
CONSENT

Bill No: AB 390
Author: Wilson (D), et al.
Amended: 5/20/25 in Senate
Vote: 21

SENATE TRANSPORTATION COMMITTEE: 13-0, 6/10/25
AYES: Cortese, Strickland, Arreguín, Blakespear, Cervantes, Dahle, Grayson,
Limón, Menjivar, Richardson, Seyarto, Umberg, Valladares
NO VOTE RECORDED: Archuleta, Gonzalez

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

ASSEMBLY FLOOR: 74-0, 4/28/25 - See last page for vote

SUBJECT: Vehicles: highway safety

SOURCE: Author

DIGEST: This bill expands the existing slow down, move over law to require drivers to slow down and move over for any stationary vehicles, as specified, displaying flashing hazard lights or other warning device on the side of the highway.

ANALYSIS:

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 California Department of Transportation (Caltrans) vehicle displaying flashing amber warning lights, to approach, with due caution.
- 2) Further requires a driver, before passing in a lane immediately adjacent to any of those 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, waste service vehicle, or Caltrans vehicle, with due regard for safety and traffic conditions, if practicable and not prohibited by law; or,
- b) If the maneuver described above would be unsafe or impracticable, instead slow to a reasonable and prudent speed that is safe for existing weather, road, and vehicular or pedestrian traffic conditions.

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 not 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 slowdown, move over 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” as a vehicle used for the maintenance of highways and roadways in this state and is either of the following:
 - a) Owned or operated by Caltrans, a county, or a municipality or other political subdivision of the state;
 - b) Owned or operated by a contractor under contract with Caltrans, a county, or a municipality or other political subdivision of the state to maintain highways, roadways, or both.

Comments

- 1) *Purpose of this bill.* According to the author, “California’s Slow Down Move Over Law (VC 21809) 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 4 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.”

- 2) *History of Slow Down, Move Over Laws.* Slow down, move over laws require drivers on the highway to reduce speed and merge into the non-adjacent lane when they approach stopped vehicles on the side of the highway. The goal of these policies is to reduce roadside deaths and injuries. In 2006, SB 1610 (Simitian, Chapter 375, Statutes of 2006) established 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. SB 240 also added Caltrans vehicles, under certain conditions, to the move over law. In 2018, AB 2115 (Santiago, Chapter 710), extended the slow down, move over law to apply to waste service vehicles. In 2020, AB 2285 (Committee on Transportation, Chapter 2020) extended the state law to apply to all roads, not just freeways.

Despite these expansions, California does not extend protections to all stopped vehicles. In contrast, 24 states and the District of Columbia have enacted laws requiring motorists to move over a lane or slow to reasonable speed when approaching any disabled or stationary vehicles displaying warning signals. This bill would bring California in line with these states.

- 3) *Danger on the roadside.* Between 2013 and 2022 the National Highway Traffic Safety Administration’s (NHTSA’s) Fatality Analysis System reported 493 people in California were killed in crashes while outside of a disabled vehicle. This is the second highest of any state, behind Texas with 531 roadside fatalities. UC Berkeley’s Safe Transportation Research and Education Center reported that 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. Slow down, move over laws are a commonly used countermeasure to prevent collisions like these on the side of the roadway.

- 4) *Compliance is key.* Low public awareness of and motorist compliance with slow down, move over laws is an obstacle to their full effectiveness. According to NHTSA, “all 50 States have enacted ‘Move Over’ laws, but very few Americans know they exist.” In a report titled *Best Practices in Traffic Incident Management*, the Federal Highway Administration (FHWA) stated that, “anecdotally, responders have expressed concern over the lack of Move Over law awareness among drivers and the challenges faced by law enforcement personnel tasked with performing incident management duties and concurrently enforcing Move Over laws.”

According to a study in the Transportation Research Record titled *The Move Over Law: Effect of Emergency Vehicle Lighting on Driver Compliance on Florida Freeways*, “compliance with the move over law hinges on a variety of factors such as knowledge of the law, level of enforcement, and driver behavior.” The sponsors of AB 390 argue that expanding the law to broadly include any stationary vehicle displaying flashing hazard lights will actually boost both awareness and compliance with the law. Rather than getting close enough to a stopped vehicle to determine whether it is an emergency vehicle, tow truck, waste service vehicle, or Caltrans vehicle, drivers will instead learn to move over or slow down for any vehicle on the side of the highway. This argument is supported by research in the Journal of Road Safety indicting that “the nuances and the variation in move-over laws can make it difficult for drivers to understand what the law requires of them.”

Furthermore, the sponsors point out that changing the law will help spark a public information campaign which will also improve compliance. According to the FHWA’s 2010 *Traffic Incident Management Quick Clearance Laws: A National Review of Best Practices*, the most effective “Move Over” laws “require companion driver education initiatives and reasonable enforcement directives,” among other provisions, some of which are included in current California state law.

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

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.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

SUPPORT: (Verified 6/30/25)

AAA Northern California, Nevada & Utah
Associated General Contractors, California Chapters
Automobile Club of Southern California
California Asphalt Pavement Association
California Association of Highway Patrolmen
California Association of Port Authorities
California State Sheriffs' Association
California Teamsters Public Affairs Council
California Tow Truck Association
California Trucking Association
Flagman
Foothill Eastern Transportation Corridor Agency
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
San Joaquin Hills Transportation Corridor Agency
Street Racing Kills
Streets are for Everyone (ORG)
Streets for All
Tri County Chamber Alliance
UC San Diego Transportation Research and Education for Driving Safety Center
Vision Zero Network

OPPOSITION: (Verified 6/30/2025)

None received

ASSEMBLY FLOOR: 74-0, 4/28/25

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Fong, Gabriel, Gallagher, Garcia, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NO VOTE RECORDED: Bennett, Flora, Gipson, Krell, Sanchez

Prepared by: Isabelle LaSalle / TRANS. / (916) 651-4121
7/2/25 16:24:54

**** END ****