

# BASIC COURSE UNIT GUIDE

46

## INTRODUCTION TO TRAFFIC

This unit guide covers the following learning goals contained in the POST Basic Course performance objective document:

- 9.1.0 Introduction to Traffic
- 9.2.0 Vehicle Code
- 9.3.0 Vehicle Registration and Driver Licensing Law
- 9.4.0 Vehicle Code Violations
- 9.16.0 Vehicle Code Arrest Procedures

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**THE COMMISSION  
ON PEACE OFFICER STANDARDS AND TRAINING  
STATE OF CALIFORNIA**

U.S. Department of Justice  
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**This unit of instruction is designed as a *guideline* for Performance Objective-based law enforcement basic training. This unit is part of the POST Basic Course Guidelines system developed by California law enforcement trainers and criminal justice educators for the California Commission on Peace Officer Standards and Training.**

**This Guide is designed to assist the instructor in developing an appropriate lesson plan to cover the performance objectives, which are required as minimum content of the Basic Course.**

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## Learning Goals and Performance Objectives

### 9.1.0 INTRODUCTION TO TRAFFIC

Learning Goal: The student will develop an understanding of the goals of traffic enforcement.

9.1.1 The student will identify the following results of enforcing traffic laws:

- A. Reduces fatalities, injuries, and property damage
- B. Increases the efficient flow of traffic
- C. Enhances the public image of law enforcement

9.1.2 The student will identify the primary responsibilities of an officer implementing traffic procedures:

- A. Enforcement of traffic laws
- B. Traffic education
- C. Investigation of traffic collisions
- D. Identification of traffic engineering defects and highway hazards

### 9.2.0 VEHICLE CODE

Learning Goal: The student will have a basic understanding of the Vehicle Code and how to use it.

9.2.1 Given a Vehicle Code, the student will locate and identify information relating to words and phrases, arrest procedures, and common violations.

### 9.3.0 VEHICLE REGISTRATION AND DRIVER LICENSING LAW

Learning Goal: The student will understand the laws relative to vehicle registration, vehicle licensing, and driver licensing.

9.3.1 Given a Vehicle Code and word-pictures or audio-visual presentations depicting possible registration violations, the student will determine if there is a violation and identify it by either its common name, or section number. (Vehicle Code Sections 4000, 4159, 4454, 5200, 5201 and 5204)

9.3.2 Given a Vehicle Code and word-pictures or audio-visual presentations depicting possible driver license violations, the student will determine if there is a violation and identify it by either its common name or section number. (Vehicle Code Sections 12500, 12951, 14601, 14601.1, 14061.2, and 14603)

## Learning Goals and Performance Objectives

### 9.4.0

#### VEHICLE CODE VIOLATIONS

Learning Goal: The student will understand Vehicle Code Violations that most commonly cause traffic collisions.

- 9.4.1 Given a Vehicle Code and word pictures or audio-visual presentations depicting a possible unsafe vehicle or a vehicle not safely loaded or the unlawful operation after notice by an officer, the student will determine if there is a violation and identify it either by its common name or section number. (Vehicle Code Sections 24002 and 24004)
- 9.4.2 Given a Vehicle Code and word pictures or audio-visual presentation depicting a possible hit and run the student will determine if there is a violation and identify the crime classification, and either its common name or section number. (Vehicle Code Sections 20001-20002)
- 9.4.3 Given a Vehicle Code and word pictures or audio-visual presentation depicting possible violations of official traffic control signals and devices, the student will determine if there is a violation and identify it by common name or section number. (Vehicle Code Sections 21457, 21460, 21460.5, and 21461)
- 9.4.4 Given a Vehicle Code and word pictures or audio-visual presentation depicting a possible failure to yield the right-of-way violations, the student will determine if there is a violation and identify it by either its common name or section number. (Vehicle Code Sections 21800 through 21804, 21950, and 21954)
- 9.4.6 Given a Vehicle Code and word pictures or audio-visual presentation depicting possible turning, stopping, and turn signal violations, the student will determine if there is a violation and identify it by either its common name or section number. (Vehicle Code Sections 22100, 22100.5, 22101, 22105, and 22107-22108)

## Learning Goals and Performance Objectives

- 9.4.7 Given a Vehicle Code and word pictures or audio-visual presentation depicting possible speed violations, the student will determine if there is a violation and identify it by either its common name or section number. (Vehicle Code Sections 22349, 22350, 21654, and 22400)
- 9.4.9 Given a Vehicle Code and word pictures or audio-visual presentation depicting a vehicle passing a stopped school bus which has its red lights flashing, the student will determine there is a violation identify it by either its common name or section number. (Vehicle Code Section 22454)
- 9.4.10 Given a Vehicle Code and word pictures or audio-visual presentation depicting required stop violations, the student will determine if there is a violation and identify it by either its common name or section number. (Vehicle Code Sections 24450)
- 9.4.11 Given a Vehicle Code and word pictures or audio-visual presentation depicting vehicle equipment violations, the student will determine if there is a violation and identify it by either its common name or section number. (Vehicle Code Sections 24400 and 27150)
- 9.4.12 Given a Vehicle Code and word pictures or audio-visual presentation depicting a following-too-close violation, the student will determine if there is a violation and identify it by either its common name or section number. (Vehicle Code Section 21703)
- 9.4.13 Given a Vehicle Code and word pictures or audio-visual presentation depicting public offenses, the student will determine if there is a violation and identify it by either its common name or section numbers. (Vehicle Code Sections 23103, 23109 and 23110)

## Learning Goals and Performance Objectives

- 9.4.14 Given a Vehicle Code and word pictures or audio-visual presentation depicting overtaking and passing violations, the student will determine if there is a violation and identify it by either its common name or section number. (Vehicle Code Sections 21650, 21651, 21752, and 21755)
- 9.4.15 Given a Vehicle Code and word pictures or audio-visual presentation depicting failure to obey the lawful orders of a peace officer violation or flare and/or cone pattern by either its common name or section number (Vehicle Code Sections 2800, 2800.1, 2800.2, 2800.3, and 2818)
- 9.4.16 Given a Vehicle Code and word pictures or audio-visual presentations depicting an unrestrained occupant of a motor vehicle violation, the student will determine if there is a violation and identify it by either its common name or section number. (Vehicle Code Sections 27315, 27360, and 23116)
- 9.4.17 Given a Vehicle code and word-pictures or audio-visual presentations depicting a red signal light violation, the student will determine if there is a violation and identify it by either its common name or section number. (Vehicle Code Section 21453)

9.16.0 VEHICLE CODE ARREST PROCEDURES

Learning Goal: The student will understand arrest procedures which are unique to enforcement of the Vehicle Code.

- 9.16.1 Given a Vehicle Code and word pictures or audio-visual presentation depicting arrest situations, the student will identify (1) whether the violator must be physically arrested or (2) whether the violator may be cited or arrested at the option of the officer. (Vehicle Code Sections 40300.5 through 40303, and 40305)

## Material/Equipment

Each training institution should develop its own list of equipment and materials for each unit. This list is dependent upon the instructional strategies methods/media considerations.

No special material or equipment needed.

**Learning Goal 9.1.0** : The student will develop an understanding of the goals of traffic enforcement.

Unit Outline & Presentation	Objectives & Instructional Cues
<p>I. INTRODUCTION TO TRAFFIC (9.1.0)</p> <p>A. California has one of world's most complex driving environments.</p> <ol style="list-style-type: none"> <li>1. More than 19 million drivers.</li> <li>2. More than 25 million vehicles.</li> <li>3. At least one traffic collision every minute.</li> <li>4. At least one traffic collision fatality every two hours.</li> </ol> <p>B. Enforcement of Traffic Laws</p> <ol style="list-style-type: none"> <li>1. Traffic collisions result in more deaths, injuries, and economic loss than all other matters of police responsibility combined.</li> <li>2. When officers enforce traffic laws:               <ol style="list-style-type: none"> <li>a. Collisions decrease, so do injuries, fatalities, and property damage.</li> <li>b. Traffic flows more efficiently.</li> <li>c. Police image is enhanced.</li> <li>d. Many driving violations (DUI's) result from traffic stops.</li> </ol> </li> </ol> <p>C. Peace Officer's Role</p> <ol style="list-style-type: none"> <li>1. Enforce traffic laws.</li> <li>2. Traffic education.</li> <li>3. Investigate collisions and prepare complete and accurate traffic reports.</li> <li>4. Identify traffic engineering defects and highway hazards.</li> </ol>	<p>Refer to SWITRS Annual Report for statistics</p> <p>NOTE: Instructors should update these statistics at least once every two years.</p> <p>9.1.1 The student will identify the following results of enforcing traffic laws:</p> <ol style="list-style-type: none"> <li>A. Reduces fatalities, injuries, and property damage</li> <li>B. Increases the efficient flow of traffic</li> <li>C. Enhances the public image of law enforcement</li> </ol> <p>9.1.2 The student will identify the primary responsibilities of an officer implementing traffic procedures:</p> <ol style="list-style-type: none"> <li>A. Enforcement of traffic laws</li> <li>B. Traffic education</li> <li>C. Investigation of traffic collisions</li> <li>D. Identification of traffic engineering defects and highway hazards</li> </ol>



**Learning Goal 9.2.0 :** The student will have a basic understanding of the Vehicle Code and how to use it.

Unit Outline & Presentation	Objectives & Instructional Cues
<p>(2) Section 15 establishes the difference between "shall" and "may."</p> <p>(3) Section 21 establishes the Vehicle Code statewide and the intent of the Legislature that it preempts the field of traffic law, etc.</p> <p>b. Divisions. The Vehicle Code is divided into divisions.</p> <p>(1) Division 1 contains most of the Code's definitions.</p> <p>(2) Division 11 contains most of the traffic laws or rules of the road.</p> <p>(3) Division 12 contains most of the vehicle equipment requirements, etc.</p> <p>c. Chapters and Articles. Divisions are further divided into chapters and articles.</p> <p>d. Sections. Chapters and articles are divided into Sections such as 22350 which is the Basic Speed Law.</p> <p>e. Subdivisions. Some Sections are further divided into subdivisions which are identified by parenthesize letters, (a), or numbers, (1). For example:</p> <p style="padding-left: 40px;">22352</p> <p style="padding-left: 40px;">(a)</p> <p style="padding-left: 40px;">(1)</p> <p style="padding-left: 40px;">(2)</p> <p style="padding-left: 40px;">(3)</p> <p style="padding-left: 40px;">(b)</p> <p style="padding-left: 40px;">(1)</p> <p style="padding-left: 40px;">(2)</p>	<p>NOTE: Stress the importance of using subdivisions when citing or charging a violator. e.g., 23110(a) is a misdemeanor; (b) is a felony.</p> <p>Also, the more common term for "subdivision" is "subsection".</p>

