystem/stock.adobe.com. | GAO-24-106216

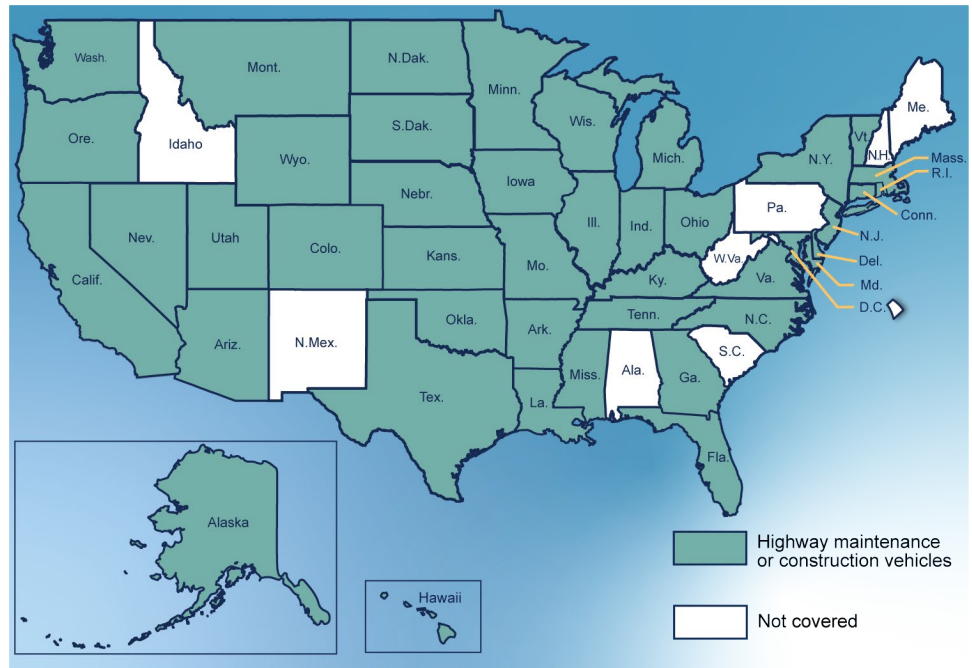
**Highway maintenance or construction vehicles.** Move Over laws in most (42) states cover highway maintenance or construction vehicles, or work zones with or without such vehicles or workers present (see fig. 3).<sup>31</sup> For example, Washington's Move Over law covers work zones in which there is a stationary or slow-moving highway maintenance vehicle.<sup>32</sup> Illinois' Move Over law covers maintenance or construction zones only when workers are present.<sup>33</sup>

<sup>31</sup>For the purposes of this report, highway maintenance or construction vehicles include state department of transportation vehicles, highway work zones, and vehicles or areas that we considered to be substantively the same as those vehicles and areas.

<sup>32</sup>Wash. Rev. Code § 46.61.212(1)-(2).

<sup>33</sup>625 Ill. Comp. Stat. 5/11-908(a-1).

**Figure 3: Move Over or Slow Down Laws Covering Highway Maintenance or Construction Vehicles, by State**



Source: GAO analysis of states' Move Over or Slow Down laws and certain related legal provisions (data), and Map Resources (map). | GAO-24-106216

Notes: For the purposes of this analysis, highway maintenance or construction vehicles include state department of transportation vehicles, highway work zones, and vehicles or areas that we considered to be substantively the same as those vehicles or areas.

This map includes the 16 states with Move Over or Slow Down laws that cover all vehicles.

We conducted our legal review from February 2023 through September 2023. Our descriptions of a state's Move Over or Slow Down law and certain related legal provisions do not reflect any amendments made to them after we completed our review for that particular state. We completed our review for most states after the end of their 2023 legislative sessions, which we determined using the National Conference of State Legislatures' state legislative session calendar.



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**Utility vehicles and trash trucks.** Move Over laws in most (42) states cover utility vehicles, trash trucks, or both (see fig. 4).<sup>34</sup> For example, Virginia’s Move Over law covers vehicles used by a public utility company for the purpose of repairing, installing, or maintaining electric or natural gas utility equipment or service.<sup>35</sup> Wisconsin’s Move Over law covers vehicles of public utilities, which include companies that furnish heat, water, power, and telecommunications services directly to the public.<sup>36</sup> Texas covers vehicles that exclusively transport and remove solid waste or recyclable material from certain locations.<sup>37</sup>

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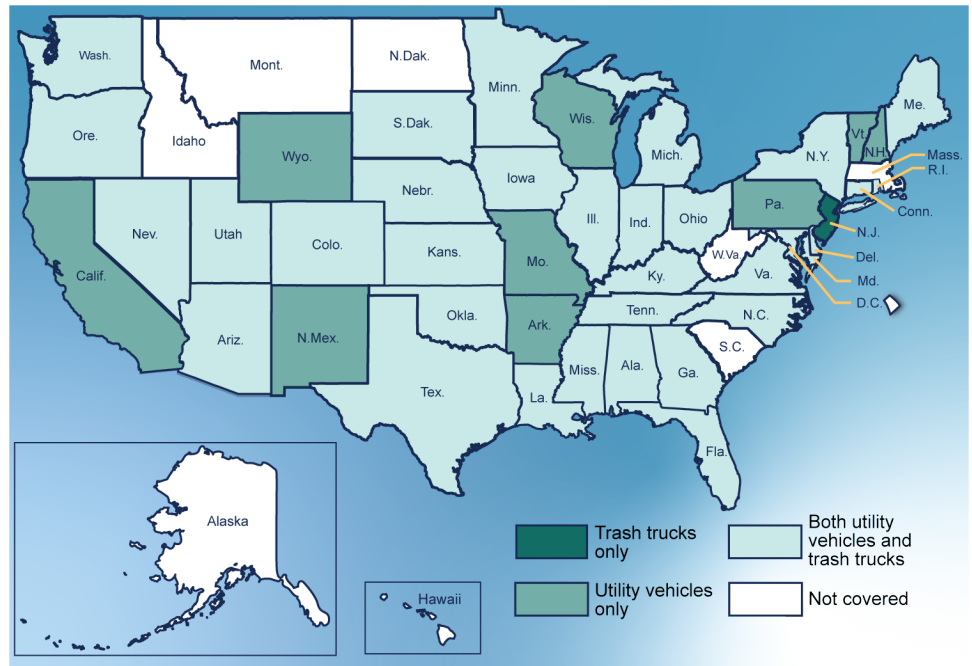
<sup>34</sup>For the purposes of this report, trash trucks include recycling vehicles and vehicles we considered to be substantively the same as trash trucks or recycling vehicles, such as a “solid waste vehicle.” States’ Move Over laws may cover trash trucks by covering “municipal” or other vehicle types we did not identify. However, because the definitions of a “municipal” vehicle or other such vehicles, if any, vary by state, we did not include these states in our count of states with Move Over laws covering trash trucks. Utility vehicles include those related to electric, gas, telecommunications, or other utilities. States’ Move Over laws may cover utility vehicles by covering other vehicle types that we did not identify, such as vehicles of “public service corporations.” However, because the definitions of such vehicles, if any, vary by state, we did not include these states in our count of states with Move Over laws covering utility vehicles.

<sup>35</sup>Va. Code §§ 46.2-1026, 46.2-861.1.

<sup>36</sup>Wis. Stat. §§ 196.01, 346.072.

<sup>37</sup>Tex. Transp. Code § 545.157.

**Figure 4: Move Over or Slow Down Laws Covering Utility Vehicles, Trash Trucks, or Both, by State**



Source: GAO analysis of states' Move Over or Slow Down laws and certain related legal provisions (data), and Map Resources (map). | GAO-24-106216

Notes: For the purposes of this analysis, trash trucks include recycling vehicles and vehicles we considered to be substantively the same as trash trucks or recycling vehicles, such as a "solid waste vehicle." States' Move Over or Slow Down laws may cover trash trucks by covering "municipal" or other vehicle types we did not identify. However, because the definitions of a "municipal" vehicle or other such vehicles, if any, vary by state, we did not include these states in our count of states with Move Over or Slow Down laws covering trash trucks.

Utility vehicles include those related to electric, gas, telecommunications, or other utilities. States' Move Over or Slow Down laws may cover utility vehicles by covering other vehicle types that we did not identify, such as vehicles of "public service corporations." However, because the definitions of such vehicles, if any, vary by state, we did not include these states in our count of states with Move Over or Slow Down laws covering utility vehicles.

The 16 states with Move Over or Slow Down laws that cover all vehicles are included as covering both utility vehicles and trash trucks.

We conducted our legal review from February 2023 through September 2023. Our descriptions of a state's Move Over or Slow Down law and certain related legal provisions do not reflect any amendments made to them after we completed our review for that particular state. We completed our review for most states after the end of their 2023 legislative sessions, which we determined using the National Conference of State Legislatures' state legislative session calendar.

States' Move Over laws may cover other types of vehicles, such as postal vehicles, school buses, or snow or ice removal vehicles (see fig. 5). For example, Alaska's Move Over law covers animal control vehicles, while the Move Over law in Kentucky covers vehicles escorting wide-load or slow-moving trucks and trailers.<sup>38</sup>

**Figure 5: Examples of Utility Vehicles, Trash Trucks, and Other Vehicles Covered by States' Move Over or Slow Down Laws**



Sources: (clockwise from upper left) Noel, OliverFoerstner, PiLensPhoto, eproy, and Carlos Santa Maria/stock.adobe.com. | GAO-24-106216

**Disabled vehicles.** Move Over laws in some (21) states cover disabled vehicles.<sup>39</sup> Other states have proposed expanding their Move Over laws to cover disabled vehicles either specifically or by proposing to cover all vehicles.<sup>40</sup> For example, Kansas' legislature introduced a bill in February

<sup>38</sup>See Alaska Stat. § 28.35.185(a); Ky. Rev. Stat. Ann. §§ 189.910, 189.930(5).

<sup>39</sup>We included in this count Move Over laws that expressly cover "disabled" vehicles or sufficiently permit the inference that disabled vehicles are covered. For example, D.C.'s Move Over law applies to drivers approaching a "collision or mechanical breakdown." D.C. Mun. Regs. tit. 18, § 2210.6. We determined that D.C.'s Move Over law sufficiently permits the inference that it covers disabled vehicles.

<sup>40</sup>As previously mentioned, we conducted our legal review from February 2023 through September 2023. Our identification of such proposed legislation in a state does not include any legislation proposed or enacted after we completed our legal review for that particular state.

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2023 proposing to extend the coverage of its Move Over law to all vehicles.<sup>41</sup>

**All vehicles.** Move Over laws in some (16) states cover all vehicles.<sup>42</sup> For example, Arizona’s Move Over law simply covers “a stationary vehicle... displaying alternatively flashing lights or warning lights.”<sup>43</sup> Similarly, Louisiana requires drivers to move over or slow down when approaching any vehicle using appropriate visual signals parked on or near the highway.<sup>44</sup>

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## Laws in All States Identify Penalties for Move Over Law Violations, Such As Fines or License Points

Every state requires or authorizes courts to impose fines—and many provide for the assignment of points to a driver’s license—for Move Over law violations (Move Over violations). However, officers may exercise discretion in whether to issue citations to drivers they stop for Move Over violations. When drivers do receive citations and are convicted of a violation, the actual penalty or penalties imposed by courts might not include every penalty that state law authorizes them to impose.<sup>45</sup>

For a first Move Over violation committed by a driver with an otherwise clean driving record and that did not involve fatalities, injuries, or property damage, we found the following:

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<sup>41</sup>2023 Kansas Senate Bill No. 142, 90th Legislature, 2023 Regular Session (Feb. 2, 2023).

<sup>42</sup>If a Move Over law expressly covers vehicles of an unspecified or sufficiently generic type, we included the law in this count. Move Over laws covering all vehicles may also expressly cover specific vehicle types, and the actions required of the driver under a Move Over law might differ, depending on whether the driver is approaching an unspecified or sufficiently generic type or a specific type. For example, we interpreted Connecticut’s Move Over law to cover all vehicles. Specifically, Connecticut’s Move Over law requires drivers approaching “emergency vehicles,” which is defined by statute to include first responder vehicles, on highways with at least two lanes proceeding in the same direction as they are traveling to slow down and, if in a lane adjacent to the emergency vehicle, move over. In contrast, drivers approaching “nonemergency vehicles,” which is not defined by statute, under the same circumstances, are only required to move over. See Conn. Gen. Stat. § 14-283b.

