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AB-78 Vessels: operation and equipment: blue lights. (2017-2018)

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Assembly Bill No. 78

CHAPTER 103

An act to amend Section 652.5 of the Harbors and Navigation Code, relating to vessels.

[Approved by Governor July 24, 2017. Filed with Secretary of State July 24, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

AB 78, Cooper. Vessels: operation and equipment: blue lights.

Existing law reserves the use of a distinctive blue light to law enforcement vessels. Existing law authorizes the blue light to be displayed during the day or night when the vessel is engaged in direct law enforcement activities as specified. Existing law prohibits the display of this blue light on vessels for other purposes. Existing law requires vessels approaching, overtaking, being approached, or being overtaken by a moving law enforcement vessel operating with a siren or an illuminated blue light to immediately slow to a speed sufficient to maintain steerage, alter course so as not to inhibit or interfere with the operation of the law enforcement vessel, and proceed at the reduced speed unless directed otherwise. Existing law requires the operator of a cable ferry to take whatever reasonable action is necessary to provide a clear course for a law enforcement vessel operating with a siren or an illuminated blue light. Existing law makes the violation of these provisions an infraction, punishable by a fine.

This bill would reserve the use of this distinctive blue light to public safety vessels, defined to include law enforcement, fire department, or fire protection district vessels, that are engaged in direct law enforcement activities, or public safety activities conducted by a fire department or fire protection district, as provided. By expanding the law to cover fire department and fire protection district vessels, the bill would expand the scope of a crime, thereby creating a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 652.5 of the Harbors and Navigation Code is amended to read:

652.5. (a) The use of a distinctive blue light as prescribed by the department is reserved for public safety vessels and may be displayed during the day or night whenever the vessel may be engaged in direct law enforcement activities, including, but not limited to, those activities specified in subdivision (a) of Section 663.7, or public safety activities conducted by a fire department or a fire protection district, where identification of a public safety vessel is desirable or where necessary for safety reasons.

(b) That light when used shall be in addition to prescribed lights and day signals required by law.

(c) The display of these blue lights on vessels for other purposes is prohibited.

(d) A vessel approaching, overtaking, being approached, or being overtaken by a moving public safety vessel operating with a siren or an illuminated blue light, or a vessel approaching a stationary public safety vessel displaying an illuminated blue light, shall immediately slow to a speed sufficient to maintain steerage only, shall alter its course, within its ability, so as not to inhibit or interfere with the operation of the public safety vessel, and shall proceed, unless otherwise directed by the operator of the public safety vessel, at the reduced speed until beyond the area of operation of the public safety vessel.

(e) The operator of a cable ferry shall take whatever reasonable action is necessary to provide a clear course for a public safety vessel operating with a siren or an illuminated blue light, or both.

(f) For purposes of this section, "public safety vessel" means a law enforcement, a fire department, or a fire protection district vessel.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.