**Learning Goal 9.2.0** : The student will have a basic understanding of the Vehicle Code and how to use it.

Unit Outline & Presentation	Objectives & Instructional Cues
<p>D. Four Types of Vehicle Code Law</p> <ol style="list-style-type: none"> <li>1. Definitive Sections (<u>Not Citable</u>). These Sections define, limit, or explain the meaning of words or phrases. Most are found in Division 1 and they are arranged in alphabetical order. For example:               <ol style="list-style-type: none"> <li>a. 110 CVC defines "alley."</li> <li>b. 280 CVC defines "darkness."</li> <li>c. 530 CVC defines "roadway," etc.</li> </ol> </li> <li>2. Procedural Sections (<u>Not Citable</u>). These Sections describe the method of proceeding in a course of action. They do not provide a punishment for failure to comply. An example would be Section 22101(b) CVC.</li> <li>3. Authoritative Sections (<u>Not Citable</u>). These Sections grant authority to persons or government entities. An example would be Section 22101(a) CVC.</li> <li>4. Punitive Sections (<u>Citable</u>). These Sections require or prohibit certain actions. Violations are punishable as infractions, misdemeanors, or felonies.</li> </ol>	<p>NOTE: Emphasize that definitive, procedural and authoritative sections are not offenses. They are not violations; they are <u>not citable</u>.</p> <p>Also, note that it is common for sections to have one subdivision that is authoritative or procedural and another subdivision that is punitive.</p> <p>NOTE: Have student refer again to the List of Violations.</p>

**Learning Goal 9.2.0** : The student will have a basic understanding of the Vehicle Code and how to use it.

Unit Outline & Presentation	Objectives & Instructional Cues
<p>E. Locating Vehicle Code Sections</p> <p>1. Aids</p> <p>a. Traffic law enforcement begins with knowledge of what types of conduct or conditions constitute violation of the Code. By studying the Code, the student will learn to recognize these acts and conditions. But recognition of the unlawful acts or conditions is only the first step. When writing a citation, the officer must identify the particular section of the Code that has been violated. There are three aids at the back of the Code to help do this.</p> <p>(1) The <u>Index</u></p> <p>(2) The <u>List of Violations</u></p> <p>(3) Table of contents</p> <p>2. The Index is subject-headed, alphabetically.</p> <p>a. Each Section is listed according to the <u>nature of the violation</u>. For example, for a speeding violation, look in the index under "speed."</p> <p>b. Most violations are cross-indexed to provide as many different ways of looking up a section as possible. For example, if a driver makes a left-hand turn without giving any sort of signal one might go to the index thinking, "Signal." Or one might be thinking "Arm Signal," or even more generally, "Turning." Not <u>all</u> possible listing are included, or course, but there are usually enough to make it easy to find the section needed.</p> <p>c. Not all sections listed in the Index describe violations. The very first section listed, for example, is "Abandoned Vehicle Trust Fund." This section describes a procedure rather than a violation. In other words, the Index provides references for <u>all</u> contents of the Code.</p>	<p>9.2.1 Given a Vehicle Code, the student will locate and identify information relating to words and phrases, arrest procedures, and common violations.</p> <p>Note: Students are not expected to memorize section numbers. They are expected to be able to find the appropriate section numbers in the Vehicle Code using the techniques learned in P.O. 9.2.1</p>

**Learning Goal 9.2.0 :** The student will have a basic understanding of the Vehicle Code and how to use it.

Unit Outline & Presentation	Objectives & Instructional Cues
<p>3. Using the List of Violations</p> <ul style="list-style-type: none"> <li>a. The List of Violations deals only with the enforcement sections of the Code.</li> <li>b. The following key points should be noted about the List of Violations:               <ul style="list-style-type: none"> <li>(1) Only punitive sections are listed in this area.</li> <li>(2) Punitive sections are classified as: Infraction (I), Misdemeanor (M), and Felony (F).</li> <li>(3) Section number and subdivision.</li> <li>(4) Brief description only.</li> </ul> </li> </ul> <p>4. Using the table of contents</p> <ul style="list-style-type: none"> <li>a. It identifies each Division, Chapter, Article, and their corresponding sections.</li> </ul>	<p>Direction to Student: Turn to the List of Violations now. It immediately precedes the Index. Notice that the violations are listed in <u>numerical</u> order by section number, along with a brief description of the provisions of the statute.. This makes the list of violations a capsulized version of the Code itself.</p> <p>Direction to Student: <u>Study the list of violations for awhile now to familiarize yourself not only with its organization, but that of the Code itself.</u></p> <p>NOTE: Tell students about cheater sheets and ready references.</p> <p>Qwik-Code Publications, Box 538, San Juan Capistrano, CA 92693 (714) 496-0240</p>

**Learning Goal 9.3.0** : The student will understand the laws relative to vehicle registration, vehicle licensing, and driver licensing.

Unit Outline & Presentation	Objectives & Instructional Cues
<p>III. VEHICLE REGISTRATION, LICENSING, AND DRIVER LICENSING (9.3.0)</p>	<p>9.3.1</p>
<p>A. Registration. The general rule is that all vehicles must be registered before they are permitted on the highway. However, there are a number of exceptions for specific types of vehicles. Before enforcing the registration laws officers must be thoroughly familiar with the definitions of vehicles, including those exempted.</p>	<p>Given a Vehicle Code and word-pictures or audio-visual presentations depicting possible registration violations, the student will determine if there is a violation and identify it by either its common name, or section number. (Vehicle Code Sections 4000, 4159, 4454, 5200, 5201 and 5204)</p>
<p>1. 4000(a) CVC states "No person shall drive, move, or leave standing upon a highway or in on off -street public parking facility, any motor vehicle, trailer, semitrailer, pole or pipe dolly, logging dolly, or auxiliary dolly unless it is registered and appropriate fees have been paid...."</p>	<p>Note: Section 6700 mandates that new residents must register their vehicle(s) within 20 days.</p>
<p><u>Definitions</u></p>	<p>Note: Section 9400 identifies commercial vehicle licensing requirements.</p>
<p>Highway (360 CVC)</p>	
<p>Street (590 CVC)</p>	
<p>Roadway (530 CVC)</p>	
<p>Off-Street Public Parking Facility (4000(a) CVC)</p>	
<p>Motor Vehicle (415 CVC)</p>	
<p>Trailer (630 CVC)</p>	
<p>Semitrailer (550 CVC)</p>	
<p><u>Exceptions</u></p>	
<p>Off-highway vehicle which displays an identification plate or device (4000(e) CVC) Vehicles operated under permit, special purpose vehicles, etc. (4002 - 4021 CVC)</p>	
<p>2. 4159 CVC requires DMV to be notified of change of address within 10 days.</p>	
<p>3. 4454a CVC requires owner to keep registration card or a copy with the vehicle for which it was issued.</p>	

**Learning Goal 9.3.0** : The student will understand the laws relative to vehicle registration, vehicle licensing, and driver licensing.

Unit Outline & Presentation	Objectives & Instructional Cues
<p>4. 5200 CVC requires license plates to be displayed.</p> <p>5. 5201 CVC describes positioning of license plates.</p> <p>6. 5204 CVC describes tab mounting requirements.</p> <p>B. Driver Licensing. Driving on California highways is a <u>privilege</u>, not a right. That privilege may be suspended or revoked by DMV or the courts.</p> <p>1. 12500a CVC makes it unlawful for a person to drive a motor vehicle upon a highway without being licensed.</p> <p>2. 12500b CVC makes it unlawful for a person to drive a motor vehicle, or combination of vehicles, without the proper type of license. (Note: 12804.9 CVC defines drivers license classifications.)</p> <p>3. 12951 CVC requires licensee to have license in possession at all times while driving a motor vehicle upon a highway. Note: 12951 CVC will be dismissed upon proof that the driver was actually licensed at the time of citation. It also will not jeopardize a later 14601 CVC filing if the driver was driving while privilege was suspended or revoked.</p> <p>4. 14600 CVC requires licensee to notify DMV of change of address within 10 days.</p> <p>5. 14601, 14601.1, and 14601.2 CVC prohibit a person from driving a motor vehicle after that person's driving privilege has been suspended or revoked.</p> <p>"Suspension" means that the person's <u>privilege</u> to operate motor vehicles is temporarily withdrawn.</p> <p>It is not necessary that the person have a driver's license to revoke or suspend his driving <u>privilege</u>.</p>	<p>9.3.2 Given a Vehicle Code and word-pictures or audio-visual presentations depicting possible driver license violations, the student will determine if there is a violation and identify it by either its common name or section number. (Vehicle Code Sections 12500, 12951, 14601, 14601.1, 14061.2, and 14603)</p>

**Learning Goal 9.3.0 :** The student will understand the laws relative to vehicle registration, vehicle licensing, and driver licensing.

Unit Outline & Presentation	Objectives & Instructional Cues
<p>6. 14603 CVC prohibits a person from driving in violation of the provisions of a restricted license.</p> <p>Restrictions may include special mechanical control devices, additional mirrors, corrective lenses, or any other restrictions appropriate to assure the safe operation of a motor vehicle by the licensee.</p>	<p>Note: When used in reference to a driver's license, "revocation" means that the person's <u>privilege</u> to operate motor vehicles is <u>terminated</u> and a new driver's license may be obtained only after the revocation has ended (13101 CVC). Court-mandated restrictions may be stamped on, typed on, or attached to license.</p> <p>14603 CVC should not be used for court mandates; use 12500 CVC or local enforcement policy.</p> <p>Note: Section 14601.4 is an enhancement section to 14601.2</p>

**Learning Goal 9.4.0 :** The student will understand Vehicle Code Violations that cause accident traffic collisions

Unit Outline & Presentation	Objectives & Instructional Cues
<p>IV. VEHICLE CODE VIOLATIONS (9.4.0)</p> <p>A. Introduction</p> <ol style="list-style-type: none"> <li>1. The provisions of Division 11 (Rules of the Road), and Division 12 (Equipment of Vehicles), pertain to the operation of vehicles upon highways unless a different place is specifically referred to. (Sections 21001 and 24001 CVC.) In other words, unless specifically stated, these laws do not apply on private property.</li> <li>2. Additionally, there are a number of persons and vehicles exempt from most of the rules of the road under certain conditions. (21053 through 21060 CVC).</li> </ol> <p>B. Unsafe Vehicle (24002 CVC). The Section prohibits the operation of a vehicle or combination of vehicles which is in an unsafe condition, not equipped as required, or which is not safely loaded. This Section is used when there is not a more specific section available. For example, one would not use the Section to cite a brake or light violation. An officer would cite the specific brake or light Section. However, if a vehicle which had been weaving and determined that the weaving was caused by a half-turn of slack in the steering wheel, Section 24002 CVC would be the appropriate Section to use.</p> <p>Notify driver of the provisions of Section 24004 CVC. "This section prohibits the operation of vehicles or combination of vehicles which is in an unsafe condition or is not equipped as required....." Direct the driver to take the vehicle or combination to residence, place of business, or to a garage to repair. Note in the margin of the citation "Advised 24004."</p>	<p>9.4.1 Given a Vehicle Code and word pictures or audio-visual presentations depicting a possible unsafe vehicle or a vehicle not safely loaded or the unlawful operation after notice by an officer, the student will determine if there is a violation and identify it either by its common name or section number. (Vehicle Code Sections 24002 and 24004)</p>