<sup>43</sup>Ariz. Rev. Stat. § 28-775(E).

<sup>44</sup>La. Stat. § 32:125(B).

<sup>45</sup>For example, Illinois authorizes but does not require courts to order community service for a violation of its Move Over law involving an “authorized emergency vehicle,” which includes first responder vehicles. See 625 Ill. Comp. Stat. 5/11-907(k). Our descriptions of the potential penalties that may be imposed for a Move Over violation in a state do not reflect any amendments made to them after we finished our review of that particular state’s laws.

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- Laws in every state require or authorize courts to impose a fine, and if a fine is required to be imposed, the amount ranges from a set fine of \$30 to a maximum of \$25,000. Specifically, courts in Florida must impose a set fine of \$30. Courts in Illinois must also impose a fine, the maximum of which is \$25,000 if the Move Over violation involves a highway work zone with workers present.<sup>46</sup>
  - Laws in many (36) states also provide for the assignment of driver's license points. For example, Idaho provides for the assignment of three license points.<sup>47</sup> See appendix III for more information about the type of offense and potential penalties for Move Over violations in each state.

States may also provide for other potential penalties for Move Over violations, such as community service or jail time.<sup>48</sup> Twelve states authorize courts to impose jail time for a Move Over violation, and three states authorize suspension of the person's driver's license, which may depend on the type of covered vehicle involved in the violation.<sup>49</sup> For example, if a driver in Arkansas is convicted of a Move Over violation, the court must impose a fine, jail time, or both, and may also order license

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<sup>46</sup>Fla. Stat. § 318.18(2)(d). States' laws may also provide for a minimum fine. In Illinois, \$25,000 is the maximum fine and \$100 is the minimum fine for a violation of the state's Move Over law involving a highway construction or maintenance zone with workers present. See 625 Ill. Comp. Stat. 5/11-908. Other minimum and maximum fines apply when, for example, a violation of Illinois' Move Over law involves an "authorized emergency vehicle," which includes first responder vehicles. See 625 Ill. Comp. Stat. 5/11-907. In contrast, Louisiana law provides for a maximum fine of \$200 but no minimum. See La Stat. § 32:125(D).

<sup>47</sup>Idaho Admin. Code R. 39.02.71.200. The remaining 15 states do not assign license points for Move Over violations; 11 of these 15 states do not have license point systems at all.

<sup>48</sup>To determine whether a state authorizes any penalty other than a fine and license points for a Move Over violation specifically, we looked for such authorizations only in those sections of the state's laws that specify: 1) the threshold for application of the law; 2) actions required of the driver; and 3) under the circumstances we previously mentioned, the type of offense a Move Over violation constitutes, fine, and any license points. For more information on how we identified potential penalties for such Move Over violations, see appendix I.

<sup>49</sup>As previously mentioned, these authorized penalties are applicable to Move Over violations under certain circumstances (i.e., for a first offense committed by a driver with an otherwise clean driving record and that did not involve fatalities, injuries, or property damage). A state may authorize these and other penalties for a Move Over violation but only under different circumstances, such as for a subsequent violation or one that resulted in a fatality. If that is the case, we did not include that state in our counts of states that authorize these penalties.

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suspension or community service.<sup>50</sup> Courts in Illinois must impose a \$250 “conditional assessment”—separate from and in addition to any fine—for a Move Over violation involving an “authorized emergency vehicle,” which includes first responder vehicles.<sup>51</sup>

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## States Have Promoted Their Move Over Laws in Various Ways, Depending on Available Resources and Other Factors

### States’ Efforts to Promote Their Move Over Laws Include Road Signs, Law Enforcement, and Social Media

In our review of all states’ online information, and in discussions with officials from seven selected states, we found that states have promoted Move Over laws through road signs, law enforcement campaigns, social media, and other efforts.

**Road signs.** We identified 42 states that use road signs to inform the public about Move Over laws. Stationary, dynamic messaging, and temporary signs encourage drivers to move over or slow down when passing certain vehicles. Figure 6 illustrates each of these sign types.

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<sup>50</sup>Specifically, Arkansas requires drivers convicted of a Move Over violation to be fined at least \$250 but not more than \$1,000, confined in county jail for no more than 90 days, or both fined and jailed. The court, in its discretion, may also suspend the person’s driver’s license for a minimum of 90 days but not more than 6 months, or order the driver to perform community service for up to 7 days. See Ark. Code § 27-51-310(c).

<sup>51</sup>See 705 Ill. Comp. Stat. 135/5-10, 135/15-70(19). While this requirement is beyond the scope of our legal review for the other 50 states, we found it in the process of searching Illinois’ statutes for an authorization to impose a fine for a Move Over violation. Because this additional \$250 conditional assessment is separate from but similar to a fine, and because courts must impose it specifically for a Move Over violation involving an authorized emergency vehicle, we included the conditional assessment as an example of another authorized penalty for a Move Over violation.

**Figure 6: Examples of Stationary, Dynamic Messaging, and Temporary Road Signs Promoting States' Move Over or Slow Down Laws**



Sources: (left to right) Illinois Department of Transportation, Ohio Department of Transportation, and Bamberger Wrecker Service, Alabama. | GAO -24 -106216

Officials in Florida told us that using road signs and billboards allows them to alert visitors crossing into the state of the Move Over law. See figure 7 for examples of billboards and other similar public awareness signs.

**Figure 7: Examples of Rest Stop Sign, Tailgate Messaging, and Billboard to Promote States' Move Over or Slow Down Laws**



Sources: (clockwise from upper left) DRIVE SMART Virginia, Solid Waste Association of North America, Tennessee Department of Transportation, and New Jersey Department of Transportation. | GAO-24-106216

**Example of a State Requiring Road Signs on Move Over Laws**

Nebraska requires the state department of transportation to post and maintain signs notifying the public of its Move Over law along certain highways.

Source: GAO analysis of states' Move Over or Slow Down (Move Over) laws and certain related public awareness legal provisions. | GAO-24-106216

Officials in all seven of our selected states said that they had not measured the impact of Move Over public awareness efforts, including signs, on driver behavior. However, in our review of states' online information, we identified an effort that law enforcement officials carried out in one county in Pennsylvania to test the extent to which different messages led drivers to move over when passing staged emergency scenes.<sup>52</sup> According to a local news report, the officials found that signs with more directive language (i.e., "Move Over It's the Law" instead of "Emergency Scene Ahead") led to higher compliance from drivers.

**Law enforcement.** We found that 33 states use targeted law enforcement campaigns to raise awareness of and enforce their Move Over laws. These efforts may include giving warnings to drivers or issuing Move Over citations during a certain time period. State officials we interviewed said that targeted law enforcement campaigns allow states to

<sup>52</sup>For media coverage of this effort, see James Mentzer, "Move Over Law strengthened to protect first responders," *LEBTOWN* (Sept. 22, 2021), accessed Aug. 31, 2023, <https://lebtown.com/2021/09/22/move-over-law-strengthened-to-protect-first-responders/>.



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concentrate their resources to temporarily raise public awareness. For example, according to state press releases, state police organizations in Indiana, Kentucky, Michigan, Ohio, Pennsylvania, and West Virginia have coordinated annual campaigns to enforce and raise public awareness about each state’s Move Over law. In a weeklong campaign in 2023, law enforcement officers in these states issued 1,064 citations for Move Over violations, according to a local news report.<sup>53</sup> An official in one state explained that states may use staged emergency scenes for their enforcement campaigns, in which a fire truck or other emergency responder vehicle is parked on the side of the road.<sup>54</sup>

In addition, some state laws may include new or expanded authorities to aid enforcement, such as automated (e.g., camera) enforcement. According to an industry publication, three states— Connecticut, New York, and Washington—recently authorized the use of automated speed cameras in work zones, joining other states that allow for the use of such cameras.<sup>55</sup>

**Examples of States Requiring Websites on Move Over Laws**

- Arizona requires the state department of transportation to maintain information about Arizona’s law on its website.
- Pennsylvania requires the state department of transportation to maintain information about Pennsylvania’s law on its website as part of its Move Over Campaign.

Source: GAO analysis of states’ Move Over or Slow Down (Move Over) laws and certain related public awareness legal provisions. | GAO-24-106216

**Websites.** We found that 36 states have dedicated Move Over websites. The content of these websites varies, but may include the legal text, the history of the law, frequently asked questions about the law’s requirements, and promotional and educational materials. These materials are available for anyone to use, including state agencies, local law enforcement, and other stakeholders, and can include posters and other printouts, clips of video and radio public service announcements

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<sup>53</sup>For media coverage of this effort, see Madison MacArthur, “6-State Trooper Project enforces Move Over law,” *Spectrum 1 News* (July 28, 2023), accessed Aug. 31, 2023, <https://spectrumnews1.com/oh/columbus/news/2023/07/28/6-state-trooper-project-enforce-move-over-law>.

<sup>54</sup>Using staged scenes may not be possible in all states. For example, Nebraska expressly prohibits the enforcement of its Move Over law using simulated (i.e., staged) situations involving covered vehicles. Neb. Rev. Stat. § 60-6,378(3).

<sup>55</sup>Following a pilot program that began in April 2023, New York dispatched speed-monitoring vehicles to highway work zones. Connecticut also began a pilot program for work zone cameras in 2023, which will include warnings for a first offense followed by citations and fines. Starting in July 2024, Washington will allow automated cameras in work zones. These three states join others that use automated speed cameras specifically for work zones. For more information, see Don McCloud, “Automated Speed Cameras in Work Zones Adopted in 3 More States,” *Equipment World* (Apr. 20, 2023), accessed Aug. 29, 2023, <https://www.equipmentworld.com/roadbuilding/article/15383430/three-states-adopt-automated-speed-cameras-in-work-zones>.

(PSAs), and images and banners for social media. For example, California's DOT provides materials in English and Spanish (see fig. 8).<sup>56</sup>

**Figure 8: Examples of English- and Spanish-Language Banners That California Uses to Raise Public Awareness of its Move Over or Slow Down Law**



Source: California Department of Transportation. | GAO-24-106216

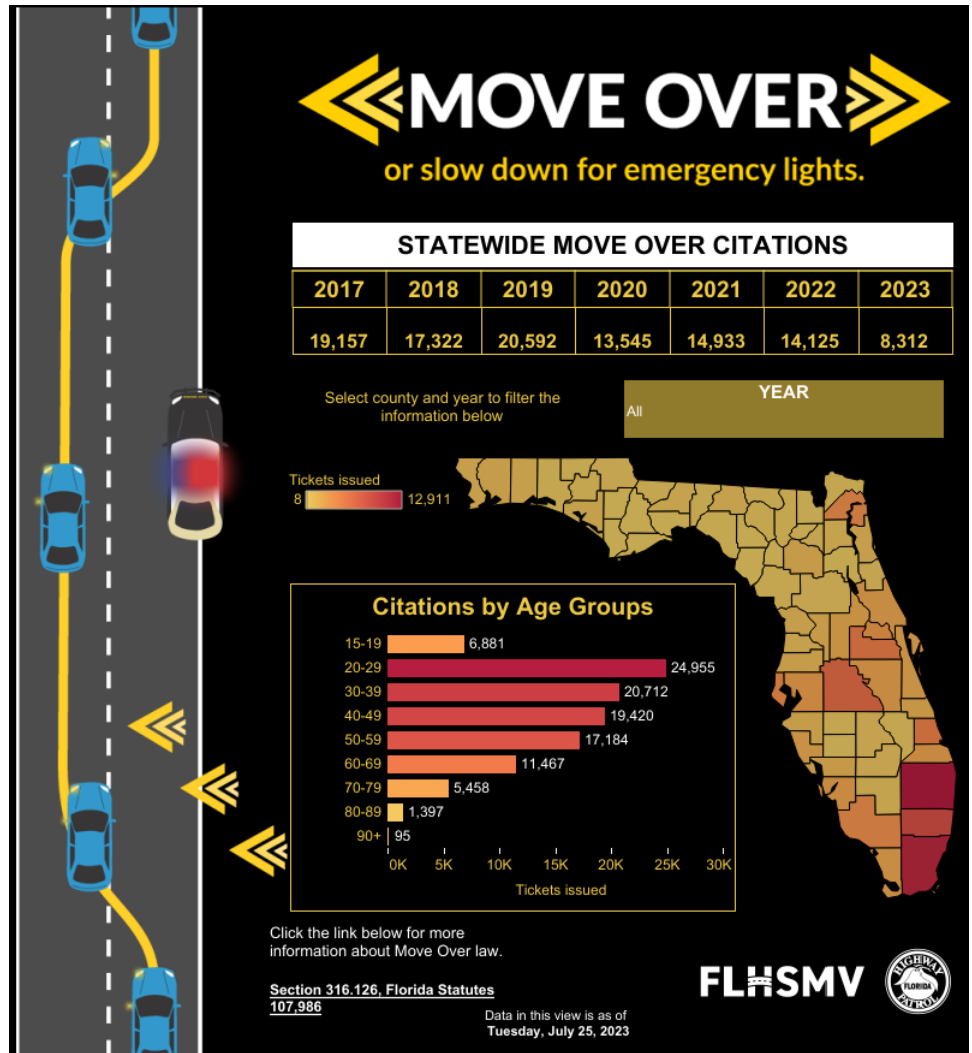
We identified a few states that also publish enforcement or crash data related to Move Over laws on their websites.<sup>57</sup> For example, the Florida Department of Highway Safety and Motor Vehicles has published the number of Move Over citations issued by state troopers since 2017, listed by county and age group, on the state's Move Over website (see fig. 9). The website also details crashes, fatalities, and serious injuries related to Move Over laws at the state and county levels since 2015.<sup>58</sup>

