

Carlsbad Police Department

Law



Vehicle Codes

- 21055 CVC

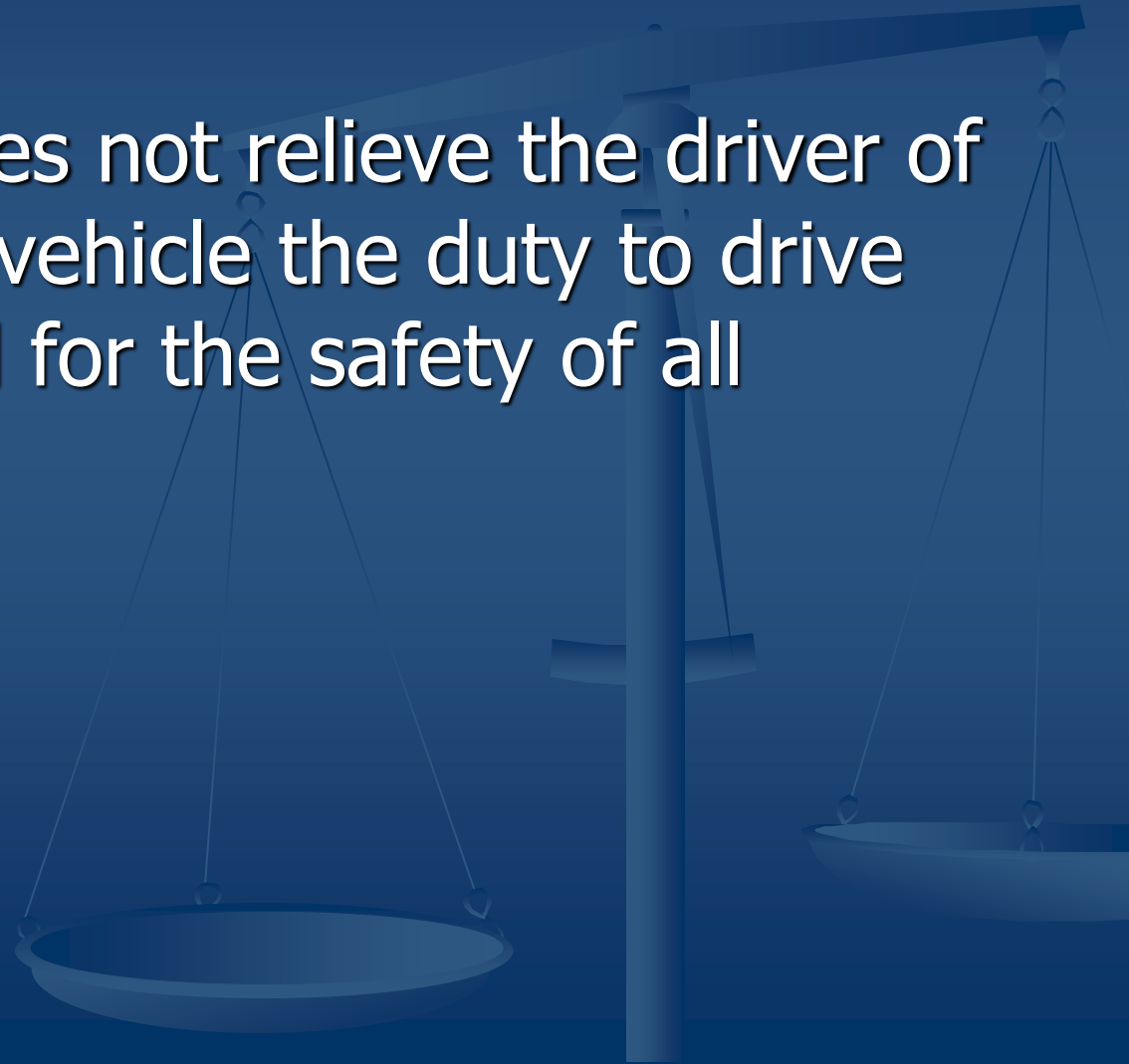
The driver of an emergency vehicle is exempt from rules of the road under following:

- 1) Vehicle is being driven in response to emergency or in pursuit of violator(21055a)
- 2) Vehicle is equipped with a solid red light to front and siren as necessary(21055b)

