

ASSEMBLY BILL

No. 902

Introduced by Assembly Member Beth Gaines

February 22, 2013

An act to amend Section 21809 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 902, as introduced, Beth Gaines. Vehicles: rules of the road: right-of-way.

Existing law requires a person driving a vehicle on a freeway approaching a stationary authorized emergency vehicle that is displaying emergency lights, a stationary tow truck that is displaying flashing amber warning lights, or a stationary marked Department of Transportation vehicle that is displaying flashing amber warning lights, to approach with due caution and, before passing in a lane immediately adjacent to one of those specified vehicles, absent other direction by a peace officer, either proceed to make a lane change into an available lane not immediately adjacent to one of those specified vehicles, or slow to a reasonable and prudent speed that is safe for existing weather, road, and vehicular or pedestrian traffic conditions, as specified. Existing law makes a violation of that provision an infraction, punishable by a fine of not more than \$50.

This bill would increase the fine for a violation of that provision to a fine of not more than \$250. By increasing the penalty for an existing crime, this bill would impose a state-mandated local program.

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 *two hundred fifty dollars* (~~(\$50)~~ (\$250).

23 (c) The requirements of subdivision (a) do not apply if the
24 stationary authorized emergency vehicle that is displaying
25 emergency lights, the stationary tow truck that is displaying
26 flashing amber warning lights, or the stationary marked Department
27 of Transportation vehicle that is displaying flashing amber warning
28 lights is not adjacent to the freeway or is separated from the
29 freeway by a protective physical barrier.

30 SEC. 2. No reimbursement is required by this act pursuant to
31 Section 6 of Article XIII B of the California Constitution because
32 the only costs that may be incurred by a local agency or school
33 district will be incurred because this act creates a new crime or

1 infraction, eliminates a crime or infraction, or changes the penalty
2 for a crime or infraction, within the meaning of Section 17556 of
3 the Government Code, or changes the definition of a crime within
4 the meaning of Section 6 of Article XIII B of the California
5 Constitution.

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