**Learning Goal 9.4.0 :** The student will understand Vehicle Code Violations that cause accident traffic collisions.

Unit Outline & Presentation	Objectives & Instructional Cues
<p>C. Hit - Run</p> <ol style="list-style-type: none"> <li>1. Accident reporting requirements apply on highways and elsewhere throughout the State (20000 CVC). Unlike many rules-of-the-road, accident reporting is required on private property (driveways, parking lots, etc.) as well as upon highways.</li> <li>2. Duty to stop at all accidents (20001 CVC - Felony)               <ol style="list-style-type: none"> <li>a. Driver of any vehicle involved in an accident resulting in injury to any person other than himself, or death of any person shall <u>immediately stop</u> the vehicle at the scene of the accident.</li> <li>b. Fulfill the requirements of Sections 20003 and 20004 CVC.                   <ol style="list-style-type: none"> <li>(1) Duty upon injury or death (20003 CVC). Give name, address, vehicle registration number, and vehicle owner's name to the person struck or driver or occupants of the vehicle collided with or give such information to a traffic or police officer at the scene.</li> <li>(2) Duty upon Death (20004 CVC). If an accident results in the death of any person and there is no officer at the scene, all drivers involved shall, <u>without delay</u>, report the accident to the nearest office of the CHP or police authority and provide the information required by 20003 CVC.</li> </ol> </li> </ol> </li> </ol> <p>Note: It is rare when law enforcement officers are not called to the scene of major injury or fatal accidents. These Sections were enacted to cover situations where drivers leave accident scenes to avoid responsibility or liability.</p>	<p>9.4.2            Given a Vehicle Code and word pictures or audio-visual presentation depicting possible violations of official traffic control signals and devices, the student will determine if there is a violation and identify the crime classification, and either its common name or section number. (Vehicle Code Sections 20001-20002)</p>

**Learning Goal 9.4.0 :** The student will understand Vehicle Code violations that cause accident traffic collisions.

Unit Outline & Presentation	Objectives & Instructional Cues
<p>c. Property Damage (20002 CVC)</p> <ul style="list-style-type: none"> <li>(1) Immediately stop the vehicle at the scene.</li> <li>(2) Locate owner or person in charge of the property damaged:               <ul style="list-style-type: none"> <li>(a) Provide name and address.</li> <li>(b) Provide name and address of vehicle owner if driver is not the owner.</li> <li>(c) Show driver's license and vehicle registration.</li> </ul> </li> <li>(3) If owner can't be located:               <ul style="list-style-type: none"> <li>(a) Leave note on damaged property containing above information about identity of driver and registered owner and circumstances of accident.</li> <li>(b) Without <u>unnecessary delay</u>, notify police department of city in which accident occurred or the CHP if the accident occurred in an unincorporated area.</li> </ul> </li> </ul> <p>D. Official Traffic Control Devices and Signals</p> <p>1. Definitions</p> <p>a. Official Traffic Control Device (440 CVC). Signs, signals, or markings excluding islands, curbs, traffic barriers, or other roadway design features.</p> <p>Examples of devices include, stop signs; red, yellow, and green signals; double center lines, pavement arrows, and many others.</p>	<p>9.4.3            Given a Vehicle Code and word pictures or audio-visual presentation depicting possible violations of official traffic control signals and devices, the student will determine if there is a violation and identify it by common name or section number. (Vehicle Code Sections 21800 through 21804, 21950, and 21954)</p>

**Learning Goal 9.4.0 :** The student will understand Vehicle Code violations that cause accident traffic collisions.

Unit Outline & Presentation	Objectives & Instructional Cues
<p>b. Official Traffic Control Signals (445 CVC). A traffic control signal directs traffic to alternately stop and go. For example, red and green signals.</p> <p>A flashing light, which is a device, is not a signal because it directs traffic to stop only. It does not direct traffic to proceed.</p> <p>c. Limit line (377 CVC)</p> <p>d. Crosswalk (275 CVC)</p> <p>e. Intersection (365 CVC)</p> <p>f. Driver (305 CVC)</p> <p>g. Pedestrian (467 CVC)</p> <p>2. Circular Red or Red Arrow (21453 CVC). Circular red light requires driver to stop and remain standing at the limit line, or if there is no limit line then before entering the near cross-walk, or if there is no crosswalk, then before entering the intersection.</p> <p>After stopping and yielding to traffic lawfully using the intersection and pedestrians lawfully within an adjacent crosswalk, the driver may turn right or left, onto a one-way street from a one-way street, unless there are signs prohibiting such movement. Pedestrians facing a steady circular red signal or red arrow are not permitted to enter the roadway unless otherwise directed by a pedestrian control signal.</p> <p>3. Flashing Signals (21457 CVC)</p> <p>a. Flashing red. Has same effect as stop sign. Driver must stop at limit line if there is one, before entering near crosswalk if there is one, or before entering inter-section, driver may then proceed after yielding to traffic on through highway (21802 CVC).</p>	

**Learning Goal 9.4.0 :** The student will understand Vehicle Code violations that cause accident traffic collisions.

Unit Outline & Presentation	Objectives & Instructional Cues
<p>b. Flashing yellow. Requires driver to enter intersection or proceed past light with caution. This Section is listed as a punitive Section however, in most cases a driver who did not exercise caution would display the lack of caution by unsafe speed. It would be more appropriate to cite the driver for unsafe speed (22350 CVC). Flashing yellow lights are not used exclusively at intersections, they are also used near schools, detours, etc.</p> <p>4. Double Lines (21460 CVC)</p> <p>A driver may not pass to the left of a double center line except:</p> <p>a. To make a left turn at an intersection or driveway, or to make a lawful U-turn.</p> <p>b. If there is a broken line on the driver's side of the solid line.</p> <p>5. Two-Way Left-Turn Lanes (21460.5 CVC)</p> <p>Designated by double yellow lines with broken lines on the inside and solid lines on the outside. The lane may be used only by drivers making left turns from or onto the highway and lawful U-turns. It is unlawful for a driver to make a left turn or U-turn from any other lane.</p> <p>6. Obedience by driver to official traffic control devices (21461 CVC)</p> <p>Makes it unlawful for a driver to fail to obey any signal or device. Used when there is not a more-specific section available, e.g., a "Keep to right sign" or "Do not pass" sign. Do not use this section for a stop sign, red signal, or parking sign violation.</p>	<p>Note: This Section applies only to official traffic control devices. It does not apply to the flashing yellow lights on authorized emergency vehicles, tow cars, pilot cars for wide loads, etc.</p>

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Unit Outline & Presentation	Objectives & Instructional Cues
<p>E. Driving, Overtaking and Passing</p> <ol style="list-style-type: none"> <li>1. Right Side of Roadway (21650 CVC) The general rule is except when overtaking and passing and turning left, drivers are to drive on the right side of the roadway</li> <li>2. Divided Highways (21651 CVC) On a highway which has been divided into separate roadways by barriers or a dividing section it is unlawful to turn across the divider or drive to the left of the divider (wrong way). A dividing section not less than two feet in width may be unpaved or it may be marked by curbs, lines, or other markings on the roadway.</li> <li>3. Slow-Moving Vehicles (21654 CVC) Section 21654 CVC prohibits driving in other than the far right lane at a speed less than the normal flow. Pertains to prima facie limits only, not the maximum speed limit.</li> <li>4. Laned Roadways (21658(a) CVC) Requires that a vehicle be driven as nearly as practical with a single lane and that lane changes be made only when the movement can be made with reasonable safety.</li> <li>5. Following Too Closely (21703 CVC) Unlawful to follow more closely than is reasonable or prudent considering speed, traffic upon, and condition of the roadway.</li> </ol>	<p>9.4.14 Given a Vehicle Code and word pictures or audio-visual presentation depicting overtaking and passing violations, the student will determine if there is a violation and identify it by either its common name or section number. (Vehicle Code Sections 21650, 21651, 21752, and 21755)</p>

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Unit Outline & Presentation	Objectives & Instructional Cues
<p>6. Overtaking and Passing to Left (21750 CVC) Truck driver would be negligent in attempting to pass an auto after the driver thereof, when approximately 100 yards ahead of the following truck, had signaled the intention to make a left turn into a private driveway. (Hack v. Gridley, 128 P.2d 827, (1942))</p> <p>7. Passing Without Sufficient Clearance (21751 CVC)</p> <p>8. When Driving on the Left is Prohibited (21752 CVC)</p> <p>9. Unsafely Passing to the Right (21755 CVC)</p>	<p>9.4.12 Given a Vehicle Code and word pictures or audio-visual presentation depicting a following-too-close violation, the student will determine if there is a violation and identify it by either its common name or section number. (Vehicle Code Section 21703)</p> <p>Note: The old rule of one car length for each ten miles per hour of speed is no longer realistic. A better guide is the two-second interval rule.</p>

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Unit Outline & Presentation	Objectives & Instructional Cues
<p>F. Right-of-way</p> <p>1. Definitions</p> <p>Right-of-way (525 CVC)</p> <p>"Right-of-way" is the privilege of the immediate use of the highway. One person has the privilege of occupying a given space on a highway.</p> <p>Questions of right-of-way arise between two users of a highway only when there is danger of a collision between them if both proceed on their respective ways without delay. (<u>People v. McLachlan</u>, 93 P.2d 180 [1939])</p> <p>When two or more persons moving in different directions approach a crossing at the same time or in a such a manner that if both or all continue their respective courses there is danger of collision, then the one having the preference is entitled to the first use of the crossing. (<u>People v. McLachlan</u>, 93 P.2d 280 (1939).)</p> <p>The driver of a vehicle is required to yield the right-of-way to a pedestrian who has stepped into a crosswalk and halted, if there is a danger of collision should the pedestrian resume his progress across the highway and the pedestrian has not conveyed to the driver or caused him to reasonably assume that the pedestrian has waived his right-of-way. (Ops. Cal. Atty. Gen. 61-59 [1961])</p> <p>No problem of right-of-way arises until two motorists desire to make use of the same portion of a highway at approximately the same time. (<u>People v. Miller</u>, 327 P.2d 236 [1958])</p> <p><b>Note:</b> The question of right-of-way arises only when there is a chance of collision if each party continues on his respective course. If there is no possibility of conflict, there is no question of right-of-way. To provide a question of right-of-way, it is necessary for one of the</p>	<p>9.4.4</p> <p>Given a Vehicle Code and word pictures or audio-visual presentation depicting a possible failure to yield the right-of-way violations, the student will determine if there is a violation and identify it by either its common name or section number. (Vehicle Code Sections 21800 through 21804, 21950, and 21954)</p>