Vehicle Codes

- 21056 CVC

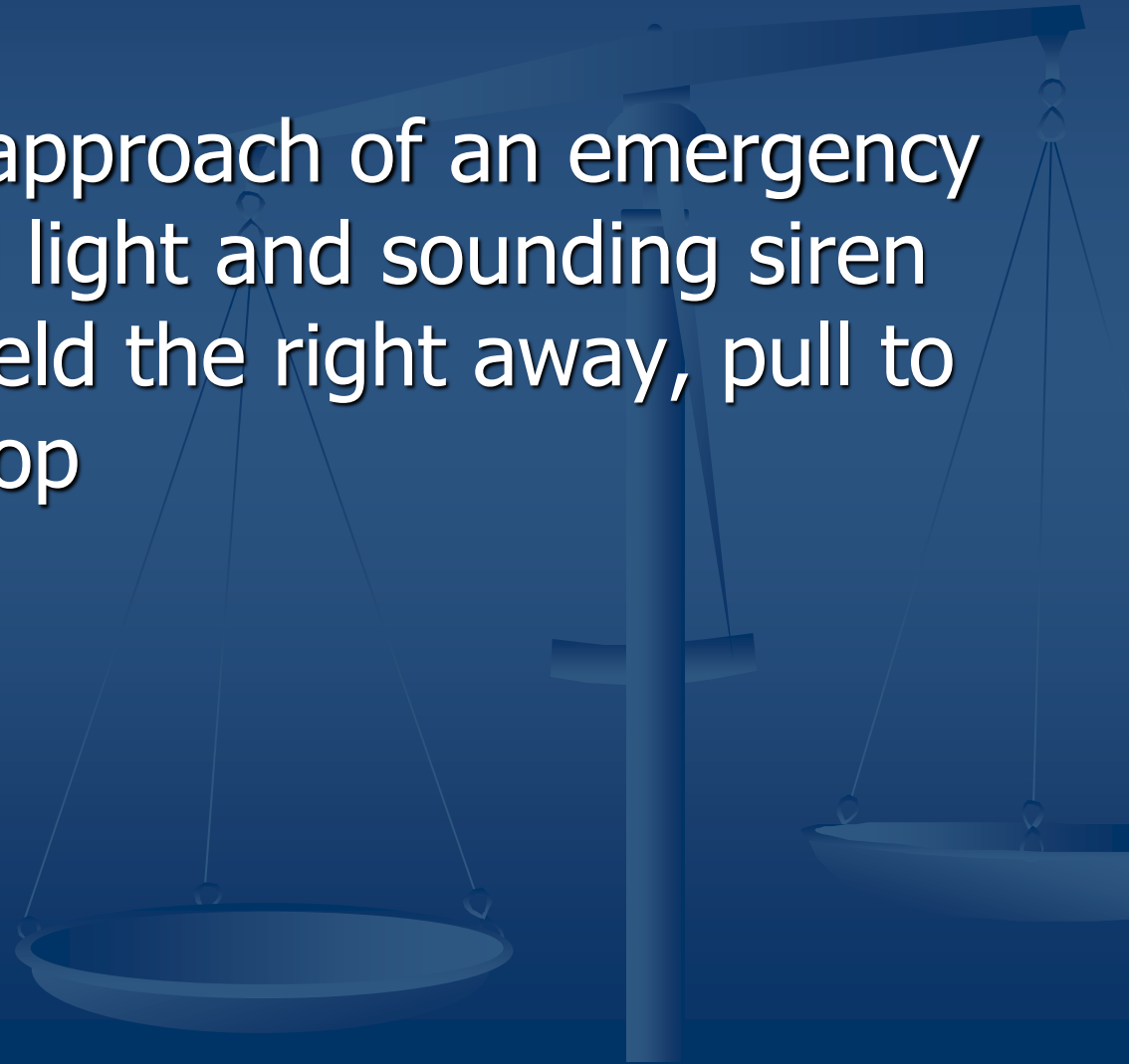
Section 21055 does not relieve the driver of the emergency vehicle the duty to drive with due regard for the safety of all persons



