

## **Move over law**

Once I represented a young lady who was charged with driving while impaired. The police officer testified that he pulled her over because she had crossed the center line three times.

I got a detailed description of the road from my client. From that description I knew there were parked cars along the side of the road that she was traveling, which narrowed her lane substantially.

I was successful in getting the officer to admit that there could have been people walking in the vicinity and there could have been people in the cars. Therefore, the safest course of action would have been to move over to allow those people space to move.

I also pointed out to the court that the “move over law” requires people to change lanes when approaching a police officer with a vehicle pulled over. The Judge found that although my client's behavior technically violated the law, the law allowed exceptions to the driving to right half of the road rule, such as obstructions in the road, and found that the State had not proven that there was not some reason for my client to move over.

The Judge was also persuaded by the argument that people are taught in driver education to stay as far away from parked cars as is safe. The Judge then granted my motion to suppress all evidence after the stop of my clients vehicle. Thereafter, the Judge entered a directed verdict of not guilty.