

Senate Bill No. 681

CHAPTER 421

An act to amend Sections 20002 and 23113 of the Vehicle Code, relating to vehicles.

[Approved by Governor September 16, 1999. Filed
with Secretary of State September 16, 1999.]

LEGISLATIVE COUNSEL'S DIGEST

SB 681, Speier. Vehicles: accidents: clearing highway.

(1) Existing law requires the driver of any vehicle involved in an accident resulting in damage to any property, including vehicles, to immediately stop the vehicle at the scene of the accident.

This bill would recast that provision to instead allow a driver involved in an accident resulting only in damage to any property to move the vehicle, if possible, off the main lanes of the highway to a safe location within the immediate vicinity of the accident unless that action would create a traffic hazard or cause injury to any person. The bill would specify that moving the vehicle in accordance with this provision does not affect the question of fault.

(2) Existing law authorizes, under certain circumstances, the governmental agency responsible for the maintenance of a street or highway on which certain material has been deposited to remove the material and collect, by civil action, if necessary, the actual cost of the removal operation in addition to any other damages authorized by law from the person made responsible for depositing the material. Existing law authorizes a member of the Department of the California Highway Patrol to direct a responsible party to remove the certain aggregate material from a highway when that material has escaped or been released from a vehicle.

Existing law provides that a public entity is liable for injury proximately caused by an act or omission of an employee of the public entity within the scope of his or her employment if the act or omission would, apart from this provision, have given rise to a cause of action against that employee.

This bill would provide that the government agency, the department, or the employees or officers of those agencies, may not be held liable for any damage to material, to cargo, or to personal property caused by a negligent act or omission of the employee or officer when the employee or officer is acting within the scope and purpose of the provisions specified above authorizing removal of materials from the highway. The bill would specify that nothing in this provision affects the establishment of liability for gross negligence or willful misconduct purposes, and that these provisions

apply to the negligent performance of a ministerial act and does not affect liability under any provision of law.

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

SECTION 1. Section 20002 of the Vehicle Code is amended to read:

20002. (a) The driver of any vehicle involved in an accident resulting only in damage to any property, including vehicles, may move the vehicle, if possible, off the main lanes of the highway to a safe location within the immediate vicinity of the accident unless that action would create a traffic hazard or cause an injury to any person. Moving the vehicle in accordance with this subdivision does not affect the question of fault. The driver shall also do either of the following:

(1) Locate and notify the owner or person in charge of that property of the name and address of the driver and owner of the vehicle involved and, upon locating the driver of any other vehicle involved or the owner or person in charge of any damaged property, upon being requested, present his or her driver's license, and vehicle registration, to the other driver, property owner, or person in charge of that property. The information presented shall include the current residence address of the driver and of the registered owner. If the registered owner of an involved vehicle is present at the scene, he or she shall also, upon request, present his or her driver's license information, if available, or other valid identification to the other involved parties.

(2) Leave in a conspicuous place on the vehicle or other property damaged a written notice giving the name and address of the driver and of the owner of the vehicle involved and a statement of the circumstances thereof and shall without unnecessary delay notify the police department of the city wherein the collision occurred or, if the collision occurred in unincorporated territory, the local headquarters of the Department of the California Highway Patrol.

(b) Any person who parks a vehicle which, prior to the vehicle again being driven, becomes a runaway vehicle and is involved in an accident resulting in damage to any property, attended or unattended, shall comply with the requirements of this section relating to notification and reporting and shall, upon conviction thereof, be liable to the penalties of this section for failure to comply with the requirements.

(c) Any person failing to comply with all the requirements of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment in the county jail not exceeding six months, or by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

SEC. 2. Section 23113 of the Vehicle Code is amended to read:



23113. (a) Any person who drops, dumps, deposits, places, or throws, or causes or permits to be dropped, dumped, deposited, placed, or thrown, upon any highway or street any material described in Section 23112 or in subdivision (d) of Section 23114 shall immediately remove the material or cause the material to be removed.

(b) If the person fails to comply with subdivision (a), the governmental agency responsible for the maintenance of the street or highway on which the material has been deposited may remove the material and collect, by civil action, if necessary, the actual cost of the removal operation in addition to any other damages authorized by law from the person made responsible under subdivision (a).

(c) A member of the Department of the California Highway Patrol may direct a responsible party to remove the aggregate material described in subdivision (d) of Section 23114 from a highway when that material has escaped or been released from a vehicle.

(d) Notwithstanding any other provision of law, a government agency described in subdivision (b), the Department of the California Highway Patrol, or the employees or officers of those agencies, may not be held liable for any damage to material, to cargo, or to personal property caused by a negligent act or omission of the employee or officer when the employee or officer is acting within the scope and purpose of subdivision (b) or (c). Nothing in this subdivision affects liability for purposes of establishing gross negligence or willful misconduct. This subdivision applies to the negligent performance of a ministerial act, and does not affect liability under any provision of law, including liability, if any, derived from the failure to preserve evidence in a civil or criminal action.

