

Date of Hearing: March 24, 2025

ASSEMBLY COMMITTEE ON TRANSPORTATION

Lori D. Wilson, Chair

AB 390 (Wilson) – As Amended March 11, 2025

**SUBJECT:** Vehicles: highway safety.

**SUMMARY:** Expands the requirement that a driver approaching a stationary vehicle slow down and move over to include any stationary vehicles, including marked highway maintenance vehicles, displaying flashing hazard lights or another warning device. Specifically, **this bill:**

- 1) Requires a person driving a vehicle passing any stationary vehicles displaying flashing hazard lights or another warning device to either:
  - a) Make a lane change into an available lane not immediately adjacent to the vehicle, with due regard for safety and traffic conditions, if practicable and prohibited by law; and,
  - b) If changing lanes would be unsafe or impracticable, slow to a reasonable and prudent speed that is safe for existing weather, road, and vehicular or pedestrian traffic conditions.
- 2) Provides that the above requirement does not apply if the vehicle displaying flashing turn signal lamps is not adjacent to the highway or is separated from the highway by a protective physical barrier.
- 3) Defines “highway maintenance vehicle” to either mean:
  - a) A vehicle used for the maintenance of highways and roadways in this state and is either owned and operated by the Department of Transportation (Caltrans), a county, or a municipality or other political subdivision of this state; or,
  - b) Owned or operated by a contractor under contract with Caltrans, a county, or a municipality or other political subdivision of this state to maintain highways, roadways, or both.

**EXISTING LAW:**

- 1) Requires a person driving a vehicle on a highway approaching a stationary authorized emergency vehicle displaying emergency lights, or a stationary tow truck, waste service vehicle or Caltrans vehicle displaying flashing amber warning lights, to approach, with due caution, and before passing in a lane immediately adjacent to any of these vehicles, do one of the following:
  - a) Make a lane change into an available lane not immediately adjacent to the authorized emergency vehicle, tow truck, or Caltrans vehicle, with due regard for safety and traffic conditions, if practicable and not prohibited by law; or,
  - b) If the maneuver described in paragraph 1) would be unsafe or impracticable, slow to a reasonable and prudent speed that is safe for existing weather, road, and vehicular or pedestrian traffic conditions. (Vehicle Code Section (VEH) 21809 and VEH 21761)

- 2) Requires a driver of a vehicle overtaking another vehicle proceeding in the same direction to pass to the left at a safe distance without interfering with the safe operation of the overtaken vehicle. (VEH 21751)
- 3) Requires a driver of a motor vehicle overtaking and passing a bicycle that is proceeding in the same direction on a highway to either change lanes, or pass at a distance of less than three feet between any part of the motor vehicle and any part of the bicycle or its operator, unless traffic or roadway conditions make it impossible to do so, in which case the vehicle shall slow down to a speed that is reasonable and prudent, and may pass only when doing so would not endanger the safety of the operator of the bicycle. (VEH 21760)

**FISCAL EFFECT:** Unknown

**COMMENTS:** According to data from the National Highway Traffic Safety (NHTSA), around 3,500 people were killed in crashes nationwide (500 in California) while standing outside of disabled vehicles from 2013 to 2023. According to the Automobile Club, the annual number of people killed outside disabled vehicles increased by 60% in California. California ranked first in the nation for the most people killed outside vehicles for four of the five years between 2017 and 2021.

According to the Safe Transportation Research and Education Center (SafeTREC) at the University of California at Berkeley, over 1,200 individuals were killed in 2022 nationwide (221 in California) because, in many cases, drivers maneuvered too close or fast near parked cars, road work vehicles, or equipment killing individuals inside the vehicles.

North Carolina became the first state to pass a law requiring drivers to slow-down and move-over for emergency vehicles in 1996. By 2012 all states in the United States codified some form of slow, down move over law. In 2006, the Legislature passed and Governor Schwarzenegger signed SB 1610 (Simitian), Chapter 375, establishing a pilot slow-down, move-over program for law enforcement and tow trucks on freeways. SB 240 (Wright), Chapter 175, Statutes of 2009, codified this program after a positive report by the California Highway Patrol. In 2020, AB 2285 (Transportation), Chapter 2020 extended the state law to apply to all roads, not just freeways.

California has incrementally extended slow-down, move-over laws to apply to different types of vehicles. In 2013, the state passed SB 1371 (Bradford) Chapter 331, which required vehicles to pass cyclists by three feet or slow down when passing them. AB 1909 (Friedman), Chapter 343, Statutes of 2020 extended the law to require motorists to change lanes when practicable. In 2018, AB 2115 (Santiago) Chapter 710, extended the slow-down move-over law to apply to waste service vehicles as part of a national campaign run by SEIU, which represents waste service workers.

