

AMENDED IN SENATE JUNE 2, 2015

AMENDED IN SENATE MAY 11, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 198**

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**Introduced by Assembly Member Frazier**

January 28, 2015

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An act to add Section 21719 to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 198, as amended, Frazier. Vehicles: tow truck assistance.

Existing law prohibits a person from stopping, parking, or leaving standing any vehicle upon a freeway that has full control of access and no crossing at grade except when necessary for the purpose of rapid removal of impediments to traffic by the owner or operator of a tow truck operating under an agreement with the Department of the California Highway Patrol.

This bill would authorize a driver of a tow truck *who is either* operating under an agreement with the law enforcement agency responsible for investigating traffic collisions on the roadway *or summoned by the owner or operator of a vehicle involved in a collision or that is otherwise disabled on the roadway* to utilize the center median or right shoulder of a roadway in the event of an emergency occurring on a roadway that requires the rapid removal of impediments to traffic or rendering of assistance to a disabled vehicle obstructing a roadway if specified conditions are met.

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

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

1 SECTION 1. Section 21719 is added to the Vehicle Code, to  
2 read:

3 21719. (a) Notwithstanding any other law, in the event of an  
4 emergency occurring on a roadway that requires the rapid removal  
5 of impediments to traffic or rendering of assistance to a disabled  
6 vehicle obstructing a roadway, a tow truck driver *who is either*  
7 *operating under an agreement with the law enforcement agency*  
8 *responsible for investigating traffic collisions on the roadway or*  
9 *summoned by the owner or operator of a vehicle involved in a*  
10 *collision or that is otherwise disabled on the roadway* may utilize  
11 the center median or right shoulder of a roadway if all of the  
12 following conditions are met:

13 (1) A peace officer employed by the investigating law  
14 enforcement agency is at the scene of the roadway obstruction and  
15 has determined that the obstruction has caused an unnecessary  
16 delay to motorists using the roadway.

17 (2) A peace officer employed by the investigating law  
18 enforcement agency has determined that a tow truck can provide  
19 emergency roadside assistance by removing the disabled vehicle  
20 and gives explicit permission to the tow truck driver allowing the  
21 utilization of the center median or right shoulder of the roadway.

22 (3) The tow truck is not operated on the center median or right  
23 shoulder at a speed greater than what is reasonable or prudent  
24 having due regard for weather, visibility, the traffic on, and the  
25 surface and width of, the roadway, and in no event at a speed that  
26 endangers the safety of persons or property.

27 (4) The tow truck displays flashing amber warning lamps to the  
28 front, rear, and both sides while driving in the center median or  
29 right shoulder of a roadway pursuant to this section.

30 (b) For purposes of this section, “utilize the center median”  
31 includes making a U-turn across the center median.

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