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Unit Outline & Presentation	Objectives & Instructional Cues
<p>This section applies only to intersections without traffic control devices. The first vehicle to enter the intersection has the right-of-way.</p> <p>b. When two vehicles enter the intersection from different highways at the same time, the driver of the vehicle on the left shall yield the right-of-way to the driver of the vehicle on his right, except that the driver of a vehicle on a terminating highway shall yield the right-of-way to the driver of any vehicle on the intersecting continuing cross-highway.</p> <p>"At the same time" has been interpreted as "approximately the same time."</p> <p>"Terminating highway" means a highway which intersects, but does not continue beyond the intersection, with another highway which does continue in each direction beyond the intersection.</p> <p>Subsections a and b do not apply at intersections controlled by official signals, yield signs, stop signs, or to opposing vehicle when the driver of one is intending to or making a left turn.</p> <p>c. When two vehicles enter an intersection controlled from all directions by stop signs from different highways at the same time, the driver of the vehicle on the left shall yield the right-of-way to the driver of the vehicle on the immediate right.</p> <p>d. This section shall not apply at an intersection controlled by an official traffic control signal or yield right-of-way sign or controlled by stop signs but not from all directions.</p>	<p><b>NOTE:</b> Have class discuss the implications of free right turns and freeway on-ramps. At the point where the on-ramp joins the freeway, who has the right-of-way?</p>

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Unit Outline & Presentation	Objectives & Instructional Cues
<p>contending parties to swerve, slow, stop, or increase speed to avoid conflict or the potential for immediate conflict. Speed and distance must therefore always be considered.</p> <p>2. Lawful Operation Required</p> <p>Before the driver of any vehicle is entitled to the right-of-way, such driver himself must be operating a vehicle within the law and not in violation thereof. (<u>Ziegler v. Carley</u>, 320 P.2d 165 [1958])</p> <p>Right-of-way does not include a right to encroach upon the half of the highway upon which cars coming from the opposite direction are entitled to travel. (<u>Zeigler v. Carley</u>, 320 P.2d 165 [1958])</p> <p>An operator of a motor vehicle which has entered an intersection prior to or at the same time as another vehicle cannot arbitrarily rely on the right-of-way gained as the result of excessive speed or by other negligent act or violation of law. (<u>Wilkerson v. Brown</u>, 190 P.2d 958 [1948])</p> <p>Motorist, who was traveling at 65 mph, the statutory limit, with lights on low beam with forward vision of only about 100 feet, which would be covered in about one second, was driving at negligent and excessive speed, inconsistent with any right-of-way the driver might otherwise have had over pedestrian outside crosswalk. (<u>Bove v. Beckman</u>, 46 Cal. Rptr. 164 [1965])</p> <p>Note: The implication is that to lose the right-of-way the driver must be far out of line.</p> <p>A driver of a motor vehicle who is obeying the law has a right to presume that other persons operating motor vehicles upon the highway will perform their duty and obey the law. (<u>Powell v. Bartmess</u>, 294 P.2d 150 [1956])</p>	

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Unit Outline & Presentation	Objectives & Instructional Cues
<p>First motorist having right-of-way, had right to assume that second motorist would obey the law. (<u>Osgood v. City of San Diego</u>, 62 P.2d 195 [1936])</p> <p>Pedestrian using crosswalk in obedience to signals is entitled to rely upon others obeying law until something occurs which would place the person on notice as person of ordinary prudence that law is being or is about to be violated. (<u>Novak v. Dewar</u>, 13 Cal. Rptr. 101 [1961])</p> <p>If the law requires a motorist on an intersecting highway to stop, the driver on the through highway may assume that the driver will stop and yield the right-of-way. (<u>Bristow v. Brinson</u>, 27 Cal. Rptr. 796 [1963])</p> <p>Note: A review of cases nationwide will generally indicate a loss of right-of-way during unlawful operation from exceeding posted speed limits to reckless driving. However, the majority are for unreasonable violations such as high rates of speed, reckless driving; speed exhibitions, and driving at night without lights.</p> <p>3. Waiver of Right-of-Way</p> <p>Even when oncoming vehicle in lane closest to left-turning vehicle surrenders its right-of-way indicating to operator of left-turning vehicle that it desires him to proceed, left turner may not proceed beyond that first lane of traffic, if vehicles approaching in any of other oncoming lanes will constitute a hazard during turning movement. (<u>In re. Kirk</u>, 20 Cal. Rptr, 787 [1962])</p> <p>A motorist having the right-of-way at an intersection may intentionally waive it, or the driver may give the appearance of intent to waive. If, for example, a through motorist stops at the intersection and remains at a standstill while continuing to look away from the route of travel, or otherwise conducts self in such a manner as to</p>	

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Unit Outline & Presentation	Objectives & Instructional Cues
<p>create a reasonable belief in the mind of a motorist intending to turn left that the right-of-way has been waived, then the left-turning motorist may be entitled to assume it has been relinquished and rely and act upon that assumption until the person receives notice such as to cause a person of ordinary prudence to believe to the contrary. (<u>Hopkins v. Tye</u>, 344 P.2d 640 [1959])</p> <p>Driver of vehicle must yield to pedestrian who steps into a crossway and then halts, unless there is no danger of a collision or the pedestrian has waived right-of-way. (Ops. Cal. Atty. Gen. 61-59, [1961])</p> <p>Right-of-way is not a duty pedestrian must exercise but something which may be waived. (<u>Peo. v. Noland</u>, 189 P.2d 84 [1948])</p> <p>4. Lane-by-Lane Application</p> <p>Right-of-way refers to a particular place of potential conflict and therefore applies lane-by-lane. A driver may enter a lane if free but must yield to traffic in other lanes if such traffic would be a hazard. A driver cannot pull into a lane when it is obvious oncoming traffic will have to stop. A driver must consider any hazard on second or successive lanes at the time he is prepared to make use of them. (<u>Powell v. Bartmess</u>, 294 P.2d 150 [1956])</p> <p>Even when oncoming vehicle in lane closest to left-turning vehicle surrenders its right-of-way, left turner may not proceed beyond the first lane of traffic, if vehicles approaching in other lanes will constitute hazard during turning movement. (<u>In re. Kirk</u>, 20 Cal. Rptr. 787 [1962])</p> <p>5. Uncontrolled Intersection (21800 CVC)</p> <p>a. The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from a different highway.</p>	

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Unit Outline & Presentation	Objectives & Instructional Cues
<p>e. A driver approaching an intersection where official traffic control signals are inoperative, shall stop and may proceed with caution when it is safe. The provisions of subdivision (b) apply when two vehicles enter the intersection from different highways at the same time.</p> <p>6. Left-Turn Right-of-Way (21801 CVC)</p> <p>a. The driver of a vehicle intending to turn to the left at an intersection or into public or private property or an alley shall yield the right-of-way to all vehicles which have approached or are approaching from the opposite direction and which are so close as to constitute a hazard at any time during the turning movement and shall continue to yield the right-of-way to such approaching vehicles until such time as the left turn can be made with reasonable safety.</p> <p>The necessity of yielding the right-of-way is no longer limited to vehicles in motion, but applies as well to those not in motion, if they have arrived so close to the intersection as to constitute a hazard to the driver as he makes his left turn. Two cars that seem about to occupy the same space at the same time, are obviously both "hazards," each is a hazard to the other. If both cars are stopped by a red signal at an intersection, generally speaking, each becomes a hazard to the other at the moment the signal turns green, releasing them both. "Hazard" has been defined as not a certainty, but a risk. (<u>Peo. v. Miller</u>, 327 P.2d 236 [1958])</p> <p>b. A driver having so yielded and having given a signal when and as required by this code may turn left and the drivers of all other vehicles approaching the intersection from the opposite direction shall yield the right-of-way.</p>	

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Unit Outline & Presentation	Objectives & Instructional Cues
<p>7. Right-of-way after leaving stop sign or flashing red light. (21802 CVC)</p> <p>a. The driver of any vehicle approaching a stop sign (or a flashing red signal) at the entrance to or within an intersection shall stop as required by Section 22450 (and 21457) and shall then yield the right-of-way to other vehicles which have approached or are approaching so closely from another roadway as to constitute an immediate hazard and shall continue to yield the right-of-way to such approaching vehicles until such time as he can proceed with reasonable safety.</p> <p>This section has no application where stop signs are erected upon all approaches to the intersection.</p> <p>Where truck driver elected to begin movement of 60-foot long truck and trailer from side (with stop sign) road into a major arterial highway while approaching vehicle was between 500 feet and 1000 feet away, and traveling 45 to 50 miles-per-hour, and in starting from a stop he knew he could only gradually accelerate from zero to about 4 miles-per-hour, and other vehicle would have reached the intersection before his vehicle could have cleared it and would have been compelled to either stop or at least appreciably slow his automobile. Truck driver did not have right-of-way as matter of law. (<u>Hutchinson v. Elliott</u>, 7 Cal. Rptr. 77 [1960])</p> <p>Immediate hazard is determined primarily between the factors of speed and distance of the approaching vehicles. The courts are reluctant to lay down a hard and fast rule.</p> <p>When it appears to a reasonable person that the vehicle approaching is near enough to constitute an immediate hazard. (<u>Pattison v. Cavanagh</u>, 63 P.2d 868 [1937])</p>	

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Unit Outline & Presentation	Objectives & Instructional Cues
<p>The circumstances of the traffic on the through highway must govern a driver's conduct in determining whether it is an immediate hazard. (<u>Wilinson v. Marcellus</u>, 125 P.2d 584 [1942])</p> <p>Approaching automobile 60 feet from intersection at 45 miles-per-hour constituted an immediate hazard to motorist intending left turn. (<u>Carr v. Holstlander</u>, 246 P.2d 678 [1952])</p> <p>Approaching automobile 75 feet from intersection at 25 miles-per-hour constituted an immediate hazard to motorist entering through highway. (<u>McSweeney v. East Bay Transit Co.</u>, 141 P.2d 787 [1943])</p> <p>The section requires a driver to stop and also yield. A stop is not required to make this section operative.</p> <p>The section applies to an official stop sign (440 CVC) at the entrance to a highway from a private property. When an official device is installed, a private road or driveway is deemed a highway only for the purpose of determining the existence and location of an intersection (21360 CVC).</p> <p>b. The driver having so yielded may proceed and the drivers of all other approaching vehicles shall yield the right-of-way to the vehicle entering or crossing the intersection.</p> <p>The shift or transfer of right-of-way is the same as in 21801 CVC. The wording is different, but the concept is the same.</p> <p>8. Yield Right-of-Way Sign (21803 CVC)</p> <p>a. The driver of any vehicle upon approaching any yield right-of-way sign shall yield the right-of-way to other vehicles which have entered the intersection from an inter -secting street or which are approaching so</p>	

