

Introduced by Senator Wright

February 24, 2009

An act to amend Section 21809 of, and to amend, repeal, and add Section 25256 of, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 240, as introduced, Wright. Vehicles: Department of Transportation vehicles.

(1) Existing law requires 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 the lane immediately adjacent to the stationary vehicle, absent other direction by a peace officer, to move into an available lane that is not immediately adjacent to the stationary vehicle or if that lane change would be unsafe or impracticable, to slow to a reasonable and prudent speed. A violation of those requirements is an infraction.

This bill would also apply those requirements to a person driving a vehicle on a freeway that approaches a stationary marked Department of Transportation vehicle displaying flashing amber warning lights. By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

(2) Existing law allows a vehicle that is used by a highway authority or a bridge and highway district, or by an authority's or district's authorized representative, and that is used in highway maintenance, inspection, survey, or construction work, to display flashing amber warning lights when the vehicle is parked or working on the highway.

This bill would, until January 1, 2011, allow, only under specified circumstances, a stationary Department of Transportation vehicle to display flashing amber warning lights on a freeway.

(3) 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 of the Vehicle Code is amended
2 to 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, *or a stationary marked*
7 *Department of Transportation vehicle that is displaying flashing*
8 *amber warning lights*, shall approach with due caution and, before
9 passing in a lane immediately adjacent to the authorized emergency
10 ~~vehicle or vehicle, tow truck, absent any or Department of~~
11 *Transportation vehicle, absent* other direction by a peace officer,
12 proceed to do one of the following:

13 (1) Make a lane change into an available lane not immediately
14 adjacent to the authorized emergency ~~vehicle or tow truck vehicle,~~
15 *tow truck, or Department of Transportation vehicle*, with due
16 regard for safety and traffic conditions, if practicable and not
17 prohibited by law.

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

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

24 ~~(c) This section shall remain in effect only until January 1, 2010,~~
25 ~~and as of that date is repealed, unless a later enacted statute, that~~
26 ~~is enacted before January 1, 2010, deletes or extends that date.~~

27 SEC. 2. Section 25256 of the Vehicle Code is amended to read:

1 25256. ~~Vehicles—~~*(a) A vehicle that is used by a highway*
2 ~~authorities authority or bridge and highway districts, and vehicles~~
3 ~~of duly authorized representatives thereof, district, or by a duly~~
4 ~~authorized representative of a highway authority or a bridge or~~
5 ~~highway district, and is used in highway maintenance, inspection,~~
6 ~~survey survey, or construction work may display flashing amber~~
7 ~~warning lights to the front, sides sides, or rear when such vehicles~~
8 ~~are the vehicle is parked or working on the highway.~~

9 ***(b) A stationary Department of Transportation vehicle shall***
10 ***display flashing amber warning lights on a freeway only under***
11 ***the conditions set forth in the California Department of***
12 ***Transportation Maintenance Manual.***

13 ***(c) This section shall remain in effect until January 1, 2011,***
14 ***and as of that date is repealed, unless a later enacted statute, that***
15 ***is enacted before January 1, 2011, deletes or extends that date.***

16 SEC. 3. Section 25256 is added to the Vehicle Code, to read:

17 25256. (a) A vehicle that is used by a highway authority or a
18 bridge and highway district, or by a duly authorized representative
19 of a highway or a bridge or highway district, and that is used in
20 highway maintenance, inspection, survey, or construction work,
21 may display flashing amber warning lights to the front, sides, or
22 rear when the vehicle is parked or working on the highway.

23 (b) This section shall become operative on January 1, 2011.

24 SEC. 4. No reimbursement is required by this act pursuant to
25 Section 6 of Article XIII B of the California Constitution because
26 the only costs that may be incurred by a local agency or school
27 district will be incurred because this act creates a new crime or
28 infraction, eliminates a crime or infraction, or changes the penalty
29 for a crime or infraction, within the meaning of Section 17556 of
30 the Government Code, or changes the definition of a crime within
31 the meaning of Section 6 of Article XIII B of the California
32 Constitution.