<sup>56</sup>For more information about California's campaign, see Caltrans, "Be Work Zone Alert," accessed Jan. 23, 2024, <https://beworkzonealert.dot.ca.gov/campaign.html>.

<sup>57</sup>For more information about crash data related to Move Over laws, see [GAO-21-166](#).

<sup>58</sup>For more information, see Florida's Move Over citation and crash database at <https://www.flhsmv.gov/safety-center/driving-safety/move-over/move-over-crash-and-citati-on-dashboard/>. Ohio also publishes Move Over citation and crash data at <https://www.transportation.ohio.gov/about-us/resources/move-over>. In 2020, Illinois' Move Over Task Force published its first report, which discussed the number of warnings given and citations written by state police. For more information, see Illinois State Police, "Move Over Task Force Report" (Dec. 30, 2020), accessed March 24, 2023, <https://www.illinois.gov/news/press-release.22793.html>.

Figure 9: Screenshot of Florida’s Data Dashboard on Move Over or Slow Down Citations



Source: Florida Department of Highway Safety and Motor Vehicles. | GAO-24-106216

Note: Statistics in this image are based on data provided to Florida Department of Highway Safety and Motor Vehicles staff by law enforcement agencies.

**Social media.** We found that all states use social media platforms, such as X (formerly known as Twitter) and Facebook, to promote their Move Over laws. Social media posts may include graphics or videos to inform drivers about specific vehicles the Move Over laws cover or to draw attention to crashes or close calls related to the laws (see fig. 10).

Figure 10: Examples of States' Social Media Posts Promoting Move Over or Slow Down Laws



Source: X (formerly Twitter posts, from left to right), @PennDOTNews and @Arizona\_DPS (images). | GAO-24-106216

Note: The graphic in the left post is the intellectual property of the Pennsylvania Department of Transportation (DOT). Use of this graphic is not intended to indicate any affiliation between the Pennsylvania DOT and GAO or an endorsement of this report by the Pennsylvania DOT.

Officials in three of our selected states said that they measure engagement rates for their social media posts (e.g., the number of clicks, likes, or shares). State officials said that social media posts that focus on crashes or incidents related to Move Over laws tend to receive the most attention.

**Traditional media.** Officials in all seven of our selected states told us that they use traditional media to promote Move Over laws. Such efforts can involve cost-free media advertisement slots donated by radio and television stations (e.g., PSAs), paid media (e.g., advertising), or coverage of events or incidents in local and state newspapers (i.e., earned media). For example, officials in Florida said that they target older drivers through print media and TV news, and officials in Nebraska said that they use donated ads (i.e., PSAs) on local radio stations. Officials explained that by using different types of traditional media, they can reach a wider population of drivers throughout their states.

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**Examples of States Requiring Efforts to Educate the Public about Move Over Laws**

- Alabama requires the Alabama State Law Enforcement Agency to conduct an educational awareness campaign informing the public about Alabama's Move Over law.
- Arizona requires the state department of transportation to educate the public about Arizona's Move Over law periodically throughout the year.
- Florida requires the state Department of Highway Safety and Motor Vehicles to have an educational awareness campaign to inform the public about Florida's Move Over law.
- Illinois has established "Scott's Law Day" to be observed statewide as a day "to honor public safety workers and to remind motorists to slow down, change lanes away from a stationary authorized emergency vehicle, and proceed with due regard to safety and traffic conditions."
- Pennsylvania requires the state department of transportation to educate the public about Pennsylvania's Move Over law periodically throughout the year.

Source: GAO analysis of states' Move Over or Slow Down (Move Over) laws and certain related public awareness legal provisions. | GAO-24-106216

**Public awareness events.** We found that 46 states participate in annual public awareness events related to Move Over laws. These events include national traffic safety campaigns and statewide Move Over awareness days or months.<sup>59</sup> During these events, states may use social media, conduct law enforcement campaigns, and partner with other traffic safety organizations to promote their Move Over laws. For example, every October, the Arizona DOT partners with a towing association to host events highlighting an annual Move Over Day, including a parade of tow trucks and other emergency responder vehicles. We also identified states, including Arkansas, Minnesota, and Ohio, that host a statewide Move Over Day.

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<sup>59</sup>FHWA collaborates with states and others to host Crash Responder Safety Week annually, which includes promotional efforts related to Move Over laws, as discussed below.

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### Examples of States Requiring Driver Education on Move Over Laws

- Alabama requires the Alabama Law Enforcement Agency to provide information about Alabama's Move Over law in all newly printed driver's license education materials.
- Arizona requires that defensive driving courses, "traffic survival school," and any driver education program approved by the state department of transportation include educational information related to Arizona's Move Over law. Additionally, the state department of transportation must include information on the Move Over law in all of its examination, information, and education materials and on driving exams.
- Florida requires the state Department of Highway Safety and Motor Vehicles to provide information about Florida's Move Over Act in all newly printed driver's license education materials.
- Illinois requires driver's education classes for persons under the age of 18 to include how to respond to emergency vehicles, including its Move Over law involving those vehicles.

Source: GAO analysis of states' Move Over or Slow Down (Move Over) laws and certain related driver's education legal provisions. | GAO-24-106216

**Driver education.** There are states that require the inclusion of information about their Move Over laws in driver's license education materials or defensive driving courses, and, in at least one state, on drivers' tests.<sup>60</sup> Specifically, under Arkansas law, if a person taking a driver's license test violates the Move Over law by not slowing down or moving over for a law enforcement vehicle with flashing lights stopped on a highway, that person automatically fails the test.<sup>61</sup> In addition, five of our seven selected states included information on their Move Over law in the state driver's education manual.

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### States Consider Factors Such As Available Resources and Staff Expertise When Planning Promotion Efforts

State officials consider various factors, including available resources, staff expertise, legal requirements, and stakeholder input, when determining which efforts to undertake to promote Move Over laws.

State DOT officials in four of our seven selected states said that it was difficult to allot resources, including time, staff, and funding, to promoting Move Over laws, given competing traffic safety priorities. Resource availability can affect which type of promotion states use. For example,

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<sup>60</sup>While we searched the entire state statutory and administrative codes of our selected states for any public awareness or driver's education requirements related specifically to Move Over laws, we conducted a more limited search for such requirements for the other states. Thus, the statutory or administrative codes of the states outside of our selected states may have additional public awareness or education requirements specifically related to Move Over laws that we did not identify. See appendix I for more information on the scope of our legal research.

<sup>61</sup>See Ark. Admin. Code 130.00.4A-2.0.

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social media can be low cost or free, while a marketing campaign requires more resources.

State public safety and DOT officials in four of our selected states said that two law enforcement officers, or two vehicles, are needed to enforce a Move Over violation—one to conduct a traffic stop on the side of the road, and a second one to monitor traffic for vehicles that fail to move over. Consequently, a lack of resources or insufficient number of officers often pose a challenge to enforcement. Law enforcement campaigns—which run for a limited period of time—have allowed these officials to target resources to raise awareness about Move Over laws. While some selected states indicated that resources can be a challenge, Illinois has designated funding for certain efforts to educate drivers about and enforce its Move Over law. These efforts include hiring off-duty state police officers for enforcement, as well as producing driver education materials.<sup>62</sup>

The marketing expertise of staff can also determine the extent to which states undertake promotional efforts. State officials said that social media and news coverage were straightforward ways to promote Move Over laws, while developing a marketing campaign—often, paid media in conjunction with other efforts—required a greater level of staff expertise, but could be more effective. This promotion work may be done by various entities within a state, which may or may not have staff with such expertise. For example, officials in two of the states we spoke with said that public information staff have conducted public awareness efforts. By contrast, officials in three other states said that such efforts have been undertaken by local law enforcement or public safety staff. Officials in one state said that staff were not familiar with best practices for conducting public awareness efforts and unsure how to most effectively promote the Move Over law. Moreover, officials in another state said that they would like to further target their messaging and public awareness materials to

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<sup>62</sup>Illinois has a special fund called Scott's Law Fund. The Director of the State Police must use all available money in this fund for specific purposes, which are: 1) to produce driver education materials on approaching stationary authorized emergency vehicles (e.g., first responder vehicles); 2) to hire off-duty state police officers to enforce Illinois' Move Over law, as it relates to these vehicles; and 3) other law enforcement purposes that the Director considers necessary as part of these efforts. There also exist in Illinois local Transportation Safety Highway Hire-Back Funds. Each county must use the money in its Transportation Safety Highway Hire-Back Fund to hire off-duty county police officers to monitor construction or maintenance zones within the county on non-interstate highways. The county may, in its discretion, use some of the money in its fund to purchase equipment for county law enforcement and fund the production of driver education materials on safe driving habits in construction zones and approaching stationary authorized emergency vehicles. See 625 Ill. Comp. Stat. 5/11-907(i)-(j).

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the appropriate drivers, but staff did not have the necessary resources to do so.

In addition, state officials consider legal requirements and stakeholder input when determining which promotional efforts to undertake. Illinois, for example, observes statewide “Scott’s Law Day,” during which the Illinois DOT and state police use earned media and social media to promote the state’s law.<sup>63</sup> In addition to this awareness day, the Illinois legislature created the Move Over Task Force in 2019 to study the issue of Move Over violations, giving particular attention to their causes and ways to protect law enforcement and emergency responders.<sup>64</sup> In 2020, the task force issued a report that included recommendations on how to better enforce Scott’s Law and prevent fatalities on the state’s roadways.<sup>65</sup> The report recommended using signage; involving stakeholders, such as the Illinois Trucking Association; using PSAs and other forms of digital and print media; and collaborating with local broadcasting organizations to develop a public education campaign.<sup>66</sup>

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<sup>63</sup>Illinois’ Move Over law, as it relates to authorized emergency vehicles (e.g., first responder vehicles), is often referred to as Scott’s Law. The law is named after Lieutenant Scott Gillen of the Chicago Fire Department, who was struck and killed by an intoxicated driver while assisting at a crash on a Chicago Expressway on December 23, 2000.

<sup>64</sup>2019 Ill. Legis. Serv. P.A. 101-174, § 5 (S.B. 2038) (codified as amended at 625 Ill. Comp. Stat. 5/11–907.1, which was repealed by its own terms on January 1, 2022).

