

AMENDED IN ASSEMBLY JUNE 23, 2009

AMENDED IN SENATE MARCH 31, 2009

SENATE BILL

No. 240

Introduced by Senator Wright

February 24, 2009

An act to amend ~~Sections 21809 and 25256~~ *Section 21809* of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 240, as amended, 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, *except as specified*, would also apply ~~those~~ *these* 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 prohibit a stationary Department of Transportation vehicle from displaying flashing amber warning lights on a freeway except when an unusual traffic hazard or extreme hazard exists.~~

~~(3)~~

(2) 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, 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, tow truck, or Department of Transportation vehicle, absent
11 other direction by a peace officer, proceed to do one of the
12 following:

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

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

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

23 (c) *The requirements of subdivision (a) do not apply if the*
24 *stationary authorized emergency vehicle that is displaying*

1 *emergency lights, the stationary tow truck that is displaying*
2 *flashing amber warning lights, or the stationary marked*
3 *Department of Transportation vehicle that is displaying flashing*
4 *amber warning lights is not adjacent to the freeway or is separated*
5 *from the freeway by a protective physical barrier.*

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

7 ~~25256. (a) A vehicle that is used by a highway authority or~~
8 ~~bridge and highway district, or by a duly authorized representative~~
9 ~~of a highway authority or a bridge or highway district, and is used~~
10 ~~in highway maintenance, inspection, survey, or construction work~~
11 ~~may display flashing amber warning lights to the front, sides, or~~
12 ~~rear when the vehicle is parked or working on the highway.~~

13 ~~(b) A stationary Department of Transportation vehicle shall not~~
14 ~~display flashing amber warning lights on a freeway except when~~
15 ~~an unusual traffic hazard or extreme hazard exists.~~

16 ~~SEC. 3.~~

17 *SEC. 2.* No reimbursement is required by this act pursuant to
18 Section 6 of Article XIII B of the California Constitution because
19 the only costs that may be incurred by a local agency or school
20 district will be incurred because this act creates a new crime or
21 infraction, eliminates a crime or infraction, or changes the penalty
22 for a crime or infraction, within the meaning of Section 17556 of
23 the Government Code, or changes the definition of a crime within
24 the meaning of Section 6 of Article XIII B of the California
25 Constitution.