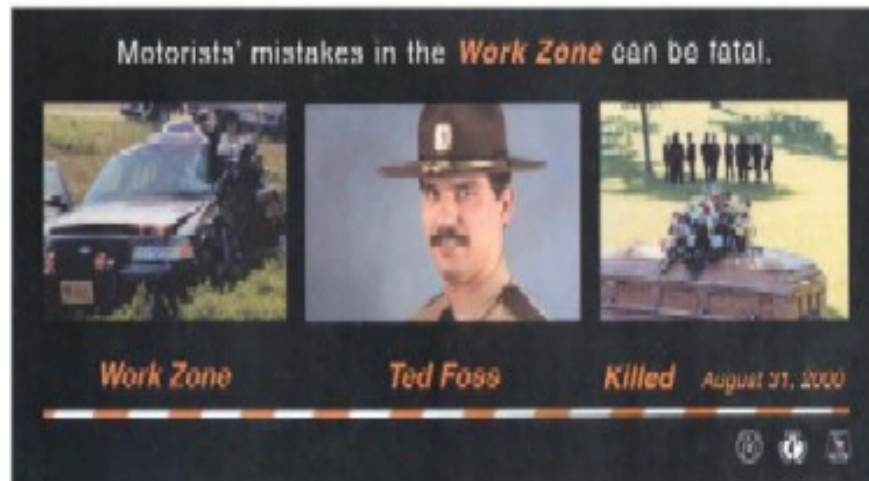


Traffic Law Case Study

Chapter One: The Law



"Ted Foss" Move Over Law

In August 2000, State Trooper Ted Foss was killed when a semi-truck accidentally crashed into his squad car and another car stopped on the side of the road.

As a result of this crash and other similar ones, the Minnesota Legislature passed the "Ted Foss" Move Over Law in 2002. In order to keep officers safe, this law requires drivers to move their cars a lane over when they are driving near an officer who is making a traffic stop.

Minnesota Statutes §169.18, subd. 11, reads:

"When approaching and before passing an authorized emergency vehicle that is parked or otherwise stopped on or next to a street or highway having two or more lanes in the same direction, **the driver of a vehicle shall safely move the vehicle to a lane away from the emergency vehicle.**"

To teach the public about the law, the MN Dept of Public Safety wrote a brochure that put the law in simple terms:

- If you are traveling on a roadway with two or more lanes, you must keep a lane away when passing a stopped ambulance, fire truck, or law enforcement vehicle.
- If you are not able to safely move a lane away, reduce your speed.
- If you fail to take these actions you could receive a citation.

- Ignoring this law endangers the law enforcement officers, firefighters, emergency medical personnel, and tow truck drivers who provide critical — and sometimes lifesaving — services on Minnesota roadways.

The next time you see flashing lights up ahead, remember to move over. Obeying this little-known law could make a big difference.

Always remember to buckle up.

- [Download a flier with the above text as PDF document.](#)
- http://www.dps.state.mn.us/ots/Laws_Legislation/Ted_Foss_MoveoverLaw.asp

Chapter One Review Questions:

Please answer on a separate sheet of paper.

1. Which branch of government is at work here?
Circle one: Legislative Executive Judicial
2. What action did the branch take?
3. What is your understanding of what the law says? Summarize it.
4. Why was the law passed?
5. What is the purpose for the law?

Chapter Two: The Case



On February 7, 2003, a University of Minnesota police officer pulled over a car for a traffic violation on University Avenue in Minneapolis. University Avenue is a one-way street with three lanes of traffic. There is a paved bicycle lane next to the right curb. The officer parked his squad car behind the stopped car and turned on his emergency lights. In doing so, his squad car partially occupied the right lane of traffic. The officer got out of his squad car and went to talk to the driver of the stopped vehicle.

While walking back to his squad car, the officer saw a vehicle coming toward him on University Avenue in the center lane. This approaching vehicle, driven by Anderson (the defendant), had signaled a lane change and moved into the center lane to avoid the officer and his squad car.

Believing that Anderson's vehicle passed too close to him and his stopped squad car, the officer got into his squad car, pursued Anderson, and then stopped him. The officer told Anderson that he broke the Move Over Law (Minn. Stat. §169.18, subd. 11). The officer believed that Anderson was in violation of this law because he thought it was illegal for Anderson to pass the stopped squad car without allowing "a buffer (extra) lane of traffic" between the two vehicles.

When the officer was talking to Anderson, he thought that Anderson might be drunk and gave him a breath test to be sure. Due to the test result, the officer arrested Anderson for impaired driving. The state charged Anderson with Driving While Impaired (DWI) in the Fourth Degree (driving with an alcohol concentration of .10 or more, 2002 law). He was not charged with breaking the Move Over Law.

Facts from Minnesota v. Anderson, MN Supreme Court A03-290. July 29, 2004.

Chapter Two Review questions:

1. Draw the scene of the traffic stop on a separate sheet of paper.
2. Which branch of government is at work here?

Circle one: Legislative Executive Judicial

3. What was the officer doing when Anderson drove by?
4. Why did the officer stop Anderson?
5. Why did the officer arrest Anderson?
6. Why is Anderson going to court?