Vehicle Codes

- 21806 CVC

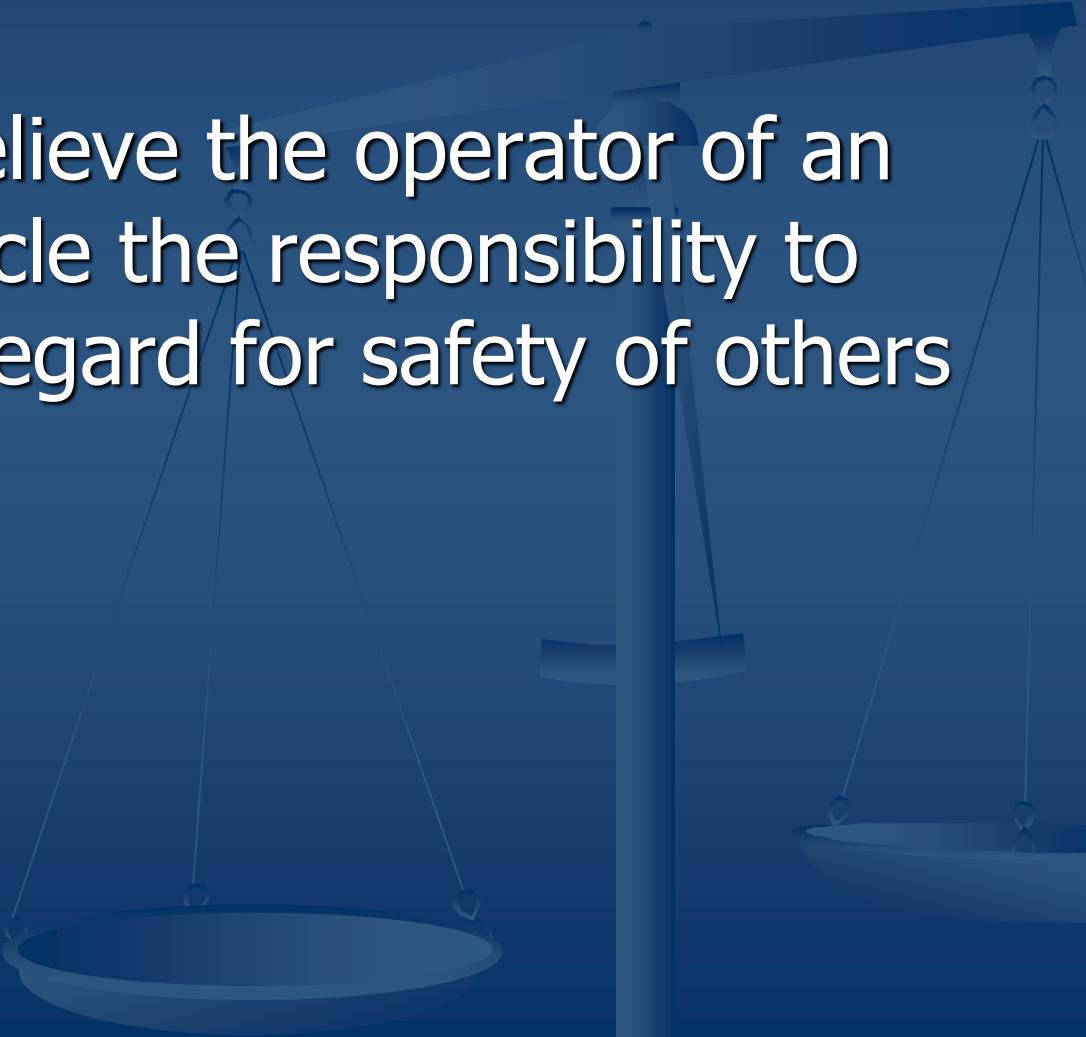
Upon immediate approach of an emergency vehicle with red light and sounding siren vehicles shall yield the right away, pull to the right and stop



Vehicle Codes

- 21807 CVC

21806 does not relieve the operator of an emergency vehicle the responsibility to drive with due regard for safety of others



<https://www.youtube.com/watch?v=dKOcNnA2fcc>



Evidence Code



- 669 Evidence Code
 - (a) The failure of a person to exercise due care is presumed if:
 - A law is broken
 - Somebody is injured
 - The injury could have been prevented by following the law

Grant v Petronella

- OC Deputy involved TC I-5 and Laguna Niguel
- Two passengers killed in other vehicle
- Victim vehicle traveling speed limit
- Deputy 80-85 mph in an out of traffic per witness and Deputies statement
- No lights and sirens (testified to get through traffic faster)
- Struck vehicle at 85-90 per AI

Court Decisions

Grant v Petronella

“The fact the driver intentionally omitted red-light and siren warnings (21055 VC) would support a conclusion he was not a person “who desired to comply with the law” (Evid. Code, § 669, subd. (b)(1)), and, as noted, this is a circumstance to be considered in determining whether he was acting as a reasonably prudent person.”