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Unit Outline & Presentation	Objectives & Instructional Cues
<p>closely on the intersecting street as to constitute an immediate hazard and shall continue to yield the right-of-way to such approaching vehicles until such time as he can proceed with reasonable safety.</p> <p>This sections assigns right-of-way by the use of a sign. A stop is required if necessary.</p> <p>b. The driver, having so yielded, may then proceed and the drivers of other vehicles approaching the intersection on the intersecting roadway shall yield the right-of-way to him.</p> <p>The right-of-way transfer is the same as in preceding right-of-way sections.</p> <p>9. Entry Onto Highway - Public, Private Property, Alley (21804 CVC)</p> <p>a. The driver of a vehicle about to enter or cross a highway from any public or private property, or from an alley, shall yield the right-of-way to all traffic, as defined in Section 620, approaching so closely on the highway as to constitute an immediate hazard and shall continue to yield the right-of-way to such approaching vehicles until such time as the driver can proceed with reasonable safety.</p> <p>b. A driver, having so yielded, if required pursuant to subdivision (a), may proceed to enter or cross the highway and the drivers of all other vehicles approaching on the highway shall then yield the right-of-way to that driver.</p>	<p>NOTE: Also includes backing onto a highway, usually from a driveway.</p>

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Unit Outline & Presentation	Objectives & Instructional Cues
<p>10. Pedestrian Right and Duties (21950 CVC)</p> <p>a. The driver of a vehicle shall yield the right-of-way to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection, except as otherwise provided in this chapter.</p> <p>b. The provisions of this section shall not relieve a pedestrian from the duty of using due care for his safety. No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute an immediate hazard. No pedestrian shall unnecessarily stop or delay traffic while in a crosswalk.</p> <p>c. The provisions of subdivision (b) shall not relieve:</p> <p>There must be a question of right-of-way. Conflict is required. If the pedestrian is not compelled to change speed or direction there is no violation. (Ops. Cal. Atty. Gen. 61-59 [1961])</p> <p>Does not require motorist to anticipate pedestrian will reverse course. (<u>Parsekyan v. Thompson</u>, 25 Cal. Rptr. 691 [1962])</p> <p>The words, "at an intersection" modify the words, "within any unmarked crosswalk" and not, "within any marked crosswalk." (<u>Peo. v. Artiz</u>, 195 P.2d 82 [1948])</p> <p>An unmarked crosswalk is the portion of a roadway included within the prolongation or connection of boundary lines of sidewalks at approximately right-angle intersections except alleys (275 CVC).</p> <p>The space ordinarily traversed by pedestrians proceeding along sidewalk. (<u>Colburn v. Schilling</u>, 107 P.2d 279 [1940])</p>	

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Unit Outline & Presentation	Objectives & Instructional Cues
<p>No unmarked crosswalk where one road joined together at a 60-degree angle. (<u>Ward v. Sun Garden Packing Co.</u>, 332 P. 2d 300 [1959])</p> <p>A sidewalk is that portion of a highway, other than the roadway, set apart by curbs, barriers, markings, or other delineation for pedestrian travel (555 CVC).</p> <p>The state and local authorities may establish marked crosswalks between intersections.</p> <p>If there is no sidewalk and no approximate right-angle intersection, there is no unmarked crosswalk.</p> <p>11. Pedestrians Outside Crosswalks (21954 CVC)</p> <p>a. Every pedestrian upon a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway so near as to constitute an immediate hazard.</p> <p>Pedestrian who crossed street outside crosswalk had positive duty to yield right-of-way to all vehicles. (<u>Hine v. Carmichael</u>, 23 Cal. Rptr. 331 [1962])</p> <p>b. The provisions of this section shall not relieve the driver of a vehicle from the duty to exercise due care for the safety of any pedestrian upon a roadway.</p> <p>Does not prohibit a pedestrian from crossing outside a crosswalk and right of motorist to claim right-of-way is not absolute and real question is whether due care is used. (<u>Servito v. Lynch &amp; Sons Van &amp; Storage</u>, 13 Cal. Rptr. 313 [1961])</p>	

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Unit Outline & Presentation	Objectives & Instructional Cues
<p>Motorist, who was traveling at 65 miles-per-hour, the statutory limit, with lights on low beam with forward vision of only about 100 feet, which would be covered in about one second, was driving at negligent and excessive speed, inconsistent with any right-of-way he may otherwise have had over pedestrian outside crosswalk. (<u>Bove v. Beckman</u>, 46 Cal. Rptr. 164 [1965])</p> <p>Even if victim was not in an unmarked crosswalk, defendant had a duty to exercise due care for the pedestrian's safety by virtue of 21954(b) CVC. (<u>Peo. v. Walker</u>, 72 Cal. Rptr. 224 [1968])</p> <p>12. Hitchhiking (21957 CVC)</p> <p>    a. Prohibits hitchhiking on <u>roadway</u></p> <p>G. Authorized Emergency Vehicles (21806 CVC)</p> <p>    1. Defined 165 CVC</p> <p>    2. Upon the immediate approach of an AEV sounding a siren and having at least one red light visible for 1000 feet to the front, unless otherwise directed by a traffic officer drivers shall yield the right-of-way, drive as near, and parallel to, the right hand edge of the roadway, stop clear of any intersection, and remain stopped until AEV has passed.</p> <p>    Pedestrians must remain in, or proceed to, a place of safety until AEV has passed.</p>	<p>Discuss hitchhiking on curb, sidewalk, or shoulder. Also, discuss local ordinances 21961 CVC</p> <p>9.4.5 Given a Vehicle Code and word pictures or audio-visual presentation depicting a possible vehicle failing to yield to an emergency vehicle violation the student will determine if there is a violation and identify it by either its common name or section number. (Vehicle Code Section</p> <p>Note: Drivers of vehicles other than AEV's may not follow within 300 feet of an AEV responding Code 3 (21706 CVC). 21806)</p> <p>Note: Cross reference this material with 21055, 21056, 21057, and 21807</p>

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Unit Outline & Presentation	Objectives & Instructional Cues
<p>H. Turning, Stopping, and Turn Signal Violations</p> <p>1. Right turns (22100a CVC)</p> <p>Unless there are signs indicating otherwise, both the approach and the turn shall be made from as close to the right hand curb or edge of the roadway as is practical.</p> <p>If more than one lane is designated by signs or markings as a right turn lane, drivers may turn right from any such marked lane.</p> <p>2. Left turns (22100b CVC)</p> <p>The approach shall be made as close as practical to the left edge of the extreme left lane or portion of the roadway lawfully available in the direction of travel. At intersections the turn shall not be started prior to the vehicle entering the intersection.</p> <p>On highways that have three marked lanes in one direction and terminate (T intersection) at a highway with traffic in both directions, drivers may turn either right or left from the center lane.</p> <p>The completion of either left or right turns at intersections must be in a lane lawfully available.</p> <p>A motorist who, although in right lane commenced her right turn far enough from the right-hand curb to permit another automobile to maneuver between her and curb violated provisions of this section. (<u>Luna v. Telson</u>, 39 Cal. Rptr. 24 [1964])</p> <p>Reasonable consideration should be given to large truck combinations and buses which must swing wide to negotiate turns. While not in the extreme right or left lane, the approach may be as near as practical.</p>	<p>NOTE: Discuss passing on right, proceeding on multi-lane highways. What do you do if your right-of-way is violated while you are proceeding on a Code 3 call? What about heavy fire equipment responding Code 3 on a freeway at 40 mph and being passed by traffic. <u>USE COMMON SENSE!</u></p> <p>NOTE: 21807 CVC implications.</p> <p>9.4.6 Given a Vehicle Code and word pictures or audio-visual presentation depicting possible turning, stopping, and turn signal violations, the student will determine if there is a violation and identify it by either its common name or section number. (Vehicle Code Sections 22100, 22100.5, 22101, 22105, and 22107-22108)</p>

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Unit Outline & Presentation	Objectives & Instructional Cues
<p>This section pertains to turns (usually 90°) and not to movements in general. (See Section 22107 for general turning movements.)</p> <p>A lane lawfully available refers to any lane available in the appropriate direction of travel in which the driven vehicle does not interfere with the lawful movement of any other vehicle.</p> <p>3. U-Turns</p> <p>a. Defined (665.5 CVC)</p> <p>The turning of a vehicle upon a highway so as to proceed in the opposite direction whether accomplished by one continuous movement or not (665.5 CVC).</p> <p>The definition implies a 180° turn which is accomplished without leaving the highway. There is no specific requirement that the approach to the turning movement be in any particular lane except at a signalized intersection. The movement can begin and end on any portion of the highway, including the roadway, provided it is not unsafe.</p> <p>Making left turn into private driveway and backing out so as to face in opposite direction not a violation. (<u>Butigan v. Yellow Cab. Co.</u>, 320 P.2d 500 [1958])</p> <p>b. U-turn at a traffic signal or device controlled intersection (22100.5 CVC).</p> <p>U-turns are permissible unless a sign prohibits the turn.</p> <p>The U-turn must be made from the far left lane lawfully available.</p> <p>c. In business district (22102 CVC)</p> <p>Prohibited except at an intersection or an opening in a center divider.</p>	

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Unit Outline & Presentation	Objectives & Instructional Cues
<p>d. In residence district (22103 CVC)</p> <p>OK except where there is a vehicle approaching from either direction within 200 feet.</p> <p>e. U-turns near fire station (22104 CVC)</p> <p>U-turns are prohibited in front of fire station driveways. No person shall use a fire station driveway to make a U-turn.</p> <p>f. Unobstructed view necessary (22105 CVC)</p> <p>A U-turn is permitted only where there is an unobstructed view for at least 200 feet in both directions. Obstructions include weather such as fog or heavy rain, curves, vehicles, hillcrests, embankments, etc.</p> <p>4. Failure to Obey Official Traffic Control Devices at Intersections (22101 CVC)</p> <p>Drivers must obey signs that regulate or prohibit turns at intersections. For example, prohibited turns and required turns. Cite for violation of Section 22101d CVC.</p> <p>5. Starting and Backing (22106 CVC)</p> <p>This section is a continuation of the philosophy that drivers who are doing other than moving straight ahead must exercise a greater level of care. Consequently, driver's starting or backing must yield to others. This section applies to starting and backing that <u>originates</u> on the highway. A driver who started or backed unsafely onto a highway from adjoining property and violated the right-of-way of a driver on the highway would be in violation of Section 21804 CVC.</p>	

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Unit Outline & Presentation	Objectives & Instructional Cues
<p>6. Turning and Signalling (22107 CVC)</p> <p>Prohibits turning movements that might interfere with a vehicle moving straight ahead. Puts a greater burden of care upon the driver turning. Also requires turning driver to signal the intent to turn if any other vehicle <u>might</u> be affected by the movement.</p> <p>The court cited that a driver whose vehicle runs off the roadway would be in violation of either 22107 CVC - unsafe turning movement, or 21650 CVC - failure to drive on the right half of the roadway. <u>Peo. vs. Smylie</u>, 31 Cal Rptr, 360.</p> <p>Note: This section applies to turning movements which do not constitute a lane change. An unsafe lane change would more appropriately be cited as a violation of Section 21658 CVC.</p> <p>I. Speed</p> <p>There are three major types of speed laws, (1) basic or safe speed limits, (2) absolute or maximum speed limits, and (3) minimum speed limits.</p> <p>1. Maximum Speed Limit (22349 CVC)</p> <p>The maximum speed limit is 55 mph. It is unlawful to exceed 55 mph except as provided in Section 22356, and the officer is not required to prove that the speed in excess of 55 was either unreasonable or unsafe.</p>	

