

**Introduced by Senator Simitian**February 24, 2006

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An act to amend, repeal, and add Section 25253 of, and to add and repeal Section 21809 of, the Vehicle Code, relating to vehicles.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1610, as introduced, Simitian. Vehicles: emergency vehicles.

(1) Existing law requires the driver of a vehicle, upon the immediate approach of an authorized emergency vehicle, as defined, that is sounding a siren and has at least one lighted lamp exhibiting red light, as specified, to yield the right-of-way and immediately drive to the right-hand edge or curb of the highway, clear of an intersection, and thereupon stop and remain stopped until the authorized emergency vehicle has passed, except as otherwise directed by a traffic officer.

This bill, until January 1, 2009, would require a person driving a vehicle on a freeway approaching a stationary authorized emergency vehicle that is displaying emergency lights, or a stationary tow truck that is displaying flashing amber warning lights, to approach with due caution and, before passing in a lane adjacent to the authorized emergency vehicle or tow truck, absent any other direction by a peace officer, proceed to either make a lane change in an available lane, as specified, or, if that maneuver would be unsafe or impracticable, slow to a reasonable and prudent speed that is safe. The bill thereby would establish a state-mandated local program by creating a new crime.

(2) Existing law requires tow trucks used to tow disabled vehicles to be equipped with flashing amber warning lamps, and authorizes tow trucks to display flashing amber warning lamps while providing service to a disabled vehicle.

This bill, until January 1, 2009, would prohibit a tow truck from displaying flashing amber warning lamps on a freeway except when an unusual traffic hazard or extreme hazard exists. Because a violation of this prohibition would be a crime, under provisions of existing law, this bill would impose a state-mandated local program.

(3) The bill would require the Department of the California Highway Patrol to submit a report to the Legislature regarding the effects the statutory changes made by this bill had on the safety of emergency responders and the motoring public.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 21809 is added to the Vehicle Code, to  
2 read:

3 21809. (a) A person driving a vehicle on a freeway  
4 approaching a stationary authorized emergency vehicle that is  
5 displaying emergency lights, or a stationary tow truck that is  
6 displaying flashing amber warning lights, shall approach with  
7 due caution and, before passing in a lane adjacent to the  
8 authorized emergency vehicle or tow truck, absent any other  
9 direction by a peace officer, proceed to do one of the following:

10 (1) Make a lane change in an available lane not adjacent to the  
11 authorized emergency vehicle or tow truck with due regard for  
12 safety and traffic conditions, if practicable and not prohibited by  
13 law.

14 (2) If the maneuver described in paragraph (1) would be  
15 unsafe or impracticable, slow to a reasonable and prudent speed  
16 that is safe for existing weather, road, and vehicular or pedestrian  
17 traffic conditions.

18 (b) A violation of subdivision (a) is an infraction, punishable  
19 by a fine of not more than fifty dollars (\$50).

1 (c) This section shall remain in effect only until January 1,  
2 2009, and as of that date is repealed, unless a later enacted  
3 statute, that is enacted before January 1, 2009, deletes or extends  
4 that date.

5 SEC. 2. Section 25253 of the Vehicle Code is amended to  
6 read:

7 25253. (a) Tow trucks used to tow disabled vehicles shall be  
8 equipped with flashing amber warning lamps. This subdivision  
9 does not apply to a tractor-trailer combination.

10 (b) Tow trucks may display flashing amber warning lamps  
11 while providing service to a disabled vehicle. A flashing amber  
12 warning lamp upon a tow truck may be displayed to the rear  
13 when the tow truck is towing a vehicle and moving at a speed  
14 slower than the normal flow of traffic.

15 (c) *A tow truck shall not display flashing amber warning lamps*  
16 *on a freeway except when an unusual traffic hazard or extreme*  
17 *hazard exists.*

18 (d) *This section shall remain in effect only until January 1,*  
19 *2009, and as of that date is repealed, unless a later enacted*  
20 *statute, that is enacted before January 1, 2009, deletes or extends*  
21 *that date.*

22 SEC. 3. Section 25253 is added to the Vehicle Code, to read:

23 25253. (a) Tow trucks used to tow disabled vehicles shall be  
24 equipped with flashing amber warning lamps. This subdivision  
25 does not apply to a tractor-trailer combination.

26 (b) Tow trucks may display flashing amber warning lamps  
27 while providing service to a disabled vehicle. A flashing amber  
28 warning lamp upon a tow truck may be displayed to the rear  
29 when the tow truck is towing a vehicle and moving at a speed  
30 slower than the normal flow of traffic.

31 (c) This section shall become operative January 1, 2009.

32 SEC. 4. Notwithstanding Section 7550.5 of the Government  
33 Code, on or before January 1, 2008, the Department of the  
34 California Highway Patrol shall submit a report to the Legislature  
35 regarding the effect of the statutory changes made by the act that  
36 added this section on the safety of emergency responders and the  
37 motoring public.

38 SEC. 5. No reimbursement is required by this act pursuant to  
39 Section 6 of Article XIII B of the California Constitution because  
40 the only costs that may be incurred by a local agency or school

1 district will be incurred because this act creates a new crime or  
2 infraction, eliminates a crime or infraction, or changes the  
3 penalty for a crime or infraction, within the meaning of Section  
4 17556 of the Government Code, or changes the definition of a  
5 crime within the meaning of Section 6 of Article XIII B of the  
6 California Constitution.

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