<sup>65</sup>In 2021, the Illinois legislature replaced the Move Over Task Force with the Move Over Early Warning Task Force to study the same issue, as well as new technologies and early warning systems in cellular phones and vehicles that alert the public to the presence of first responders and road safety hazards. The Illinois legislature required this new task force to issue a similar report, except that it must also include recommendations, if any, on how to use current driver communication technology to prevent fatalities and injuries on the state’s roadways. See 2021 Ill. Legis. Serv. P.A. 102-336 § 5 (H.B. 3656) (codified at 625 Ill. Comp. Stat. 5/11–907.2, which was repealed by its own terms on January 1, 2024).

<sup>66</sup>For more information, see Illinois Task Force Report (2020).



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## DOT Has Supported States' Promotion of Move Over Laws, but Its Public Awareness Materials Do Not Fully Reflect Covered Vehicle Types

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### NHTSA and FHWA Have Supported States' Efforts to Promote Move Over Laws through Funding, Research, and Public Awareness Materials

**Funding.** In addition to NHTSA's preexisting grant programs described above, the IIJA authorized a new program—the Preventing Roadside Deaths grant program—which is administered by NHTSA.<sup>67</sup> States must use these grants for specific purposes, which include conducting public information campaigns to reduce roadside deaths and injury, covering law enforcement costs related to enforcing state laws to protect the safety of individuals stopped at the roadside, and piloting measures to increase the visibility of stopped and disabled vehicles.<sup>68</sup>

The IIJA also expanded project eligibility for FHWA's HSIP funding to include specified safety projects. Such projects include those that promote public awareness and inform the public of highway safety matters or facilitate enforcement of traffic safety laws.<sup>69</sup> FHWA officials said that efforts to enforce Move Over laws, such as automated traffic enforcement systems or safety camera systems, may qualify as a

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<sup>67</sup>As mentioned above, states may apply for Section 405(h) grants for the first time for fiscal year 2024.

<sup>68</sup>See 23 U.S.C. § 405(h)(4).

<sup>69</sup>IIJA § 11111(a) (amending 23 U.S.C. § 148). Specified safety projects must be consistent with the state's strategic highway safety plan and meet all requirements applicable to highway safety improvement projects under HSIP. For example, a specified safety project must also be identified through a data-driven process. States may use up to 10 percent of the HSIP funding they receive each fiscal year to carry out specified safety projects to advance the implementation of their strategic highway safety plans. See 23 U.S.C. § 148(a)(11), (c)(2)(B), (e)(3).

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specified safety project.<sup>70</sup> According to FHWA, about \$3 billion in HSIP funding will be distributed among the states for fiscal year 2024.<sup>71</sup>

According to NHTSA officials, 27 states qualified for funding under NHTSA's new Preventing Roadside Deaths grant program for fiscal year 2024.<sup>72</sup> NHTSA officials said that states provided high-level information about how they plan to use this new funding in their applications. For example, states planned to use the funds for efforts such as public information and education regarding vehicles and individuals on the side of the road and for the enforcement of Move Over laws. FHWA officials told us that while states' project documentation for HSIP funding may indicate if a state plans to use the funds for a "specified safety project" under the program's expanded project eligibility, the project descriptions may not necessarily note whether the project is related to Move Over laws.

Officials from six of our seven selected states said that they were aware of this potential new DOT funding, including NHTSA's Preventing Roadside Deaths grant funding for fiscal year 2024. Of the five states we discussed HSIP funding with, none had yet developed plans to implement specified safety projects under HSIP that included efforts related to promoting their Move Over laws.<sup>73</sup> Officials in several of these states indicated that additional information about how to effectively promote their Move Over laws, as well as public awareness materials, would be useful as they considered how best to use available funding.

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<sup>70</sup>Unlike the last major surface transportation reauthorization act, the IJA does not include a general prohibition on using HSIP funds for automated traffic enforcement systems. See Fixing America's Surface Transportation Act, Pub. L. No. 114-94, § 1401, 129 Stat. 1312, 1405 (2015) (prohibiting the use of HSIP funds to purchase, operate, or maintain an automated traffic enforcement system located outside of a school zone).

<sup>71</sup>This is the approximate amount of available HSIP funding before any applicable post-apportionment set-asides, penalties, and sequestration, according to FHWA. See FHWA, Notice of Apportionment of Federal-Aid Highway Program Funds for Fiscal Year 2024, N4510.880, tbl. 1 (Oct. 2, 2023).

<sup>72</sup>As of October 2023, NHTSA officials did not yet have information on the Preventing Roadside Deaths grant amount for each state.

<sup>73</sup>We also contacted officials from six additional states (Alaska, D.C., Kentucky, Louisiana, Missouri, and New Mexico) to collect more information about their knowledge of—and plans for—these funds. Officials in three of these states indicated that they intended to use the new Preventing Roadside Deaths grant funding for public awareness or digital alert technology. Officials in one state said that no decisions had yet been made. None of the states indicated that they planned to use the expanded HSIP project eligibility.

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**Research.** Both NHTSA and FHWA have carried out research and other projects to support states' Move Over laws, including projects that we described in our 2020 review of emergency responder safety.<sup>74</sup>

- NHTSA is conducting research on whether vehicle positioning, lighting, and roadway features have contributed to Move Over crashes. This research is intended to identify strategies to improve safety for first responders and other road users. NHTSA officials said that as of June 2023, the agency had conducted over 110 investigations and begun preliminary data analysis for a small number of these cases.
- FHWA has sponsored research on (1) strategies to improve compliance with Move Over laws, including technologies to prevent crashes caused by drivers not moving over for roadside vehicles; (2) methodologies for collecting data about incidents that might involve violations of Move Over laws; and (3) secondary crashes, including those related to violations of Move Over laws, occurring at the scene of a primary incident.<sup>75</sup> For the first of these, FHWA is planning to observe drivers to determine the percentage that move over when legally required to do so. FHWA officials told us they also plan to assess the efficacy of approaches and technologies (e.g., movable barriers) to improve roadside safety for all workers responding to roadside incidents. FHWA also partners with other organizations, including ERSI, to collect data on crashes that injure or kill first responders. Such crashes may involve Move Over violations.

**Public Awareness Materials.** NHTSA provides materials for state highway safety offices to use to raise public awareness of Move Over laws and first responder safety on its Traffic Safety Marketing website. The website includes sample social media posts, press releases, graphics, banners, and videos (see fig. 11).<sup>76</sup> NHTSA has also issued a list of strategies states can use to develop public awareness campaigns for any safety topic.

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<sup>74</sup>GAO-21-166.

<sup>75</sup>According to FHWA, "secondary crashes" are crashes that occur at the scene of an original crash or in the queue, including in the opposite direction.

<sup>76</sup>For more information, see NHTSA, "Traffic Safety Marketing," accessed Jan. 23, 2024, <https://www.trafficsafetymarketing.gov/>

Figure 11: NHTSA Banner on Move Over or Slow Down Laws



Source: National Highway Traffic Safety Administration (NHTSA) website information and NHTSA screenshot. | GAO-24-106216

According to NHTSA officials, Move Over materials are available to state officials and other stakeholders for download. We found that two of the 36 states with dedicated Move Over websites featured NHTSA materials on their websites, and we identified some instances of states using NHTSA materials in other promotional efforts (e.g., in social media posts). Officials in two of our seven selected states said that they have used NHTSA Move Over materials to develop their own promotional materials. Officials in a third state said that they have, at times, developed their own materials in lieu of using NHTSA's to better reflect their local environment.

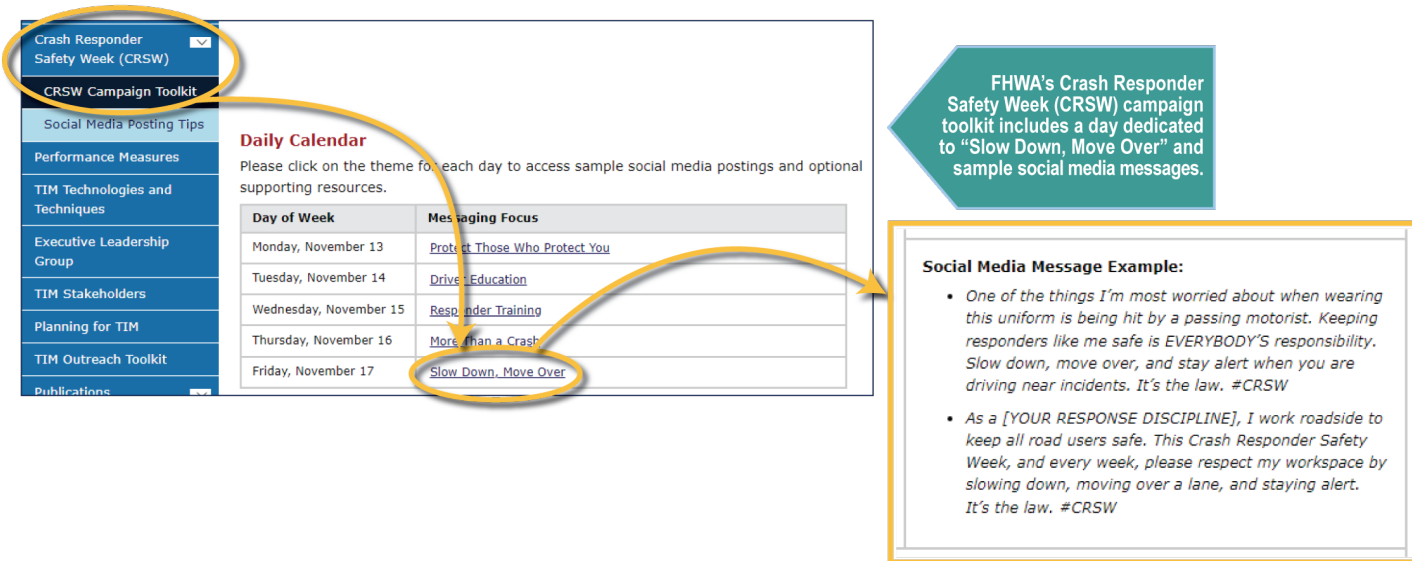
FHWA also provides materials for states and others to use to promote public awareness of Move Over laws and, more specifically, the safety of those managing traffic incidents. For this reason, FHWA's public awareness materials focus on first responder vehicles, tow trucks, and maintenance or construction vehicles.

For example, for its annual "Crash Responder Safety Week" campaign, FHWA issues sample social media and press releases for use by first responders and others, as well as a calendar of topics that states and others can highlight for each day. In 2023, this calendar included a day dedicated to "Slow Down, Move Over" (see fig. 12).<sup>77</sup> The calendar also suggested activities (e.g., issue a press release, publish an article, share training) for each day in the week, and referenced resources with additional materials from individual states. In addition, FHWA coordinates with ERSI to publish Move Over public awareness materials on the organization's website, including videos and a brochure to distribute to

<sup>77</sup>For more information, see FHWA, "Crash Responder Safety Week (CRSW), November 13-17, 2023," accessed Jan. 23, 2024, [https://ops.fhwa.dot.gov/tim/crash\\_responder.htm](https://ops.fhwa.dot.gov/tim/crash_responder.htm).

the public, as well as materials in support of Crash Responder Safety Week.<sup>78</sup>