*According to the author,* “California’s Slow-Down Move-Over Law covers emergency vehicles, marked California Department of Transportation vehicles, and tow trucks. However, it fails to protect people near all disabled vehicles and vehicles at work like maintenance and utility trucks. While other states have moved to expand Slow-Down Move-Over requirements California continues to lag behind. Between 2013 and 2022, California had the second-highest total number of people killed outside disabled vehicles and ranked first in the nation in four out of those 10 years. Nearly 500 Californians lost their lives during this period. By expanding our Slow-Down Move-Over Law we can continue to reduce fatalities involving emergency responders, tow truck

operators, and help other road users. Highway safety is always a priority, this bill aims to expand protections, increasing safety for all who use California roads.”

As of 2024, nearly half of the states in the country have passed a law applying slow-down, move over to apply to disabled vehicles on the side of the road. Every state bordering California has passed a similar law.

Despite being law in all 50 states for more than a decade, awareness of move-over laws is low. According to a 2020 poll conducted by Move-Over America, a campaign created by the National Association of Police Organizations, 71% of Americans were unaware of the law. *Examining Driver Compliance with a Move-Over/Slow-Down Law in Consideration of Vehicle Type and Messages Displayed on Upstream Dynamic Message Signs*, a report published by the Transportation Research Record, conducted studies of driver behavior in Michigan using Dynamic Message Signs (DMS) to see if increasing knowledge of the law through DMS increased compliance. Compliance with the law varied greatly based on the type of vehicle. While 38% to 55% of passenger vehicles moved over to the left when passing Michigan Department of Transportation (MDOT) vehicles, 90% moved over for law enforcement vehicles with DMS. DMS helped improve compliance with the law by 7% while having no effect on increased compliance for MDOT vehicles.

The Automobile Club of Southern California and AAA Northern California, as sponsors of this bill, argue “The AAA Foundation for Traffic Safety (AAAFTS) reviewed the Fatality Analysis Reporting System (FARS) for the number of people killed in crashes while outside a disabled vehicle (2013-2022). In 2021, 72 truck drivers, delivery workers, motorists, and passengers were among those killed while outside of disabled vehicles on California highways. Between 2013 and 2022, California had the second highest total number of people killed outside disabled vehicles and ranked first in the nation for most killed in 2017, 2018, 2020, and 2021.

It is important to note that the AAAFTS analysis only reflects the number of people killed while outside vehicles. A separate report by the Safe Transportation Research and Education Center (SafeTREC) at University of California at Berkeley found over 1,200 individuals were killed in 2022 nationwide (221 in California) because, in many cases, drivers maneuvered too close or fast near parked cars, including road work vehicles or equipment. Most of these fatalities are generally drivers and passengers inside striking motor vehicles. While the overall concern is that drivers are approaching too fast and close to people and objects on highways, it remains clear those outside vehicles are most vulnerable to serious injury and fatal outcomes when struck by fast moving cars and trucks.

California is in the bottom half of the nation without SDMO protections for all stopped vehicles. Since 2011, 24 states plus the District of Columbia have enacted laws requiring motorists to move over a lane or slow to reasonable speed when approaching disabled or stationary vehicles displaying warning signals. And more states are considering such an enhancement this year. Most of the states (16 of 24) changed their laws following a 2021 report that hundreds of people are killed and thousands injured each year in crashes involving stopped or disabled vehicles. That report also showed the annual societal cost of those crashes (2016 to 2018) totaled around \$8.8 billion in medical payments, lost wages, and the less easily quantified costs of death or disability. As California competes with Texas each year for the greatest number of people killed while standing outside of disabled vehicles, it’s more important than ever to pass comprehensive legislation that protects all vulnerable road users.”

*Prior legislation:* AB 2285 (Transportation) Chapter 100, Statutes of 2020 extended the “move over” law for emergency vehicles and to trucks to apply to all roads, not just freeways.

AB 1909 (Friedman) Chapter 343, Statutes of 2021 required drivers to change lanes when passing a bicyclist, when practicable.

AB 2115 (Santiago) Chapter 710, Statutes of 2018, requires drives to slow down or move over for waste service vehicles with flashing amber lights.

SB 1371 (Bradford) Chapter 331, Statutes of 2013 required drivers to provide bicyclist three feet of passing space or to slow down when passing them.

SB 240 (Wright) Chapter 175, Statutes of 2009, made permanent the “move over” law, which prescribes what actions drivers must take on a freeway when passing a stopped emergency vehicle or tow truck with its warning lights flashing. SB 240 also added Caltrans vehicles, under specified conditions, to the move over law.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

AAA Northern California, Nevada & Utah (co-sponsor)  
Automobile Club of Southern California (co-sponsor)  
California Association of Highway Patrolmen  
California Asphalt Pavement Association  
California State Sheriffs’ Association  
California Teamsters Public Affairs Council  
California Tow Truck Association  
California Trucking Association  
Flagman  
Greater Conejo Valley Chamber of Commerce  
Impact Teen Drivers  
Inland Empire Economic Partnership  
Mobility 21  
Mothers Against Drunk Driving  
Orange County Business Council  
Professional Engineers in California Government  
Streets are For Everyone  
UC San Diego Transportation Research and Education for Driving Safety Center

### **Opposition**

No opposition on file

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