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Unit Outline & Presentation	Objectives & Instructional Cues
<p>2. Basic Speed Law (22350 CVC)</p> <p>No person shall drive a vehicle upon a highway at a speed greater than is <u>reasonable</u> or <u>prudent</u> having due regard for:</p> <ul style="list-style-type: none"> <li>a. <u>Weather</u>, which includes fog, rain, and snow which affect road surface which affects stopping and steering. Weather also includes wind which could affect steering and control.</li> <li>b. <u>Visibility</u> which includes, in addition to the above, blowing sand or dust, and smoke. Visibility also includes darkness which is defined by Section 280 CVC as the time from one-half hour after sunset to one-half hour before sunrise or at any other time when a person or vehicle cannot be clearly seen for 1000 feet.</li> </ul> <p>Note: Do not be confused by the penal code definition which is sunset to sunrise.</p> <ul style="list-style-type: none"> <li>c. <u>Traffic</u>, defined by Section 620 CVC as pedestrians, ridden animals, vehicles, etc., while using the highway. Its density, light, moderate, or heavy, is considered.</li> <li>d. <u>Surface</u> includes any defects such as holes or loose material, and any conditions which might reduce its coefficient of friction such as water, ice, snow, oil, etc.</li> <li>e. <u>Width</u> includes roadway, individual lanes, and reductions such as narrow bridges, narrowing roadway, or even temporary obstructions such as roadwork or the scattered vehicles of a previous traffic collision, and in no event at a speed which endangers life or property.</li> </ul>	<p>9.4.7</p> <p>Given a Vehicle Code and word pictures or audio-visual presentation depicting possible speed violations, the student will determine if there is a violation and identify it by either its common name or section number. (Vehicle Code Sections 22349, 22350, 21654, and 22400)</p>

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Unit Outline & Presentation	Objectives & Instructional Cues
<p>The basic (safe) speed law is always in effect. Even though the sign says the limit is 55 mph, conditions may be such that the safe speed is less.</p> <p>3. Prima Facie Speed Limits (22352 CVC)</p> <p>Prima facie means good and sufficient on its face; that which suffices for the proof of a particular fact until contradicted and overcome by other evidence. These speed limits are guides to the safe speed.</p> <p>Drivers are presumed to know the prima facie speed limits, therefore these limits need not be posted.</p> <p>Any change to a prima facie limit must be posted.</p> <p>a. 15 MPH</p> <p>(1) Uncontrolled railroad grade crossings if during the last 100 feet of the approach to the crossing the driver does not have a clear view for 400 feet in each direction.</p> <p>(2) Uncontrolled intersections if during the last 100 feet of the approach to the intersection the driver does not have a clear view for 100 feet in all directions of the intersecting street.</p> <p>Note: Nearly all uncontrolled intersections in business and residence districts are 15 mph intersections.</p> <p>(3) Any alley defined in Section 110 CVC.</p> <p>b. 25 MPH</p> <p>(1) Business or residence district.</p> <p>Note: Excludes state highways, however, these will almost always be posted.</p>	

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Unit Outline & Presentation	Objectives & Instructional Cues
<p>(2) School zones posted by the standard school warning sign:</p> <p>(a) While children are coming or going to school.</p> <p>(b) If the school yard is unfenced, any time it is in use by children.</p> <p><u>NOTE:</u> <u>Section 22352 CVC is non-punitive. Cite for violation of the Basic Speed Limit, 22350 CVC.</u></p> <p>4. Downward and Upward Speed Zoning (22354, 22355, 22357, 22358, 22358.3, 22358.4 CVC)</p> <p>State and local authorities may, based upon engineering and traffic surveys, increase or lower speed limits by 5-mile increments. The limit must be posted and as such is a prima facie limit unless it is the maximum 55 mph limit. Cite 22350 CVC or 22349 CVC if the posting is the 55 mph maximum.</p> <p>5. Speed Law Violations (22351 CVC)</p> <p>The section outlines two rebuttable presumptions.</p> <p>a. Section 22351a CVC states that any speed not in excess of those established in Section 22352, prima facie limits, or other limits established by the code is lawful unless clearly proved to be unsafe. In other words the burden of proof is upon the officer to establish that the speed which was alleged, even though it did not exceed the prima facie or absolute speed limit, was unsafe. A common example is the violator driving 55 mph on a 55 mph freeway in a 15 mph fog. The officer will be required to prove that the safe speed was 15 mph. This is done by noting visibility, slick road surface, speed of other vehicles, number of vehicles passed by violator, etc.</p>	

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Unit Outline & Presentation	Objectives & Instructional Cues
<p>b. Section 22351b CVC states that the speed of any vehicle in excess of the prima facie limits established in Section 22352, or other prima facie limits established by the Code, is unlawful unless the defendant can prove that the excess speed was not unsafe. The burden of proof shifts to the defendant to prove that the prima facie violation was not an unsafe speed.</p> <p>A common defense is that there was no traffic at the time the citation was issued, therefore no one was endangered. It is important for the officer to note number of vehicles passed and their average speed, lane changes, intersections passed, number of passengers in violator's vehicle, etc.</p> <p>Note: Subdivision (b) does not apply to the 55 mph maximum speed limit. The defendant may not overcome a violation of Section 22349 CVC by attempting to show that the excess speed was not unsafe.</p> <p>6. Minimum Speed Laws - Impeding Traffic</p> <p>a. Section 22400 CVC prohibits driving so slow as to impede the normal flow unless the reduced speed is necessary for safe operation, because of a grade, or in compliance with the law.</p> <p>The section also prohibits unnecessary stopping which impedes or blocks the normal flow.</p> <p>b. Section 21654 CVC prohibits driving in other than the far right lane at a speed less than the normal flow. Pertains to prima facie limits only, not the maximum 55 mph speed limit.</p>	

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Unit Outline & Presentation	Objectives & Instructional Cues
<p>J. Reckless Driving (23103 CVC)</p> <p>Any person who drives any vehicle upon a highway in willful or wanton disregard for the safety of persons or property is guilty of reckless driving.</p> <p>"Willful" means intentional and "intentional" means to disregard the safety of persons and property, and not merely an act done in disregard of safety. Wantonness includes consciousness on one's conduct, intent to do or omit act in question, realization of probable injury to another, and reckless disregard of consequences. (<u>Peo. v. Schumacher</u>, 14 Cal. Rptr. 924 [1961])</p> <p>Ordinarily requires a series of acts to establish the willful or wanton aspect as opposed to carelessness or negligence; however, one deliberate violation could constitute reckless driving. An extremely high speed is most common. With high speed all of the potential hazards must be considered.</p> <p>Mere speed may demonstrate willful misconduct or reckless driving, when considered in relation to width, surface of, and traffic on highway. (<u>Peo. v. Nowell</u>, 114 P.2d 81 [1941]) More than negligence, even though gross in nature, must be shown to establish offense or reckless driving. (<u>Peo. v. Schumacher</u>, 14 Cal. Rptr. 924 [1961])</p> <p>Offense of reckless driving is separate and distinct from offense of operating automobile while intoxicated, and there must be some evidence which would justify finding of intentional doing of some unlawful act or an acting in reckless disregard for consequences to sustain reckless driving against intoxicated motorist. (<u>Peo. v. Thurston</u>, 28 Cal. Rptr. 254 [1963])</p> <p>Evidence that minor willfully and knowingly drove his vehicle at comparatively high rate of speed directly toward 14-year-old child in what the minor described as a game of "chicken", and that child froze with terror, was unable to move out of path of vehicle, and was struck and seriously injured, supported finding that minor had driven a motor vehicle upon highway with willful and wanton disregard for safety of persons. (<u>Bradley v. Peo.</u>, 65 Cal. Rptr. 570 [1968])</p>	

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Unit Outline & Presentation	Objectives & Instructional Cues
<p>K. Schoolbus - Flashing Red Lights (22454 CVC)</p> <ol style="list-style-type: none"> <li>1. Defined Section 545 CVC</li> <li>2. Drivers meeting or overtaking a schoolbus, which has stopped to load or unload school children, and is displaying its flashing red lights, shall stop and remain stopped until the lights cease operation.  Section applies upon private roadways as well as upon the highways.</li> <li>3. Exceptions:               <ol style="list-style-type: none"> <li>a. When the highway is divided into separate roadways.</li> <li>b. Schoolbus is stopped at an intersection where traffic is controlled by a signal or a traffic officer.</li> </ol> <p style="margin-left: 40px;">Note: The schoolbus driver has no authority to display the flashing red lights in this situation (22112 CVC).</p> </li> </ol>	<p>9.4.9 Given a Vehicle Code and word pictures or audio-visual presentation depicting a vehicle passing a stopped school bus which has its red lights flashing, the student will determine there is a violation identify it by either its common name or section number. (Vehicle Code Section 22454)</p>
<p>L. Required Stops (22450 CVC)</p> <ol style="list-style-type: none"> <li>1. The driver of any vehicle approaching a stop sign shall stop at the limit line, before entering the crosswalk, or before entering the intersection or railroad grade crossing.</li> </ol>	<p>9.4.10 Given a Vehicle Code and word pictures or audio-visual presentation depicting required stop violations, the student will determine if there is a violation and identify it by either its common name or section number. (Vehicle Code Sections 24450)</p>
<p>M. Vehicle Equipment Requirements</p> <ol style="list-style-type: none"> <li>1. Lights during darkness (24250 CVC)  Note: Heavy fog, rain, smoke, or dust may create a condition of darkness requiring lights.</li> <li>2. Headlights (24400 CVC)  Except for motorcycles, two are required.</li> </ol>	<p>9.4.11 Given a Vehicle Code and word pictures or audio-visual presentation depicting vehicle equipment violations, the student will determine if there is a violation and identify it by either</p>

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Unit Outline & Presentation	Objectives & Instructional Cues
<p>3. Taillights (24600 CVC) Most cars require two red taillights. Note exceptions.</p>	<p>its common name or section number. (Vehicle Code Sections (24400 and 27150)</p>
<p>4. Stoplights (24603 CVC) Most cars require two - red or amber. Note exceptions.</p>	
<p>5. Turn signals (24951 CVC)</p>	
<p>6. Headlights on motorcycles (25650 CVC). Daylight operation (25650.5 CVC)</p>	
<p>7. Condition of brakes (26453 CVC)</p>	
<p>8. Windshield (26700 CVC)</p>	
<p>9. Wipers (26706 CVC)</p>	
<p>10. Horn (27000 CVC)</p>	
<p>11. Mirrors (26709 CVC)</p>	
<p>12. Muffler (27150 CVC)</p>	
<p>N. Following too Close (21703 CVC) Unlawful to follow more closely than is reasonable or prudent considering speed, traffic upon, and condition of roadway.  Note: The old rule of one car length for each ten miles of speed is no longer realistic. A better guide is the two-second interval.</p>	<p>9.4.12 Given a Vehicle Code and word pictures or audio-visual presentation depicting a following-too-close violation, the student will determine if there is a violation and identify it by either its common name or section number. (Vehicle Code Section 21703)</p>
<p>O. Public Offenses</p>	
<p>1. Speed contests (23109 CVC)  a. No person shall engage in any motor vehicle speed contest on any highway. The most common violation is the spontaneous drag race</p>	<p>9.4.13 Given a Vehicle Code and word pictures or audio-visual</p>