**Figure 12: FHWA’s 2023 Crash Responder Safety Week Messaging Calendar and Sample Social Media Posts**



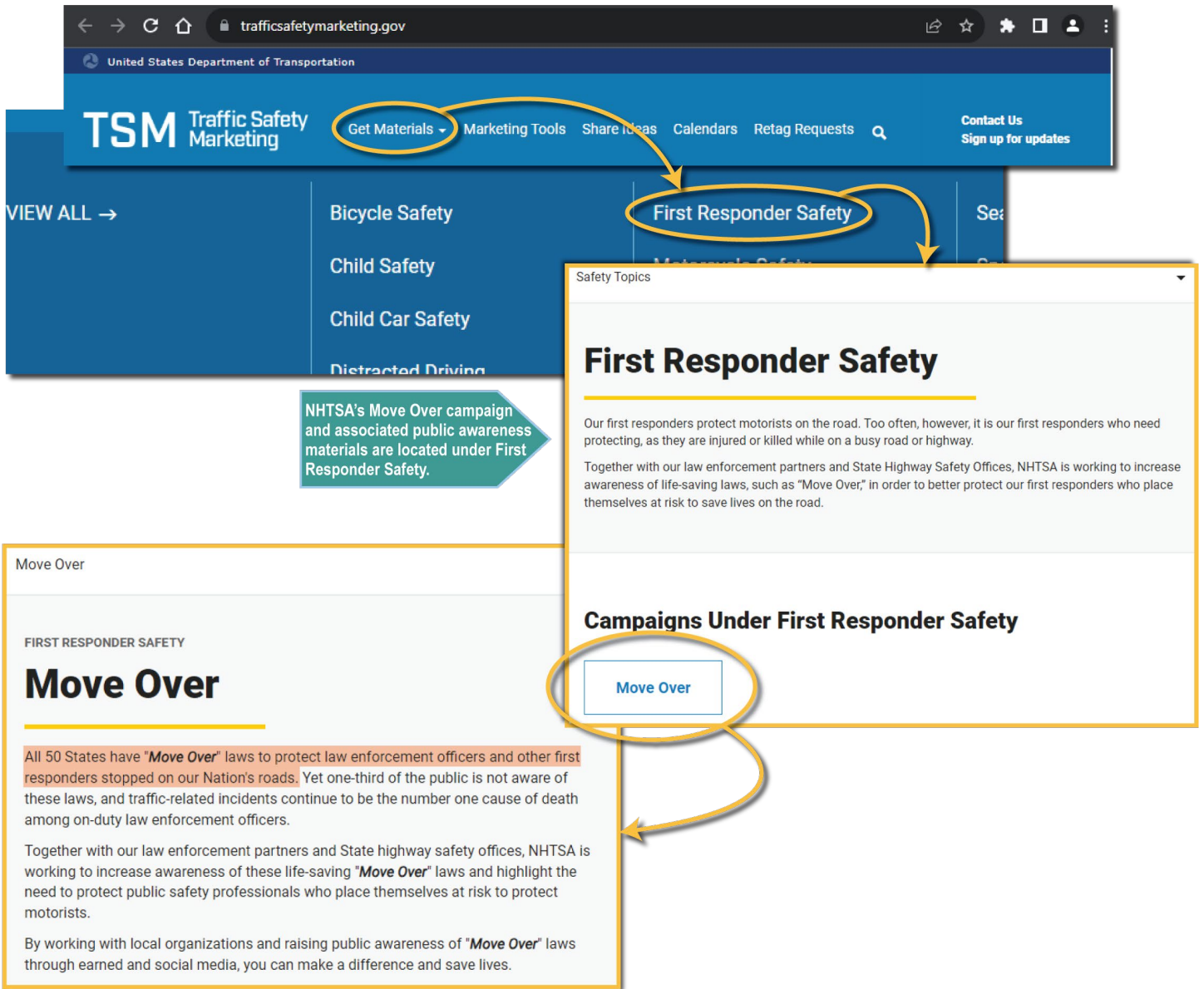
Source: GAO analysis of Federal Highway Administration (FHWA) website information and FHWA screenshots. | GAO-24-106216

## NHTSA's Public Awareness Materials Do Not Fully Address the Range of Vehicles Covered in States' Move Over Laws

Although NHTSA provides materials on its website that states can use to raise public awareness of their Move Over laws, most of these materials do not reflect the range of vehicles currently covered under states' laws. These laws can include highway maintenance or construction and other vehicles as described above. Yet NHTSA's public awareness materials generally focus on moving over for first responders and tow trucks (see fig. 13).

<sup>78</sup>For more information, see ERSI, "Move Over Slow Down Awareness," accessed Jan. 23, 2024, <https://www.respondersafety.com/public-education/awareness-campaigns/move-over-slow-down-awareness/>.

Figure 13: NHTSA’s First Responder Safety Campaign Featuring Move Over or Slow Down Laws, as of September 2023



Source: GAO analysis of National Highway Traffic Safety Administration (NHTSA) website information and NHTSA screenshots. | GAO-24-106216

DOT and NHTSA both have strategic goals and objectives related to safe, efficient, sustainable, and equitable transportation, and DOT’s fiscal year 2022–2026 strategic plan also contains a strategic goal to “improve the health, safety, and well-being of transportation workers and first responders.” Transportation workers include those doing maintenance or

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construction along highways or other roads. Moreover, federal internal control standards call for the communication of quality information so that external parties can help achieve agency objectives and address risks.<sup>79</sup> In this case, accurate and comprehensive information in NHTSA's public awareness materials would better help NHTSA achieve its objective to promote Move Over laws and ensure the safety of workers and first responders.

According to NHTSA officials, in April 2023 the agency refreshed some of the public awareness materials that it offers on its website to support states' Move Over laws. For example, NHTSA added a sample press release that states could customize to their laws, as well as a fact sheet—both of which acknowledged that states' Move Over laws may include other “roadside workers,” in addition to first responders and tow truck drivers. However, NHTSA did not update its other materials, such as the banners, graphics, and video clips that NHTSA provides for states and others to use. These materials still only feature first responders or tow trucks.

More comprehensive information in NHTSA's Move Over materials could be helpful for states. Officials in four of our seven selected states told us that when they develop public awareness materials, they often look first to the materials that NHTSA provides. As discussed above, staff at state agencies have different levels of capacity and expertise to conduct public awareness efforts, and some—such as employees of small law enforcement offices or public utilities—may not be able to easily adapt NHTSA materials to the local context.

We asked NHTSA officials why their Move Over public awareness materials did not more fully reflect the range of vehicles covered in states' laws. NHTSA officials told us that when updating Move Over public awareness materials, they focus on vehicle types that are reflected in most state laws. The officials also told us that they use discretionary funds to update these materials at least once per year. They said that they do not have dedicated funding for paid media specifically about Move Over laws like they do for their high-visibility enforcement campaigns on impaired driving and seatbelts, as well as for their distracted driving campaigns.<sup>80</sup>

However, updating NHTSA's Move Over materials (e.g., banners and other graphics) to highlight vehicles covered by states' laws—which may

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<sup>79</sup>[GAO-14-704g](#).

<sup>80</sup>See 23 U.S.C. §§ 404, 405(e)(9).

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include highway maintenance or construction, utility, trash, or disabled vehicles—does not require a paid media campaign. Updating materials such as banners and graphics would enable NHTSA to better accomplish its safety goals by providing relevant information to stakeholders that use its materials. Ultimately, such updates could help states improve the safety not just of first responders, but of all workers and motorists on the side of the road.

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## Conclusions

Reducing transportation-related fatalities and serious injuries is one of DOT's top priorities. NHTSA and FHWA play key roles in working toward that goal, including by supporting states' efforts to promote their Move Over laws. One way in which NHTSA does so is by offering materials that states, as well as other stakeholders, can use to raise public awareness. However, these materials focus on first responders and tow trucks and do not fully reflect states' Move Over laws, all of which now cover other types of vehicles as well, such as highway maintenance or construction, utility, trash, or disabled vehicles. By updating its public awareness materials such as banners and other graphics to highlight this broader range of vehicles, NHTSA could help states promote their laws more effectively, particularly as states have new funding available through both NHTSA and FHWA to do so. Materials that include a wider range of covered vehicles would help states improve the safety not just of first responders, but of all workers and motorists on the side of the road.

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## Recommendation for Executive Action

The NHTSA Administrator should update NHTSA's public awareness materials on states' Move Over laws, such as banners and other graphics, to more fully reflect the range of vehicles that states' laws cover, such as highway maintenance or construction, utility, trash, and disabled vehicles. (Recommendation 1)

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## Agency Comments

We provided a draft of this report to DOT for review and comment. In its comments, reproduced in appendix IV, DOT concurred with our recommendation. DOT also provided technical comments, which we incorporated as appropriate.

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We are sending copies of this report to the appropriate congressional committees, the Secretary of Transportation, the NHTSA Deputy Administrator, and other interested parties. In addition, the report is available at no charge on the GAO website at <https://www.gao.gov>.



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If you or your staff have any questions about this report, please contact me at (202) 512-2834 or [repkoe@gao.gov](mailto:repkoe@gao.gov). Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made key contributions to this report are listed in appendix V.

A handwritten signature in black ink, reading "Elizabeth Repko", followed by a long horizontal line extending to the right.

Elizabeth Repko  
Director, Physical Infrastructure

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# Appendix I: Objectives, Scope, and Methodology

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The Infrastructure Investment and Jobs Act (IIJA) includes a provision for us to review issues related to states' Move Over or Slow Down (Move Over) laws.<sup>1</sup> This report (1) identifies the key characteristics of states' Move Over laws; (2) describes how states have promoted their Move Over laws; and (3) assesses the extent to which the Department of Transportation (DOT) has supported states' efforts to promote these laws. This report builds on our 2020 report on emergency responder roadside safety.<sup>2</sup>

To identify key characteristics of states' Move Over laws, we reviewed the Move Over laws of the 50 states and the District of Columbia (states), as well as certain other related statutes, regulations, and legal sources, as appropriate. There is no federal Move Over law. We conducted this legal review from February 2023 through September 2023. Our descriptions of a state's Move Over law and certain other related statutes, regulations, and legal sources do not reflect any amendments made to them after we completed our review for that particular state.<sup>3</sup> We completed our review for most states after the end of their 2023 legislative sessions, which we determined using the National Conference of State Legislatures' (NCSL) state legislative session calendar.<sup>4</sup>

Specifically, we searched each state's statutory and administrative codes to identify certain key characteristics of the law and perform counts or provide descriptions of the laws as noted below. We identified and counted or gave examples of the following key characteristics:

**Threshold for application of the law.** The threshold for application of the law is a set of conditions that must be met for the Move Over law's requirements (e.g., move over, slow down) to apply to the driver, such as road type.<sup>5</sup> For the purposes of counting the states with Move Over laws

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<sup>1</sup>Pub. L. No. 117-58, § 24109, 135 Stat. 429, 809-810 (2021).

<sup>2</sup>GAO, *Emergency Responder Safety: States and DOT Are Implementing Actions to Reduce Roadside Crashes*, [GAO-21-166](#) (Washington, D.C.: Dec. 17, 2020).

<sup>3</sup>When describing the key characteristics of states' Move Over laws, we use "most" when counting 37 or more states, "many" for 25 to 36 states, "some" for 13 to 24 states, and "few" for 12 or fewer states.

<sup>4</sup>For more information, see NCSL, 2023 Legislative Session Calendar, accessed Sept. 8, 2023, <https://www.ncsl.org/about-state-legislatures/2023-state-legislative-session-calendar>.

<sup>5</sup>For the purposes of a Move Over law, terms such as "highway," "roadway," and "interstate" are defined, if at all, under state law, and thus their definitions may vary by state. When discussing a specific state's Move Over law, we use the term that particular law uses. Otherwise, we use the general terms "road" or "highway" in this report.

that apply on roads with two or more lanes traveling in the same direction, we counted the Move Over laws that expressly and permissively apply on such a road.

**Covered vehicles.** These are the types of vehicles a state’s Move Over law covers, and their presence is one condition that may be part of the threshold for application of the law.<sup>6</sup> To summarize the types of vehicles covered by states’ Move Over laws and provide examples of them for the purposes of this report, we categorized and counted or provided examples of Move Over laws’ covered vehicles as follows:

- **All vehicles.** If a state’s Move Over law covers vehicles of an unspecified or a sufficiently generic type, we included the state in our count of states with a Move Over law covering all vehicles.<sup>7</sup> If we determined that a state’s Move Over law covers all vehicles, then we included that state in each count that we provide for states with a Move Over law that covers a specific vehicle type discussed below.
- **First responder vehicles.** To count the states with a Move Over law that covers first responder vehicles, we included law enforcement vehicles, fire trucks, and ambulances in this vehicle type. We also included vehicles that we considered to be substantively the same as law enforcement vehicles, fire trucks, and ambulances, such as “police vehicles” and “emergency medical services vehicle[s].”
- **Tow trucks.** To count the states with a Move Over law that covers tow trucks, we included tow trucks, recovery vehicles, and roadside assistance vehicles, and vehicles that we considered to be substantively the same as those vehicles, such as a “wrecker,” in this vehicle type.

