

Assembly Bill No. 198

CHAPTER 30

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

[Approved by Governor June 30, 2015. Filed with
Secretary of State June 30, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 198, 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.

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

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

21719. (a) Notwithstanding any other law, 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, a tow truck driver 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 may utilize the center median or right shoulder of a roadway if all of the following conditions are met:

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

(2) A peace officer employed by the investigating law enforcement agency has determined that a tow truck can provide emergency roadside assistance by removing the disabled vehicle and gives explicit permission

to the tow truck driver allowing the utilization of the center median or right shoulder of the roadway.

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

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

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