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Unit Outline & Presentation	Objectives & Instructional Cues
<p>at the signalized intersection. However, there have been some highly organized speed contests involving dozens of participants and hundreds of spectators.</p> <p>b. Persons who aid or abet are principals in the crime.</p> <p>c. Exhibition of speed. There must be someone to be exhibited to, however, that person need not be known to the exhibitor. (<u>Peo. v. Grier</u>, 38 Cal. Rptr. 11, [1964])</p> <p>Burning rubber is the most common violation and does constitute a violation of the section. (Grier).</p> <p>d. Persons who block or obstruct a highway with barricades to facilitate or aid in a speed contest or exhibition of speed.</p> <p>2. Throwing Substances at Vehicles (23110 CVC)</p> <p>It is a misdemeanor to throw an object at a vehicle or occupant. However, it is a felony if the act is accompanied with intent to do great bodily harm.</p> <p>P. Overtaking and Passing</p> <p>1. Right Side of Roadway (21650 CVC)</p> <p>The general rule is except when overtaking and passing and turning left, drivers are to drive on the right side of the roadway.</p> <p>2. Divided Highways (21651 CVC)</p> <p>On a highway which has been divided into separate roadways by barriers or a dividing section it is unlawful to turn across the divider or drive to the left of the divider (wrong way). A dividing section not less than two feet in width may be unpaved or it may be marked by curbs, lines, or other markings on the roadway.</p>	<p>presentation depicting public offenses, the student will determine if there is a violation and identify it by either its common name or section numbers. (Vehicle Code Sections 23103, 23103, 23109 and 23110)</p>

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Unit Outline & Presentation	Objectives & Instructional Cues
<p>3. Overtake and Pass to Left (21750 CVC)</p> <p>Truck driver would be negligent in attempting to pass an automobile after the driver thereof, when approximately 100 yards ahead of the following truck, had signaled her intention to make a left turn into a private driveway. (<u>Hack v. Gridley</u>, 128 P.2d 827, (1942).)</p> <p>4. Passing Without Sufficient Clearance (21751 CVC)</p> <p>5. Driving on the Left Prohibited (21752 CVC)</p> <p>6. Unsafe Pass to Right (21755 CVC)</p> <p>Unlawful to pass on right if unsafe or to drive off the paved or main-traveled portion of the roadway.</p>	
<p>Q. Failure to Obey Lawful Order of a Peace Officer.</p> <p>1. Section 2800 CVC provides that it is unlawful to <u>willfully</u> fail or refuse to comply with any lawful <u>order, signal</u>, or direction of any peace officer who is in uniform and performing duties under any provisions of the Vehicle Code. Examples:</p> <p>a. Driver or pedestrian who willfully fails to comply with the directions of a peace officer who is directing traffic.</p> <p>b. Pedestrian who has been verbally ordered off a freeway.</p> <p>2. Any peace officer who has reasonable cause to believe that a pedestrian is standing on any bridge or overpass for the purpose of dropping or throwing objects at passing vehicles (Section 23110 CVC) may lawfully order such person from the bridge or overpass. Persons refusing to leave would be in violation of Section 2800 CVC.</p>	<p>9.14.15</p> <p>Given a Vehicle Code and word pictures or audio-visual presentation depicting failure to obey the lawful orders of a peace officer violation or flare and/or cone pattern by either its common name or section number (Vehicle Code Sections 2800, 2800.1, 2800.2, 2800.3, and 2818)</p> <p>Video Tape- "California's Child Safety Seat Law," Central Counties Safety Council, Sunnyvale Dept. of Public Safety, 9.2 minutes.</p>

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Unit Outline & Presentation	Objectives & Instructional Cues
<p>3. Section 2800.1 CVC provides that it is unlawful to attempt to elude a pursuing police officer.</p> <p>Note: There are specific requirements in Section 40303 CVC concerning booking v. citing 2800 and 2800.1 CVC violators.</p> <p>R. Passenger Safety Laws</p> <p>1. The law: CVC Section 27315 - Safety Belts</p> <p>a. The mandatory seatbelt law will contribute to reducing highway deaths and injuries by encouraging greater usage of existing manual seat belts.</p> <p>b. 27315(d) elements include:</p> <ol style="list-style-type: none"> <li>(1) Driver and passengers four years or older</li> <li>(2) be restrained by a safety belt</li> <li>(3) in a private passenger vehicle</li> <li>(4) operated on a highway. Exception: passengers in the rear of a taxi, limousine for hire, or authorized emergency vehicle.</li> </ol> <p>c. 27315(e) elements include:</p> <ol style="list-style-type: none"> <li>(1) Person 16 years or over</li> <li>(2) be a passenger</li> <li>(3) in a private passenger vehicle</li> <li>(4) on a highway</li> <li>(5) restrained by a safety belt.</li> </ol>	<p>Refer to CVC Section 27364 for legislative intent.</p> <p>9.4.16 Given a Vehicle Code and word pictures or audio-visual presentations depicting an unrestrained occupant of a motor vehicle violation, the student will determine if there is a violation and identify it by either its common name or section number. (Vehicle Code Sections 27315, 27360, and 23116)</p>

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Unit Outline & Presentation	Objectives & Instructional Cues
<p>d. 27315(f) elements include:</p> <ul style="list-style-type: none"> <li>(1) Owner of a private passenger vehicle</li> <li>(2) operated on a highway</li> <li>(3) shall maintain safety belts in good working order</li> <li>(4) applies only to vehicles required by Federal law to have seat belts installed.</li> </ul> <p>e. 27315(g) elements include:</p> <ul style="list-style-type: none"> <li>(1) This subdivision exempts persons with certified medical conditions or disabilities and peace officers and their rear passengers from seat belt usage.</li> </ul> <p>f. 27315(j) elements include:</p> <ul style="list-style-type: none"> <li>(1) A peace officer can only enforce this section when taking enforcement action on another violation.</li> </ul> <p>g. 27315(n) and (o)</p> <ul style="list-style-type: none"> <li>(1) The provisions of this section do not apply to persons engaged in delivery of newspapers or rural delivery carrier for the U.S. Postal Service.</li> </ul> <p>2. The Law: CVC Section 27360 - Child Passenger Seat Restraints</p> <p>a. 27360(a) elements include:</p> <ul style="list-style-type: none"> <li>(1) Parent or legal guardian</li> <li>(2) Must secure children under 4 years of age or weighing less than 40 pounds</li> </ul>	<p>Refer to CVC Section 21712 - Unlawful Riding and Towing.</p>

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Unit Outline & Presentation	Objectives & Instructional Cues
<p>(3) In a child passenger seat restraint system</p> <p>(4) When transported in any passenger vehicle or motortruck weighing less than 6,001 pounds.</p> <p>(5) Owned by them and registered in California.</p> <p>b. 27360(b) elements include:.</p> <p>(1) Same elements as 27360(a) except,</p> <p>(2) vehicle not owned by parent or guardian</p> <p>(3) are required to use either child passenger restraint systems or available seat belts.</p> <p>c. 27360(c) elements include:</p> <p>(1) Same elements as 27360(b) except,</p> <p>(2) Applies to any driver of vehicle in the absence of any parent or legal guardian</p> <p style="padding-left: 40px;">If parents are present, parents should be cited under 27360(b) and not the driver.</p> <p>3. The Law: CVC Section 23116 - Carrying Minors In a Motortruck</p> <p>a. 23116(a) elements include:</p> <p>(1) No driver of a motortruck may</p> <p>(2) transport any person 12 years of age or under</p> <p>(3) in the back of a motortruck in a space intended for any load on the vehicle</p> <p>(4) on a highway.</p>	

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Unit Outline & Presentation	Objectives & Instructional Cues
<p>b. 23116 exceptions:</p> <ul style="list-style-type: none"><li>(1) If space is enclosed to height of 46 inches extending vertically from the floor, or</li><li>(2) The vehicle has installed a means of preventing minors from being discharged, or</li><li>(3) Minor secured to vehicle in a manner which will prevent the minor from being thrown, falling, or jumping from the vehicle, or</li><li>(4) Section 23116(b) if minor is accompanied by an adult in the back of the motortruck.</li></ul>	

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Unit Outline & Presentation	Objectives & Instructional Cues
<p>V. Vehicle Code Arrest Procedures (9.16.0)</p> <p>A. Arrest Without a Warrant - Exception (40300.5 CVC)</p> <p>Notwithstanding any other provision of law, a peace officer may, without a warrant, arrest a person involved in a traffic accident or observed by a peace officer in or about a vehicle which is obstructing a roadway, when the officer has reasonable cause to believe that such person had been driving while under the influence of intoxicating liquor or any drug, or under the combined influence of intoxicating liquor and any drug.</p> <p>Note: This is an exception to the general rule that the misdemeanor violation must occur in the officer's presence. There is no requirement that the officer be present at the time of the offense, but he must have reasonable cause to believe the suspect committed the offense - some indication of intoxication on the part of the suspect identified as the driver.</p> <p>The arrest is authorized for offenses occurring both on and off a highway as driving under the influence (23152 CVC) is a violation on public or private property. The provisions of the Implied Consent Law for chemical testing apply (23157 CVC).</p> <p>B. Felonies (40301 CVC)</p> <p>Whenever a person is arrested for a violation of the Vehicle Code declared to be a felony, he shall be dealt with in like manner as upon arrest for the commission of any other felony.</p> <p>C. Mandatory Appearance - MUST TAKE (40302 CVC)</p> <p>Whenever any person is arrested for any violation of the Vehicle Code, not declared to be a felony, the arrested person <u>shall</u> be taken without unnecessary delay before a magistrate within the county in which the offense charged is alleged to have been committed and who has</p>	<p>9.16.1 Given a Vehicle Code and word pictures or audio-visual presentation depicting arrest situations, the student will identify (1) whether the violator must be physically arrested or (2) whether the violator may be cited or arrested at the option of the officer. (Vehicle Code Sections 40300.5 through 40303, and 40305)</p> <p>40501 CVC requires 21 days given on a notice to appear unless specified by the court.</p>