Court Decisions



- Stark v City of Los Angeles

Violation traffic laws while following a vehicle is deemed a pursuit

There is a duty to warn third parties (lights and siren)

Court Decisions



- Brower v Inyo County
- Stolen Vehicle pursuit
- 18 wheeler behind a blind curve used to blockade and terminate pursuit.
- Violation of 4th Amendment (Seizure)

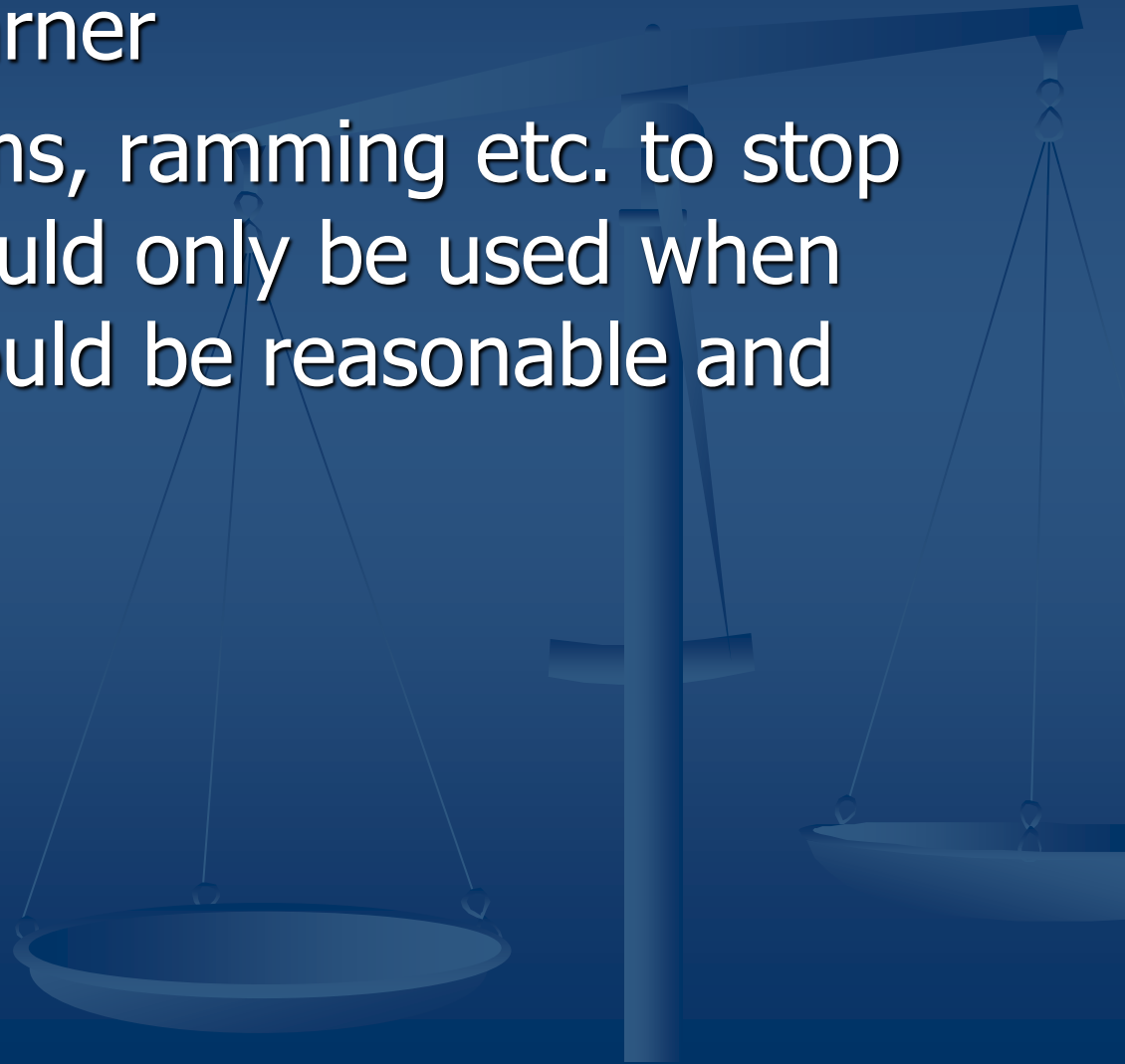
Must give the suspect a chance to stop.