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<sup>6</sup>Move Over laws generally require that drivers move over, slow down, or both, when approaching certain vehicles stopped on the roadside with their warning lights activated. Move Over laws may also apply to non-stationary vehicles. However, when we discuss covered vehicles, generally and in examples, it is implied that these vehicles are stopped on the roadside and displaying warning lights appropriate to their type, unless otherwise specified.

<sup>7</sup>Move Over laws covering all vehicles may also expressly cover specific vehicle types, and the actions required of the driver under a Move Over law might differ, depending on whether the driver is approaching an unspecified or sufficiently generic type or a specific type of vehicle. In addition, for the purposes of a Move Over law, terms for covered vehicles such as “emergency vehicle” or “authorized emergency vehicle” are defined, if at all, under state law, and thus their definitions may vary by state. Where defined, we reviewed the statutory definition to determine whether the Move Over law covers any of the specific vehicle types we describe below. If we determined that the definition did, we included that state in our counts of states with a Move Over law that covers the specific vehicle type.

- **Highway maintenance or construction vehicles.** To count the states with a Move Over law that covers highway maintenance or construction vehicles, we included state DOT vehicles, highway maintenance or construction work zones or areas with or without such vehicles or workers present, and vehicles or areas we determined to be substantively the same as those vehicles or areas, in this vehicle type.
- **Trash trucks.** To count the states with a Move Over law that covers trash trucks, we included recycling vehicles and vehicles that we considered to be substantively the same as trash or recycling trucks, such as a “solid waste hauler” and “refuse” vehicles, in this vehicle type. States’ Move Over laws may cover trash trucks by covering “municipal” or other vehicle types we did not identify. However, because the definitions of a “municipal” vehicle or other such vehicles, if any, vary by state, we did not include these states in our count of states with Move Over laws covering trash trucks.
- **Utility vehicles.** To count the states with a Move Over law that covers utility vehicles, we included vehicles related to electric, gas, telecommunications, or other utility services in this vehicle type. States’ Move Over laws may cover utility vehicles by covering other vehicle types that we did not identify, such as vehicles of “public service corporations.” However, because the definitions of such vehicles, if any, vary by state, we did not include these states in our count of states with Move Over laws covering utility vehicles.
- **Other covered vehicles.** These are vehicles for which we did not provide a count but rather examples, such as postal vehicles and snow and ice removal vehicles.
- **Disabled Vehicles.** To count the states with a Move Over law that covers disabled vehicles, we included in this count only the states with a Move Over law that expressly covers “disabled” vehicles or sufficiently permits the inference that disabled vehicles are covered.<sup>8</sup>

**Actions required of the driver.** The actions required of the driver are what the driver must do when the threshold for application of the law is

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<sup>8</sup>We did not include vehicles that might be considered substantively the same as “disabled” vehicles in this vehicle type. We did not interpret a Move Over law that covers disabled vehicles to cover all vehicles. However, as previously mentioned, we interpreted Move Over laws that cover all vehicles to cover disabled vehicles. In addition, our identification of state legislation proposing to amend a state’s Move Over law to cover disabled vehicles, either by covering them expressly or through coverage of all vehicles, does not include any legislation proposed or enacted after we completed our legal review for that particular state.

met. The precise actions required of the driver depend on the state and the threshold for application of the Move Over law. We counted a state's law as including these actions as follows:

- **Move Over.** If, under any set of conditions, the driver is required to move over to any extent, we included the state in our count of those that require the driver to move over, slow down, or both.
- **Slow Down.** If, under any set of conditions, the driver is required to slow down, then we included the state in our count of those that require the driver to move over, slow down, or both. We also provided a count of states with Move Over laws that require each of the following:
  - *Safe or reasonable speed.* If, under any set of conditions, a state's Move Over law requires the driver to slow down to a speed that is "safe," "reasonable," or substantively the same as "safe" or "reasonable," such as "prudent," then we included the state in this count.<sup>9</sup>
  - *Specific speed reduction.* If a state's Move Over law requires drivers to slow down by a certain amount (e.g., to at least 20 miles per hour (mph) below the speed limit) or to a specific speed (e.g., to 5 mph), we included the state in our count of states that require the driver to make a specific speed reduction.<sup>10</sup>
  - *Safe or reasonable speed and specific speed reduction.* If a state's Move Over law requires drivers to slow down to a safe or reasonable speed under one set of conditions and make a specific speed reduction under a different set of conditions, then we included the state in this count.
  - *Unspecified.* If a state's Move Over law requires the driver to slow down but does not specify to a safe or reasonable speed or a specific speed reduction, then we included the state in this count.

**Type of offense.** We identified the type of offense that a Move Over law violation (Move Over violation) constitutes. For the purposes of our report,

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<sup>9</sup>This count includes the two states that require drivers to slow down to a safe and reasonable speed under certain conditions and make a specific speed reduction under different conditions.

<sup>10</sup>This count includes the two states that require drivers to slow down to a safe and reasonable speed under certain conditions and make a specific speed reduction under different conditions. This count excludes a state with a Move Over law that presumes a specific speed reduction is a safe and reasonable speed but does not require the driver to make the specific speed reduction.

we refer to a first Move Over violation that was committed by a driver with an otherwise clean driving record and did not involve death, injury, or property damage as a “Move Over violation.”

**Potential penalties.** We identified the penalties that are authorized or required to be imposed for drivers convicted of a Move Over violation. Depending on the state, these potential penalties may include fines, license points, or both. We conducted a more limited search to identify examples of other penalties (e.g., community service, license suspension, or jail time) that are authorized to be imposed for a Move Over violation.

To provide examples of other potential penalties for a Move Over violation, we looked only in the sections of each state’s codes that specify 1) the threshold for application of the law; 2) actions required of the driver; 3) the type of offense a Move Over violation constitutes; 4) the fine; and 5) any license points.<sup>11</sup>

To describe how states have promoted their Move Over laws, we collected online information for each state (e.g., websites, press releases, media coverage, and state social media accounts). Specifically, we conducted a web search with a set of terms to identify whether there was any evidence of efforts made by the state to promote its Move Over laws.<sup>12</sup> These efforts comprised road signs displaying Move Over law information, law enforcement campaigns, dedicated websites for the law, social media posts promoting the law, and participation in annual awareness events (e.g., National Move Over Day).

We also conducted semi-structured interviews with officials in seven selected states. We selected states to reflect a range in the number of first responder fatalities potentially related to violations of Move Over laws in 2021, according to data collected by the Emergency Responder Safety Institute (ERSI); types of vehicles covered by the state’s Move Over law,

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<sup>11</sup>One exception to this more limited search is Illinois. Courts in Illinois must impose a \$250 “conditional assessment”—separate from and in addition to any fine—for a Move Over violation involving an “authorized emergency vehicle.” See 705 Ill. Comp. Stat. 135/5-10, 135/15-70(19). While this requirement is beyond the scope of our search for the other 50 states, we found it in the process of searching Illinois’ statutes for an authorization to impose a fine for a Move Over violation. Because this additional \$250 conditional assessment is separate from but similar to a fine, and because courts must impose it specifically for a Move Over violation involving an authorized emergency vehicle, we included the conditional assessment as an example of another authorized penalty for a Move Over violation other than a fine and license points.

<sup>12</sup>The terms we developed for the web search were [state name], “move over,” and “DOT” or “state police.” In addition, for each of the efforts listed in the following sentence, we added “sign,” “enforcement,” “website,” “Facebook” and “Twitter,” and “National Move Over Day” and “Crash Responder Safety Week.”

according to the American Automobile Association (AAA); our preliminary analysis of public awareness or enforcement-related provisions specific to a state’s Move Over law in a few states’ statutory codes; and recommendations from the stakeholders listed in table 2. We selected Arizona, Florida, Illinois, Maryland, Nebraska, Pennsylvania, and Utah.<sup>13</sup> For each of these states, we spoke with state DOT and state highway safety officials and collected information on the history of the state’s Move Over law; the extent to which the state had developed a strategy for implementing public awareness campaigns and challenges associated with this effort; and coordination with tribal entities, where applicable.

The information collected from these interviews is not meant to be comprehensive in scope and is not generalizable to all states and localities. However, these interviews provide examples of the experiences of state DOTs, highway safety officials, and other relevant stakeholders related to promoting states’ Move Over laws.

Additionally, we interviewed relevant stakeholders from traffic safety and occupational groups, as well as an organization representing state legislatures (see table 2). We selected these groups based on a variety of factors, including representation of occupations covered under states’ Move Over laws, recommendations from other traffic safety stakeholders, and our prior work.

**Table 2: Move Over or Slow Down Law Stakeholders Interviewed**

American Association of State Highway and Transportation Officials (AASHTO)	<a href="https://transportation.org/">https://transportation.org/</a>
American Automobile Association (AAA)	<a href="https://cluballiance.aaa.com/">https://cluballiance.aaa.com/</a>
Emergency Responder Safety Institute (ERSI)	<a href="https://www.respondersafety.com/">https://www.respondersafety.com/</a>
Governors Highway Safety Association (GHSA)	<a href="https://www.ghsa.org/">https://www.ghsa.org/</a>
International Association of Chiefs of Police (IACP)	<a href="https://www.theiacp.org/">https://www.theiacp.org/</a>
Laborers’ International Union of North America (LIUNA)	<a href="https://www.liuna.org/">https://www.liuna.org/</a>
National Conference of State Legislatures (NCSL)	<a href="https://www.ncsl.org">https://www.ncsl.org</a>
National Waste and Recycling Association (NWRA)	<a href="https://wasterecycling.org/">https://wasterecycling.org/</a>

Source: GAO. | GAO-24-106216

<sup>13</sup>We also selected Montana, but state officials did not respond to our requests for an interview, so we interviewed officials from seven of our original eight selected states. These included officials in six state DOTs, five state departments of public safety (including state or highway patrols), one state governors office of highway safety, one state turnpike commission, and two state highway administrations.

To provide examples of public awareness and driver's education legal provisions specific to a state's Move Over law, we searched each selected state's statutory and administrative codes to locate such provisions, if any. Specifically, for our selected states, we searched for the state's Move Over law code section number or numbers and conducted limited Boolean searches using key terms from its Move Over law. For all other states, we looked for public awareness and driver's education legal provisions specific to the state's Move Over law only in the sections of the state's codes that specify 1) the threshold for application of the law; 2) actions required of the driver; 3) type of offense a Move Over violation constitutes; 4) fine; and 5) license points, if any. Finally, to provide examples of recent or proposed changes to states' laws, we reviewed a 2023 brief by NCSL, as well as news coverage of the expansion of state authorities related to automated (i.e., camera) enforcement.<sup>14</sup>

To assess the extent to which DOT has supported states' efforts to promote Move Over laws, we interviewed officials from DOT, the National Highway Traffic Safety Administration (NHTSA), and the Federal Highway Administration (FHWA) in the following offices: Office of the Secretary of Transportation, Office of Communications and Consumer Information, Office of Research and Program Development, the National Center for Statistics and Analysis, and Regional Operations and Program Delivery (NHTSA); and Office of Operations (FHWA). We discussed states' roles in and federal support for Move Over promotion efforts; federal agency plans and materials to support states' efforts to promote Move Over laws; federal funding available to states for Move Over promotion efforts and enforcement; and updates on the research and data collection efforts to improve emergency responder safety that we described in our 2020 review of emergency responder safety.<sup>15</sup>

We spoke with state DOT and public safety officials from our seven selected states to learn about their experiences participating in DOT training and education for local and state law enforcement, other first responders, and roadside workers. We collected information about their

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<sup>14</sup>Mia Geoly, "Slow Down, Move Over: States Seek to Reduce Roadside Crashes," NCSL (Jan. 23, 2023), accessed Jan. 24, 2023, <https://www.ncsl.org/transportation/slow-down-move-over-states-seek-to-reduce-roadside-crashes>; and Don McLoud, "Automated Speed Cameras in Work Zones Adopted in 3 More States," *Equipment World* (Apr. 20, 2023), accessed Jan. 5, 2024, <https://www.equipmentworld.com/roadbuilding/article/15383430/three-states-adopt-automated-speed-cameras-in-work-zones>.