Chapter Three: The District Court



Anderson pleaded not guilty to the DWI charge in District Court. In a pre-trial hearing, Anderson's lawyer and the state's lawyer (prosecutor) made arguments before a district court judge about whether or not the blood test results should be allowed as evidence against Anderson in the trial.

Anderson's lawyer argued that the blood test results **should not** be allowed as evidence in his trial because the police officer did not have a valid reason for stopping his car. If the officer did not have a valid reason to stop the car, the judge can apply the **exclusionary rule** which would keep out of the trial any evidence obtained during the invalid stop.

The officer testified that he pulled Anderson over because he failed to move over to the proper lane required by the Move Over Law. Anderson argued that he *was* in the "lane away" even though it wasn't the furthest lane.

The prosecutor argued that the evidence obtained (alcohol concentration level) **should** be allowed at trial because the police officer had made a valid stop. He said the officer believed the law required Anderson to leave a buffer lane and that his reasonable interpretation of the law's meaning was a valid reason to stop the car.

The district court judge ruled in favor of Anderson. He decided there was no valid basis for the stop by concluding that Minn. Stat. §169.18, subd. 11 is clear when it says "a lane away" and does not require motorists to provide a buffer lane between themselves and parked emergency vehicles.

State v. Anderson, 671 N.W.2d 900 (Minn App. 2003) *granting motion to strike Hennepin County District Court File No. 03009871.*

Chapter Three Review questions:

Please answer on a separate sheet of paper.

1. Which Minnesota court is deciding this question?
2. What is the question the court must decide?
3. What constitutional protection is involved in this case?
4. If the police officer breaks the rules, what happens to the evidence?
5. Who are the people arguing before the judge?
6. Who is the winner in the first case? Why?

Chapter Four: The Minnesota Court of Appeals



The state disagreed with the conclusion of the District Court and asked a higher court to look at the case (appealed). In December of 2003, the Minnesota Court of Appeals reversed the district court's decision and ruled that the officer's stop was legal because he had a reasonable interpretation of the "move over" law.

On the Minnesota Court of Appeals, a three-judge panel reads the legal arguments from both sides and then listens to both lawyers make oral arguments. The judges often interrupt lawyers and ask questions to better understand the case. Then they meet and make their decision.

In this case, the Court of Appeals issued an opinion (a written decision explaining the court's reasoning) that said the Move Over Law is ambiguous (open to more than one interpretation) and the phrase "a lane away" could mean either in the next lane *or* a full lane away. The Court concluded that it is not clear what the legislature meant. They ruled that the evidence should be allowed in Anderson's trial because the officer's interpretation of the Move Over Law is a reasonable one when considering the totality of the circumstances.

State v. Anderson, 671 N.W.2d 900 (Minn App. 2003).

Chapter Four Review questions:

Please answer on a separate sheet of paper.

1. Which Minnesota Court is deciding this question?
2. How many judges make the decision?
3. What are the steps in making the decision?
4. Who is the winner at this level court? Why?

Chapter Five: The Minnesota Supreme Court



The case was appealed again. In July 2004, the seven justices of the Minnesota Supreme Court, the court of final review on Minnesota law, followed a process similar to that of the Court of Appeals, and issued a decision reversing the Court of Appeals and agreeing with the District Court.

The Minnesota Supreme Court decided that the “natural and obvious usage” of the phrase “a lane away” is clear; it means “in the lane next to” the stopped emergency vehicle. Since Anderson’s car was completely within the center lane of traffic, it was in the lane next to the lane occupied by the officer’s stopped squad car. The court ruled that Anderson did not violate the Move Over Law.

The Court said that even if the officer acted in “good faith,” he incorrectly interpreted the Move Over Law and did not have an objective basis to justify the stop. The Minnesota Supreme Court upheld the District Court’s decision to exclude the evidence obtained as a result of the invalid stop.

State v. Anderson, Minn Supreme Court A03-290, decided July 29, 2004

Chapter Five Review questions:

Please answer on a separate sheet of paper.

1. Diagram the Minnesota court system showing all three levels of courts and who won at each court.
2. What question is before this court?
3. Who is the winner at this level of court? Why?

Chapter Six: Fixing the Law



During the 2005 legislative session, the "Move Over Law" was amended (changed).

Minnesota Statutes §169.18, subd. 11, now reads:

“When approaching and before passing an authorized emergency vehicle that is parked or otherwise stopped on or next to a street or highway having two or more lanes in the same direction, **the driver of a vehicle shall safely move the vehicle to the lane farthest away from the emergency vehicle, if it is possible to do so.**”

Note: The Minnesota Department of Public Safety updated the Ted Foss Move Over Law materials to explain the 2005 change. The official website says the 2005 legislative session amended the law “to clarify that on roads with two or more lanes in the same direction a passing driver must provide a *full lane of buffer space.*”

Chapter Six Review questions:

Please answer on a separate sheet of paper.

1. In what ways did the Legislature change the Move Over Law?
2. Did the changes solve the problem?
3. Do you see any new problems with the law?
4. Do you think that the language on the Minnesota Department of Safety’s website correctly explains the changes the legislature made in the law? Please explain.

Chapter Seven: You predict what happens next

What is a possible next chapter for the Move Over Law? Storyboard your idea and explain in a small paragraph what happens.