Cannot barricade a roadway without an out.

Court Decisions

- Tennessee v Garner

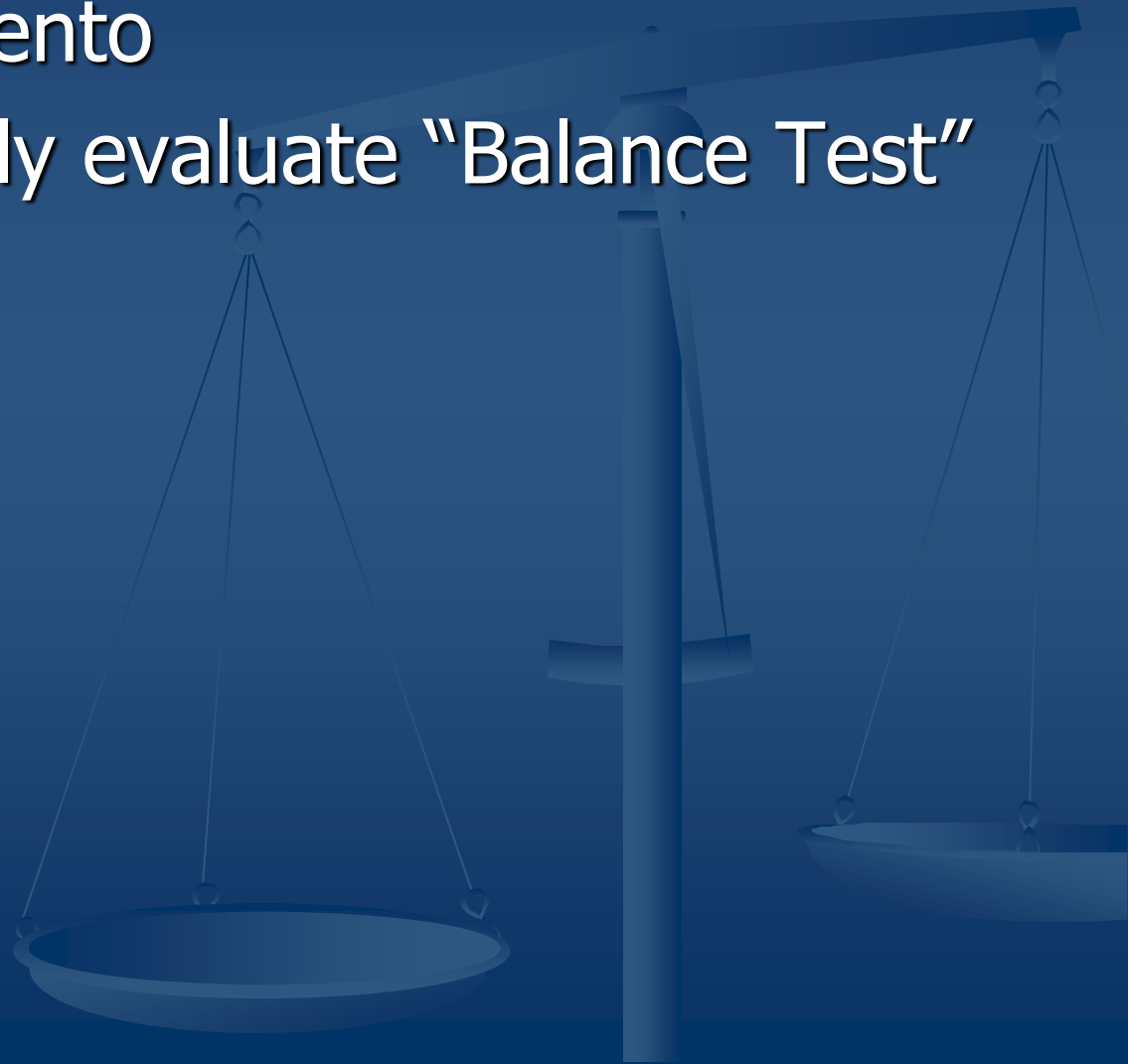
The use of firearms, ramming etc. to stop the suspect should only be used when deadly force would be reasonable and justified