<sup>15</sup>GAO-21-166.



experiences using DOT funding for public awareness and enforcement efforts, and any challenges they face, and about their experiences using DOT public awareness materials. We contacted officials from six additional states (Alaska, D.C., Kentucky, Louisiana, Missouri, and New Mexico) to collect more information about their knowledge of—and plans for—the new grant funding authorized, and existing grant project eligibility expanded, under the IIJA. We selected these states because we had not identified a dedicated Move Over website and their Move Over laws covered fewer types of vehicles, according to AAA.

In addition, we reviewed applicable statutes and regulations, as well as NHTSA and FHWA public awareness materials and public awareness campaign guidance. Specifically, we reviewed materials NHTSA provides on its Traffic Safety Marketing website for use by state highway safety offices and others. We reviewed materials FHWA provides for states and others to use to promote awareness of Move Over laws, such as its annual “Crash Responder Safety Week” campaign. We also attended FHWA webinars related to first responder safety. Finally, we compared DOT’s support for state public awareness efforts with (1) DOT’s fiscal year 2022–2026 strategic plan, which contains a strategic goal to “improve the health, safety, and well-being of transportation workers and first responders”; and (2) Standards for *Internal Control in the Federal Government*, which call for management to communicate quality information to external parties to help achieve agency objectives and address related risks.<sup>16</sup>

We conducted this performance audit from August 2022 to April 2024 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

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<sup>16</sup>GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: Sept. 10, 2014).

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# Appendix II: Vehicle Types Covered by States' Move Over Laws

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The Move Over or Slow Down (Move Over) laws of the 50 states and District of Columbia (states) vary in the types of vehicles they cover—from all vehicles to only specific types of vehicles that we identified.<sup>1</sup> All states have laws covering first responder vehicles, as well as certain other types of vehicles, which may include highway maintenance or construction vehicles, utility vehicles, trash trucks, or disabled vehicles.<sup>2</sup> (See table 3 below.)

**All vehicles.** Move Over laws in 16 states currently cover all vehicles. If a Move Over law covers vehicles of an unspecified or a sufficiently generic type, then we interpreted the law to cover all vehicles.<sup>3</sup>

**First responder vehicles and tow trucks.** All states' Move Over laws cover first responder vehicles—such as law enforcement vehicles, fire trucks, and ambulances.<sup>4</sup> Move Over laws in 48 states also cover tow trucks.<sup>5</sup>

**Highway maintenance or construction vehicles.** Move Over laws in 42 states cover highway maintenance or construction vehicles, or work zones with or without such vehicles or workers present.<sup>6</sup>

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<sup>1</sup>There is no federal Move Over law.

<sup>2</sup>We conducted our legal review from February 2023 through September 2023. Our descriptions of a state's Move Over law do not reflect any amendments made to it after we completed our review for that particular state. We completed our review for most states after the end of their 2023 legislative sessions, which we determined using the National Conference of State Legislatures' 2023 State Legislative Session Calendar. For more information on the scope of our legal review, see appendix I.

<sup>3</sup>Move Over laws covering all vehicles may also expressly cover specific vehicle types. If we interpreted a state's Move Over law as covering all vehicles, we included that state in our counts of states with Move Over laws that cover all of the specific vehicle types we identified. The specific vehicle types are first responder vehicles, tow trucks, highway maintenance or construction vehicles, utility vehicles, trash trucks, and disabled vehicles. For more information about how we determined whether a Move Over law covered a vehicle type, see appendix I.

<sup>4</sup>For the purposes of this report, first responder vehicles also include vehicles described in a Move Over law that we considered to be substantively the same as law enforcement vehicles, fire trucks, and ambulances, such as "police vehicles" and "emergency medical services vehicle[s]."

<sup>5</sup>For the purposes of this report, tow trucks also include wreckers, recovery vehicles, roadside assistance vehicles, and vehicles we considered to be substantively the same as those vehicles.

<sup>6</sup>For the purposes of this report, highway maintenance or construction vehicles include state department of transportation vehicles, highway work zones, and vehicles or areas that we considered to be substantively the same as those vehicles or areas.

**Appendix II: Vehicle Types Covered by States’  
Move Over Laws**

**Utility vehicles and trash trucks.** Move Over laws in 42 states cover utility vehicles, trash trucks, or both.<sup>7</sup> Specifically, Move Over laws in 41 states cover utility vehicles, and laws in 33 states cover trash trucks.

**Disabled vehicles.** Move Over laws in 21 states specifically cover disabled vehicles.<sup>8</sup> Other states have proposed expanding their Move Over laws to cover disabled vehicles either specifically or by proposing to cover all vehicles.<sup>9</sup>

**Table 3: Vehicle Types Covered by States’ Move Over or Slow Down Laws**

State	All vehicles <sup>a</sup>	First responder vehicles <sup>b</sup>	Tow trucks <sup>c</sup>	Highway maintenance or construction vehicles <sup>d</sup>	Utility vehicles <sup>e</sup>	Trash trucks <sup>f</sup>	Disabled vehicles <sup>g</sup>
Alabama	—	Yes	Yes	—	Yes	Yes	—
Alaska	—	Yes	Yes	Yes	—	—	—
Arizona	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Arkansas	—	Yes	Yes	Yes	Yes	—	—
California	—	Yes	Yes	Yes	Yes	—	—
Colorado	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Connecticut	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Delaware	Yes	Yes	Yes	Yes	Yes	Yes	Yes
District of Columbia	—	Yes	—	—	—	—	Yes
Florida	—	Yes	Yes	Yes	Yes	Yes	—
Georgia	—	Yes	Yes	Yes	Yes	Yes	—

<sup>7</sup>For the purposes of this report, trash trucks include recycling vehicles and vehicles we considered to be substantively the same as trash trucks or recycling vehicles, such as a “solid waste vehicle.” States’ Move Over laws may cover trash trucks by covering “municipal” or other vehicle types we did not identify. However, because the definitions of a “municipal” vehicle or other such vehicles, if any, vary by state, we did not include these states in our count of states with Move Over laws covering trash trucks. Utility vehicles include those related to electric, gas, telecommunications, or other utilities. States’ Move Over laws may cover utility vehicles by covering other vehicle types that we did not identify, such as vehicles of “public service corporations.” However, because the definitions of such vehicles, if any, vary by state, we did not include these states in our count of states with Move Over laws covering utility vehicles.

<sup>8</sup>We included in this count Move Over laws that expressly cover “disabled” vehicles or sufficiently permit the inference that disabled vehicles are covered. For example, the District of Columbia’s (D.C.) Move Over law applies to drivers approaching a “collision or mechanical breakdown.” D.C. Mun. Regs. tit. 18, § 2210.6. We determined that D.C.’s Move Over law sufficiently permits the inference that it covers disabled vehicles.

<sup>9</sup>Our identification of such proposed legislation in a state does not include any legislation proposed or enacted after we completed our legal review for that particular state.

**Appendix II: Vehicle Types Covered by States'  
Move Over Laws**

<b>State</b>	<b>All vehicles<sup>a</sup></b>	<b>First responder vehicles<sup>b</sup></b>	<b>Tow trucks<sup>c</sup></b>	<b>Highway maintenance or construction vehicles<sup>d</sup></b>	<b>Utility vehicles<sup>e</sup></b>	<b>Trash trucks<sup>f</sup></b>	<b>Disabled vehicles<sup>g</sup></b>
Hawaii	—	Yes	Yes	Yes	—	—	—
Idaho	—	Yes	Yes	—	—	—	—
Illinois	—	Yes	Yes	Yes	Yes	Yes	Yes
Indiana	—	Yes	Yes	Yes	Yes	Yes	Yes
Iowa	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Kansas	—	Yes	Yes	Yes	Yes	Yes	—
Kentucky	—	Yes	Yes	Yes	Yes	Yes	—
Louisiana	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Maine	—	Yes	Yes	—	Yes	Yes	—
Maryland	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Massachusetts	—	Yes	Yes	Yes	—	—	—
Michigan	—	Yes	Yes	Yes	Yes	Yes	—
Minnesota	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Mississippi	—	Yes	Yes	Yes	Yes	Yes	—
Missouri	—	Yes	Yes	Yes	Yes	—	—
Montana	—	Yes	Yes	Yes	—	—	—
Nebraska	—	Yes	Yes	Yes	Yes	Yes	—
Nevada	Yes	Yes	Yes	Yes	Yes	Yes	Yes
New Hampshire	—	Yes	—	—	Yes	—	Yes
New Jersey	—	Yes	Yes	Yes	—	Yes	—
New Mexico	—	Yes	Yes	—	Yes	—	—
New York	—	Yes	Yes	Yes	Yes	Yes	—
North Carolina	—	Yes	Yes	Yes	Yes	Yes	—
North Dakota	—	Yes	Yes	Yes	—	—	—
Ohio	—	Yes	Yes	Yes	Yes	Yes	—
Oklahoma	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Oregon	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Pennsylvania	—	Yes	—	—	Yes	—	Yes
Rhode Island	Yes	Yes	Yes	Yes	Yes	Yes	Yes
South Carolina	—	Yes	Yes	—	—	—	—
South Dakota	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Tennessee	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Texas	—	Yes	Yes	Yes	Yes	Yes	—
Utah	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Vermont	—	Yes	Yes	Yes	Yes	—	—

**Appendix II: Vehicle Types Covered by States’  
Move Over Laws**

<b>State</b>	<b>All vehicles<sup>a</sup></b>	<b>First responder vehicles<sup>b</sup></b>	<b>Tow trucks<sup>c</sup></b>	<b>Highway maintenance or construction vehicles<sup>d</sup></b>	<b>Utility vehicles<sup>e</sup></b>	<b>Trash trucks<sup>f</sup></b>	<b>Disabled vehicles<sup>g</sup></b>
Virginia	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Washington	—	Yes	Yes	Yes	Yes	Yes	—
West Virginia	—	Yes	Yes	—	—	—	—
Wisconsin	—	Yes	Yes	Yes	Yes	—	—
Wyoming	—	Yes	Yes	Yes	Yes	—	—

We used “—” to indicate when a state’s Move Over law did not cover a specific vehicle type.

Source: GAO analysis of the Move Over or Slow Down laws of the 50 states and District of Columbia. | GAO-24-106216

Notes: There is no federal Move Over or Slow Down (Move Over) law.

We conducted our legal review from February 2023 through September 2023. Our descriptions of a state’s Move Over law do not reflect any amendments made to it after we completed our review for that particular state. We completed our review for most states after the end of their 2023 legislative sessions, which we determined using the National Conference of State Legislatures’ state legislative session calendar.

For the purposes of this analysis, we refer to the District of Columbia as a state.

<sup>a</sup>We interpreted a Move Over law that covers vehicles of an unspecified or a sufficiently generic type as covering all vehicles. States with Move Over laws that cover all vehicles are shown in this table to cover all of the specific vehicle types. While a Move Over law that covers all vehicles may also expressly cover specific vehicle types, we did not indicate the states or specific vehicle types for which this is the case.

<sup>b</sup>First responder vehicles include law enforcement vehicles, fire trucks, ambulances, and vehicles we considered to be substantively the same as those vehicles.

<sup>c</sup>Tow trucks also include wreckers, recovery vehicles, roadside assistance vehicles, and vehicles we considered to be substantively the same as those vehicles.

<sup>d</sup>Highway maintenance or construction vehicles include state department of transportation vehicles, highway work zones, and vehicles or areas that we considered to be substantively the same as those vehicles or areas.

<sup>e</sup>Utility vehicles include vehicles related to electric, gas, telecommunications, or other utilities. States’ Move Over laws may cover utility vehicles by covering other vehicle types that we did not identify, such as vehicles of “public service corporations.” However, because the definitions of a “public service corporation” vehicle or other such vehicles, if any, vary by state, we did not include them as utility vehicles.

<sup>f</sup>Trash trucks include recycling vehicles and vehicles we considered to be substantively the same as those vehicles. States’ Move Over laws may cover trash trucks by covering “municipal” or other vehicle types we did not identify. However, because the definitions of a “municipal” vehicle or other such vehicles, if any, vary by state, we did not include these vehicles as trash trucks.

<sup>g</sup>We interpreted a state’s Move Over law that expressly covers “disabled” vehicles, or sufficiently permits the inference that such vehicles are covered, as covering disabled vehicles.