Court Decisions

- Lewis v Sacramento

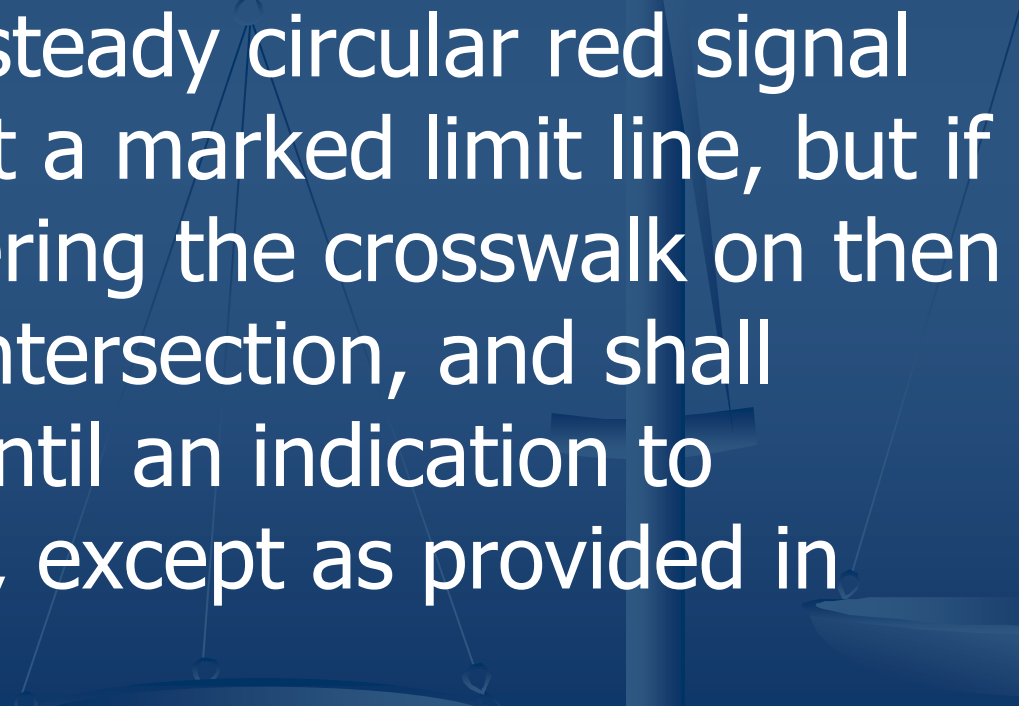
Need to continually evaluate “Balance Test”



Vehicle Codes

- **21453 (a) CVC – Red Light**

A driver facing a steady circular red signal alone shall stop at a marked limit line, but if none, before entering the crosswalk on the near side of the intersection, and shall remain stopped until an indication to proceed is shown, except as provided in subdivision (b).





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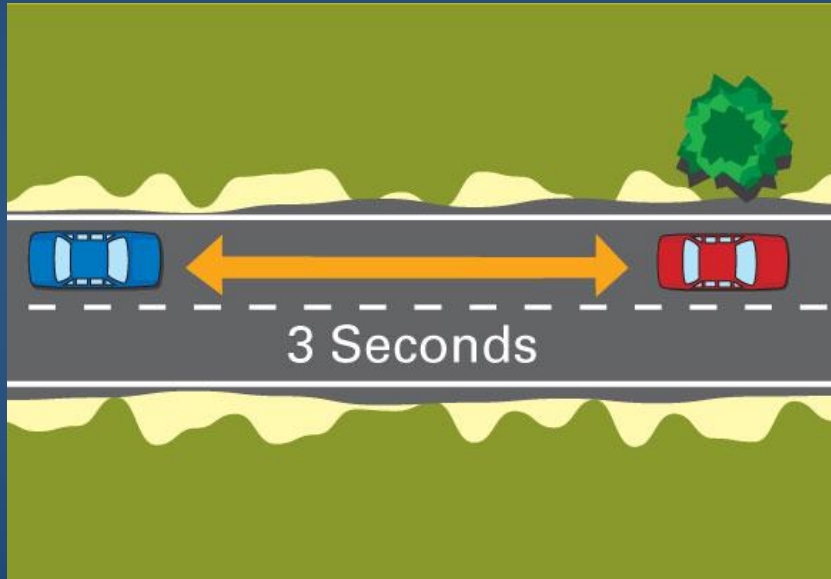


江南街道
104复线十一河路东

Vehicle Codes

- **21703 CVC Following too closely**

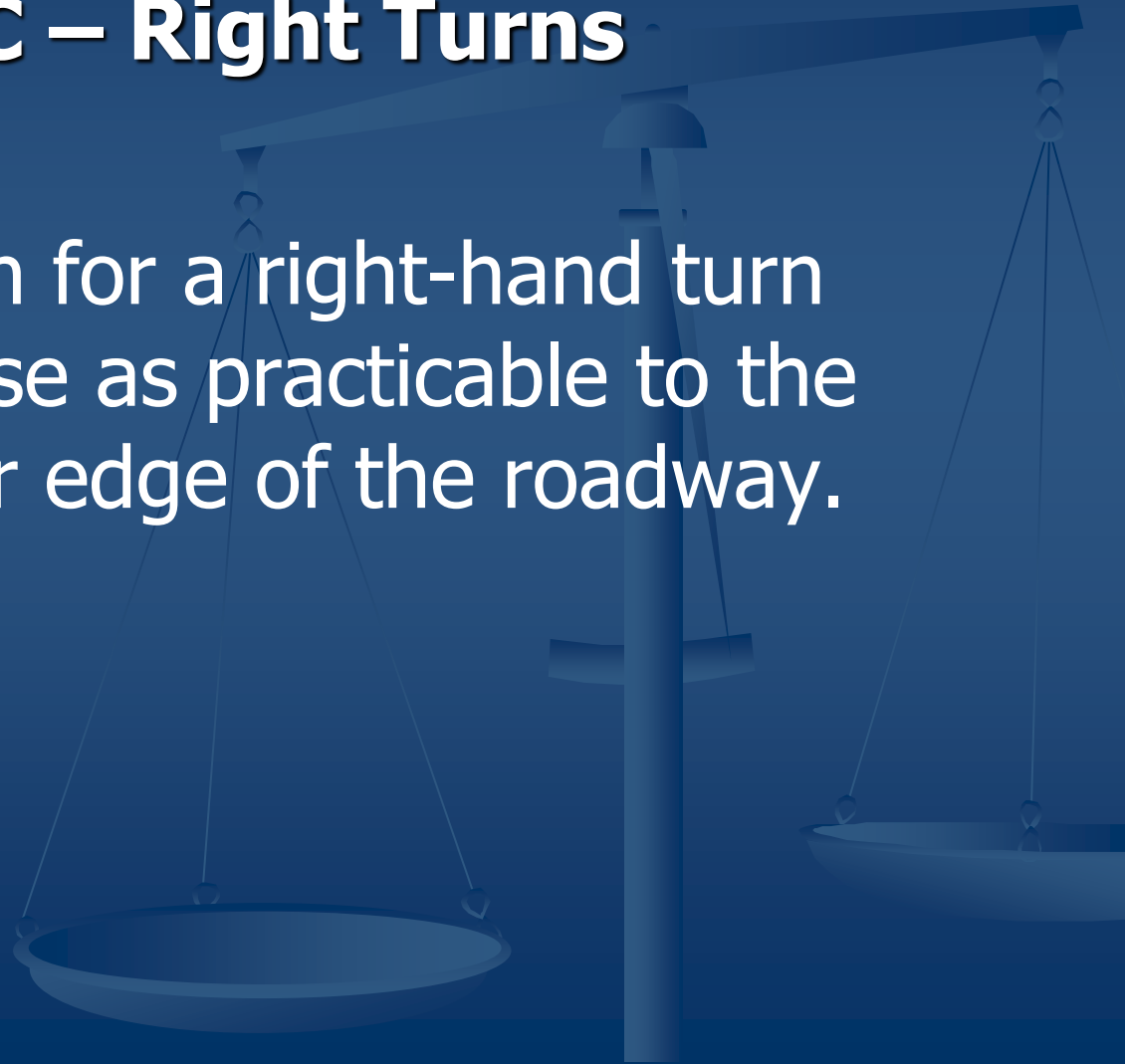
The driver of another vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicle and the traffic upon, and the condition of, the roadway