# Appendix III: Potential Penalties Identified by States' Move Over Laws

We identified the penalties that are authorized or required to be imposed for drivers convicted of a Move Over or Slow Down (Move Over) law violation.<sup>1</sup> For the purposes of our report, we refer to a first Move Over law violation that was committed by a driver with an otherwise clean driving record and did not involve fatalities, injuries, or property damage as a "Move Over violation." Depending on the state, these potential penalties may include fines, license points, or both (see table 4). Specifically, we found that laws in every state require or authorize courts to impose a fine. Laws in 36 states also provide for the assignment of driver's license points. States may also provide for other potential penalties for Move Over violations that are not included in table 4.<sup>2</sup>

**Table 4: Type of Offense and Selected Potential Penalties for Move Over or Slow Down Law Violations, by State**

State	Type of offense	Fine	License points
Alabama	Misdemeanor	\$100	2 points
Alaska	Infraction	\$150 maximum	2 points
Arizona	Civil traffic violation	\$275	2 points
Arkansas	Misdemeanor	\$250 minimum <sup>a</sup> \$1,000 maximum	3 points
California	Infraction	\$50 maximum	1 point
Colorado	Class 2 misdemeanor traffic offense	\$150 minimum <sup>a</sup> \$300 maximum	3 points
Connecticut	Infraction	\$90	0 points
Delaware	Moving violation	\$150	2 points
District of Columbia			
Collisions or mechanical breakdowns	Moving violation	\$100	3 points

<sup>1</sup>There is no federal Move Over law. For the purposes of this report, we refer to the District of Columbia as a state. Our descriptions of a state's Move Over law and certain other related statutes, regulations, and legal sources, including those that provide for potential penalties, do not reflect any amendments made to them after we completed our review for that particular state. We completed our review for most states after the end of their 2023 legislative sessions, which we determined using the National Conference of State Legislatures' 2023 State Legislative Session Calendar. For more information on the scope of our legal review, see appendix I.

<sup>2</sup>To determine whether a state authorizes any penalty other than a fine and license points for a Move Over violation specifically, we looked for such authorizations only in those sections of the state's laws that specify 1) the threshold for application of the law; 2) actions required of the driver; 3) the type of offense a Move Over law violation constitutes; 4) a fine; and 5) any license points. One state is an exception. For more information on how we identified potential penalties for Move Over violations, see appendix I.

**Appendix III: Potential Penalties Identified by  
States' Move Over Laws**

<b>State</b>	<b>Type of offense</b>	<b>Fine</b>	<b>License points</b>
	Authorized emergency vehicles	\$100	6 points
Florida	Moving violation	\$30	3 points
Georgia			
	Authorized emergency vehicles	\$500 maximum	3 points
	Towing, recovery, highway maintenance vehicle, or utility service vehicles	\$250 maximum	3 points
Hawaii	Traffic violation	\$200 maximum	No license point system
Idaho	Moving traffic violation	\$33.50	3 points
Illinois			
	Authorized emergency vehicles	\$250 minimum \$25,000 maximum	15 points
	Disabled vehicles	\$75 minimum \$1,000 maximum	15 points
	Construction or maintenance zones when workers are present	\$100 minimum \$25,000 maximum	0 points
Indiana			
	Authorized emergency vehicles	\$10,000 maximum	8 points
	Recovery, utility service, road, street, or highway maintenance, or survey or construction vehicles, or solid waste haulers	\$1,000 maximum	8 points
	Disabled vehicles	\$1,000 maximum	0 points
Iowa	Simple misdemeanor	\$135	0 points
Kansas			
	Authorized emergency vehicles	\$195	No license point system
	Authorized vehicle or utility or telecommunications vehicles	\$105	No license point system
	Waste collection vehicles	\$45	No license point system
Kentucky			
	Emergency or public safety vehicles	\$60 minimum <sup>a</sup> \$500 maximum	4 points
	Solid waste collection service vehicles	\$20 minimum \$100 maximum	3 points
Louisiana	Traffic violation	\$200 maximum	No license point system

**Appendix III: Potential Penalties Identified by  
States' Move Over Laws**

<b>State</b>	<b>Type of offense</b>	<b>Fine</b>	<b>License points</b>
Maine	Traffic infraction	\$275	2 points
Maryland	Moving violation	\$110	1 point
Massachusetts	Civil motor vehicle infraction	\$100 maximum	No license point system
<b>Michigan</b>			
Authorized emergency vehicles	Civil infraction	\$400	2 points
Solid waste collection, utility service, or road maintenance vehicles	Misdemeanor	\$100 maximum	2 points
Minnesota	Petty misdemeanor	\$300 maximum	No license point system
Mississippi	Misdemeanor	\$250 maximum	No license point system
Missouri	Class A misdemeanor	\$2,000 maximum	2 points
<b>Montana</b>			
Authorized emergency vehicles	Reckless endangerment of emergency personnel	\$100 minimum <sup>a</sup> \$500 maximum	2 points
Highway worker vehicles	Reckless endangerment of highway workers	\$100 minimum <sup>a</sup> \$500 maximum	2 points
Nebraska	Traffic infraction	\$100 maximum	1 point
Nevada	Misdemeanor	\$1,000 maximum	4 points
New Hampshire	Violation	\$75	0 points
New Jersey	Motor vehicle moving violation	\$100 minimum \$500 maximum	0 points
New Mexico	Misdemeanor	\$50	4 points
<b>New York</b>			
	Traffic infraction Failure to move over	\$150 maximum	3 points
	Traffic infraction Failure to slow down	\$45 minimum <sup>a</sup> \$150 maximum	3 points
North Carolina	Infraction	\$250	2 points
North Dakota	Moving violation	\$50	2 points
Ohio	Minor misdemeanor	\$300 maximum	2 points
<b>Oklahoma</b>			
Refuse, solid waste, or recyclables collection vehicles	Misdemeanor	\$500 maximum	3 points
All other vehicles	Endangerment of an emergency worker	\$1,000	3 points
Oregon	Class B traffic violation	\$135 minimum \$1,000 maximum	No license point system



**Appendix III: Potential Penalties Identified by States' Move Over Laws**

<b>State</b>	<b>Type of offense</b>	<b>Fine</b>	<b>License points</b>	
Pennsylvania	Summary offense	\$500 maximum	2 points	
Rhode Island	Civil violation	\$95	No license point system	
South Carolina	Endangering emergency services personnel	\$300 minimum \$500 maximum	4 points	
South Dakota	Class 2 misdemeanor	\$270 minimum \$500 maximum	2 points	
Tennessee	Class B misdemeanor	\$250 minimum <sup>a</sup> \$500 maximum	6 points	
Texas	Misdemeanor	\$500 minimum \$1,250 maximum	No license point system	
Utah	Moving violation	\$160 <sup>b</sup>	60 points	
Vermont	Moving violation	\$47 minimum \$1,197 maximum	5 points	
Virginia				
	Law enforcement, emergency medical services, fire department, or utility repair, installation or maintenance, or certain other vehicles	Class 1 misdemeanor	\$2,500 maximum	6 points
	Refuse collection vehicles	Traffic infraction	\$250 maximum	3 points
	All other vehicles	Traffic infraction	\$250 maximum	4 points
Washington	Serious traffic violation	\$96	No license point system	
West Virginia	Misdemeanor	\$500 maximum	2 points	
Wisconsin	Moving violation	\$30 minimum <sup>a</sup> \$300 maximum	2 points	
Wyoming	Misdemeanor	\$200 maximum	No license point system	

Source: GAO analysis of the states' and District of Columbia's Move Over or Slow Down laws and certain other related statutes, regulations, and legal sources. | GAO-24-106216

Notes: We refer to a first Move Over or Slow Down (Move Over) law violation that was committed by a driver with an otherwise clean driving record and did not involve death, injury, or property damage as a "Move Over violation."

These selected penalties are authorized or required under state law to be imposed for a Move Over violation.

We identified the type of offense that a Move Over violation constitutes.

If the type of offense or fine or license point amounts under a state's laws differs based on the circumstances of the Move Over violation, we generally used the state's statutory or regulatory language to describe the circumstances.

<sup>a</sup>This state authorizes but does not require a fine to be imposed for a Move Over violation. However, if a court within the state does decide to impose a fine, the fine may not be less than this amount.

<sup>b</sup>Under Utah's Code of Judicial Administration, the \$160 fine is not a set amount. Rather, it is a recommended amount that courts should—but are not required to—generally impose for a Move Over violation. See Utah Judicial Admin. Rule 4-302(4) ("The uniform recommended fine schedule . . . shall not limit the authority of the court to impose a sentence deemed just in the discretion of the judge."), (9) ("When imposing fines, courts should conform to the uniform fine schedule except in

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**Appendix III: Potential Penalties Identified by  
States' Move Over Laws**

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cases where aggravating or mitigating circumstances warrant a deviation from the schedule.”); id. app'x C (providing a “Suggested Fine” of \$160 for a Move Over violation).

We conducted our legal review from February 2023 through September 2023. Our descriptions of a state's Move Over law and certain other related statutes, regulations, and legal sources, including those that provide for these selected potential penalties, do not reflect any amendments made to them after we completed our review for that particular state. We completed our review for most states after the end of their 2023 legislative sessions, which we determined using the National Conference of State Legislatures' state legislative session calendar.

# Appendix IV: Comments from the U.S. Department of Transportation



**U.S. Department of  
Transportation**  
Office of the Secretary  
of Transportation

Assistant Secretary  
for Administration

1200 New Jersey Avenue, SE  
Washington, DC 20590

March 4, 2024

Elizabeth Repko  
Director, Physical Infrastructure Issues  
U.S. Government Accountability Office (GAO)  
441 G Street NW  
Washington, DC 20548

Dear Ms. Repko:

The mission of the National Highway Traffic Safety Administration (NHTSA) is to save lives, prevent injuries, and reduce the economic impacts of crashes occurring on the Nation's roadways. As part of its mission, NHTSA creates and manages traffic safety communication resources, marketing material, and content to assist states, local governments, and traffic safety stakeholders in the development of timely behavioral and vehicle safety outreach initiatives. NHTSA reviews and updates its public awareness materials regularly, prioritizing messaging that covers a wide range of state laws while allowing customization for states with unique laws.

Specifically for the Move Over campaign, NHTSA continues to support state promotional efforts by:

- Monitoring state Move Over laws to ensure promotional materials are updated to support state laws and cover the types of vehicles applicable to the largest number of states possible;
- Promoting available materials to states to increase the use of NHTSA materials in support of the overall Move Over campaign efforts;
- Refreshing public awareness materials by adding banners, graphics, and video clips to the earned media materials on [TrafficSafetyMarketing.gov](https://www.traffic-safety.gov);
- Allocating discretionary funding, as needed, to update graphics depicting the recommended vehicle types for use in Move Over promotional materials; and
- Working with the National Center for Statistics and Analysis and other data reporting agencies to ensure the most accurate Move Over fatality data is available for states.

Upon review of the GAO draft report, NHTSA concurs with the recommendation to update public awareness materials on states' Move Over laws, such as banners and graphics, to more fully reflect the range of vehicles that states' laws cover, such as highway construction or maintenance, utility, trash, and disabled vehicles. We will provide a detailed response to this recommendation within 180 days of the final report's issuance.

NHTSA appreciates the opportunity to respond to the GAO draft report. Please contact Gary Middleton, Director of Audit Relations and Program Improvement, at (202) 366-6512 with any questions or if GAO would like to obtain additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Philip A. McNamara".

Philip A. McNamara  
Assistant Secretary for Administration

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# Appendix V: GAO Contact and Staff Acknowledgments

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## GAO Contact

Elizabeth Repko, Director, (202) 512-2834 or [repkoe@gao.gov](mailto:repkoe@gao.gov)

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## Staff Acknowledgments

In addition to the contact named above, Sarah Farkas (Assistant Director), Molly Laster (Analyst in Charge), Laura Bonomini, John Bornmann, Melanie Diemel, Rebecca Morrow, Mary-Catherine P. Overcash, Kelly Rubin, Laurel Voloder, Lauren Wice, and Alicia Wilson made key contributions to this report.

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