Vehicle Codes

- **22100 (a) CVC – Right Turns**

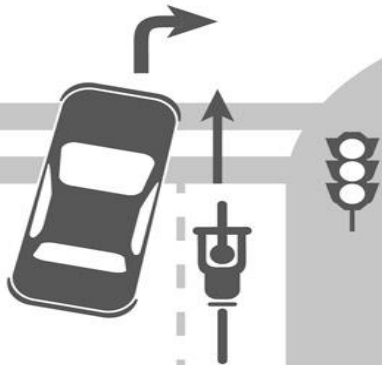
Both the approach for a right-hand turn shall be made close as practicable to the right-hand curb or edge of the roadway.



Right Turns and Bike Lanes

Wrong

! Driver is not turning from as far right as practicable (CVC 22100)

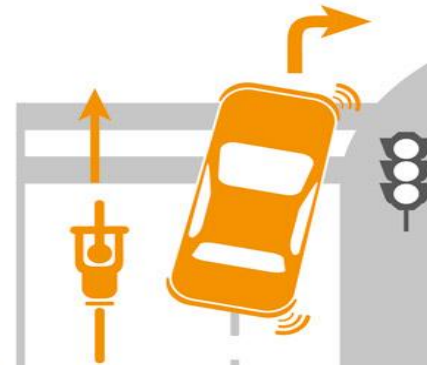


! Bike rider should look for turn signal, avoiding driver's blind spot.



Correct

✓ Driver must merge into bike lane & turn from curb (CVC 21717)



✓ Bike rider should pass on left as driver merges into the bike lane.



Vehicle Codes

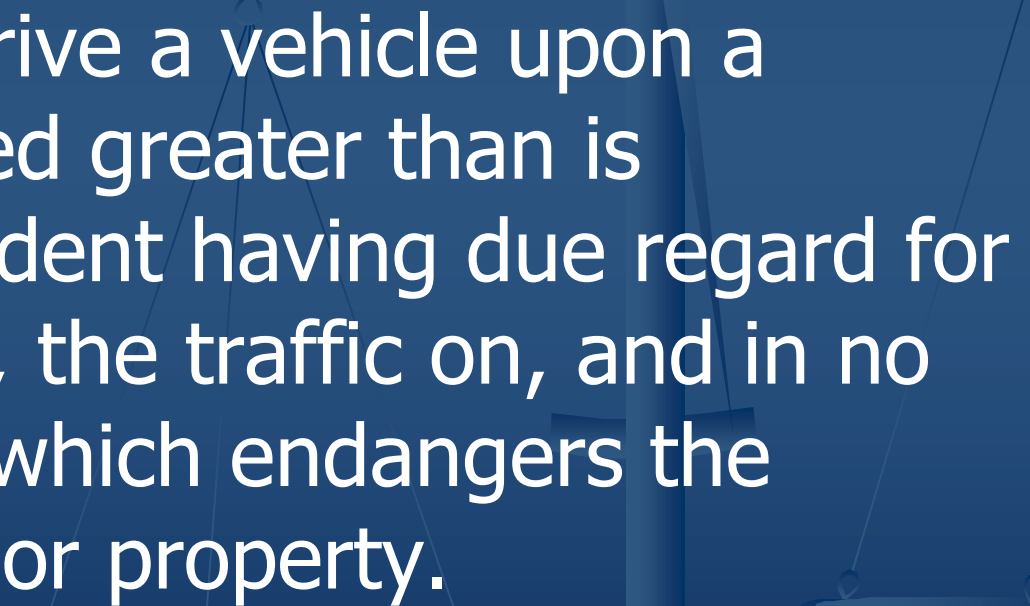
- **22106 CVC Unsafe Backing and Starting**

No person shall start a vehicle stopped, standing, or parked on a highway, nor shall any person back a vehicle on a highway until such movement can be made with reasonable safety.

Vehicle Codes

- **22350 CVC Basic Speed Law**

No person shall drive a vehicle upon a highway at a speed greater than is reasonable or prudent having due regard for weather, visibility, the traffic on, and in no event at a speed which endangers the safety of persons or property.







Questions ?