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Unit Outline & Presentation	Objectives & Instructional Cues
<p>jurisdiction of the offense and is nearest or most accessible with reference to the place where the arrest is made in any of the following cases:</p> <ol style="list-style-type: none"> <li>1. When the person arrested fails to present his driver's license or other satisfactory evidence of his identity for examination.</li> <li>2. When the person arrested refuses to give his written promise to appear in court.</li> <li>3. When the person arrested demands an immediate appearance before a magistrate.</li> <li>4. When the person arrested is charged with violating Section 23152 CVC.</li> </ol> <p>Note: With regard to the county in which the offense was committed and jurisdiction, the section refers to the magistrate's authority to consider the case as well as venue, the geographical limits of jurisdiction, including boundary lines of judicial districts and counties. When the offense was committed within 500 yards of a jurisdictional territory, either competent court has jurisdiction (782 P.C.). This allows for a situation where an officer is not sure in which jurisdiction the offense was actually committed.</p> <p>When the arrested person is taken before a magistrate who is available (40306 CVC), the arresting officer shall file with the magistrate a complaint stating the offense with which the person is charged. A written notice to appear shall constitute a complaint (40513 CVC).</p> <p>When the magistrate is unavailable (40307 CVC), the arresting officer shall take the arrested person to the clerk of the magistrate who shall admit him to bail or before the officer in charge of the most</p>	

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Unit Outline & Presentation	Objectives & Instructional Cues
<p>accessible jail who shall admit him to bail or release him on his written promise to appear.</p> <p>Circumstances enumerated:</p> <p><u>The arrested person fails to present his driver's license or other satisfactory evidence of identity.</u></p> <p>A driver's license is not specifically required. The person arrested need not be a driver, but a passenger, hitchhiker, etc. However, the arrested person must satisfy the officer concerning identity. Such identification may be satisfied through appropriate answers to the officer's questions about vehicle ownership; contents of the glove compartment, trunk, and interior; and answers received from passengers.</p> <p>If the arrested person is taken into custody pursuant to 40302(a) CVC involving the operation of a motor vehicle, the jailer may detain the person, not to exceed two hours, to verify his identity (40307 CVC).</p> <p><u>The arrested person refuses to give his written promise to appear in court.</u></p> <p>Explain to the arrested person that he has been arrested and the only legal way you can release him from custody is to receive his written promise to appear which is not an admission of guilt (40504 CVC).</p> <p>Usually individuals refuse to sign the citation because they are angry. If it is known that a magistrate is unavailable, the officer should explain he has no choice but to take the person to jail.</p>	

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Unit Outline & Presentation	Objectives & Instructional Cues
<p>It is often helpful to call a supervisor to the arrest scene to further explain the officer's legal obligation upon an arrested person's refusal to provide a written promise to appear.</p> <p>The arrested person should be permitted to sign a written promise to appear at any time prior to booking. If a signature is obtained the individual should be transported back to his vehicle or place of arrest or another location convenient to communication or transportation.</p> <p>If the physical arrest would only result in further alienation or injury and no useful purpose would be served through incarceration, a complaint may later be filed. This option may be considered in situations involving overly excited persons with small children; elderly, confused persons; sick persons or pregnant women; and juveniles.</p> <p><u>The arrested person demands an immediate appearance before a magistrate.</u></p> <p>The arrested person may either be taken or escorted. If the magistrate is not available, it should be fully explained that he must either sign the promise to appear, post bail, or go to jail.</p> <p>The arrested person can only demand an appearance before the nearest or most accessible magistrate. This means nearest in distance or most accessible physically.</p> <p>If the nearest or most accessible magistrate is not available, then the arrested person must be taken to the clerk of the magistrate or to jail (40307 CVC). There is no requirement to take the arrested person before another magistrate. The violator should be made fully aware of the unattractiveness of his demand from his point of view in the above situation.</p>	

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Unit Outline & Presentation	Objectives & Instructional Cues
<p><u>The arrested person is charged with 23152 CVC, Driving Under the Influence of Alcohol or Drugs.</u></p> <p>The driver is an obvious hazard to self and others and must be removed to a place of safety.</p> <p>Magistrates have generally made themselves unavailable to persons arrested under these circumstances. The courts wish to maintain decorum and are usually not accessible to persons arrested for driving under the influence. Most magistrates have a standing policy to take such arrestees directly to jail.</p> <p>D. Optional Appearance - MAY TAKE (40303 CVC)</p> <p>Whenever any person is arrested for any of the following offenses and the arresting officer is not required to take the person without unnecessary delay before a magistrate, the arrested person shall, in the judgement of the arresting officer, either be given a 21-day notice to appear as herein provided or be taken without unnecessary delay before a magistrate within the county in which the offense charged is alleged to have been committed and who has jurisdiction of the offense and is nearest or most accessible with reference to the place where the arrest was made.</p> <p>Subdivisions: (a) Section 10852 or 10853, relating to injuring or tampering with a vehicle.</p> <p>(b) Section 23103 or 23104, relating to reckless driving.</p> <p>(g) Sections 20002 or 20003, relating to duties in the event of an accident.</p> <p>(h) Section 23109, relating to participating in speed contests, exhibition of speed, or aiding and abetting same.</p>	

**Learning Goal 9.4.0 :** The student will understand Vehicle Code violations that cause accident traffic collisions.

Unit Outline & Presentation	Objectives & Instructional Cues
<p>(i) Section 14601, 14601.1, or 14601.2, relating to driving while license is suspended or revoked.</p> <p>(j) When the person arrested has attempted to evade arrest.</p> <p>(k) Section 23332, relating to persons upon vehicular crossings (certain bridges).</p> <p>(m) Section 21461.5, insofar as it relates to a pedestrian who, after being cited for a violation of Section 21461.5, is, within 24 hours, again found upon the freeway in violation of Section 21461.5 and thereafter refuses to leave the freeway after being lawfully ordered to do so by a peace officer and after having been informed that his or her failure to leave could result in his or her arrest.</p> <p>(n) Section 2800, insofar as it relates to a pedestrian who, after having been cited for a violation of Section 2800 for failure to obey a lawful order of a peace officer issued pursuant to Section 21962 is, within 24 hours, again found upon the bridge or overpass and thereafter refuses to leave after being lawfully ordered to do so by a peace officer and after having been informed that his or her failure to leave could result in his or her arrest.</p> <p>(o) Relating to riding a bicycle while under the influence.</p>	

**Learning Goal 9.4.0 :** The student will understand Vehicle Code violations that cause accident traffic collisions.

Unit Outline & Presentation	Objectives & Instructional Cues
<p>Note: The officer has a choice of action under the law to cite and release or take the arrested person before a magistrate.</p> <p>Officers should refer to departmental policy and procedures concerning optional physical arrests.</p> <p>E. Offense by Nonresident - MAY TAKE (40305 CVC)</p> <p>Whenever nonresident is arrested for violating any section of the Vehicle Code while <u>driving</u> a motor vehicle and does not furnish satisfactory evidence of identity and an address within this state at which he can be located, he may, in the discretion of the arresting officer be taken immediately before a magistrate within the county where the offense charged is alleged to have been committed, and who has jurisdiction over the offense and is nearest or most accessible with reference to the place where the arrest is made . . .</p> <p>Note: Language follows within the statute relating to further procedures if no one is available to accept bail. The statute was enacted at a time when all jailers were not bonded and were not eligible to accept bail. This is no longer true - all jailers may now accept bail.</p> <p>A nonresident is a person who is not a resident of this state (435 CVC). A residence is defined as where one makes his home rather than a place where he may be living temporarily. (Black's Law Dictionary)</p> <p>The provision applies only to <u>drivers</u> of <u>motor vehicles</u>; not to pedestrians or passengers.</p>	

**SUPPORTING MATERIAL**

**AND**

**REFERENCES**

ILLUSTRATION #1

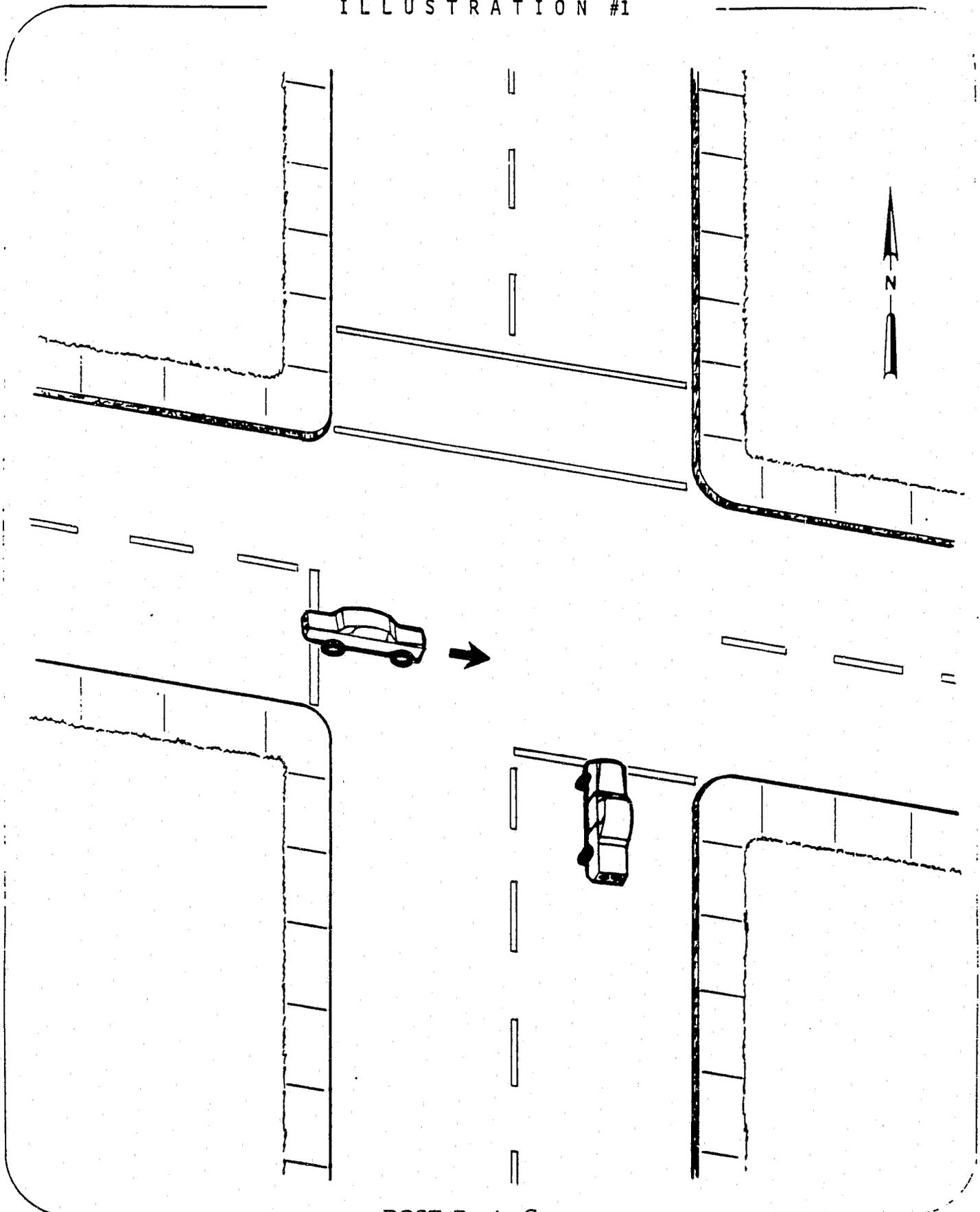


ILLUSTRATION #2

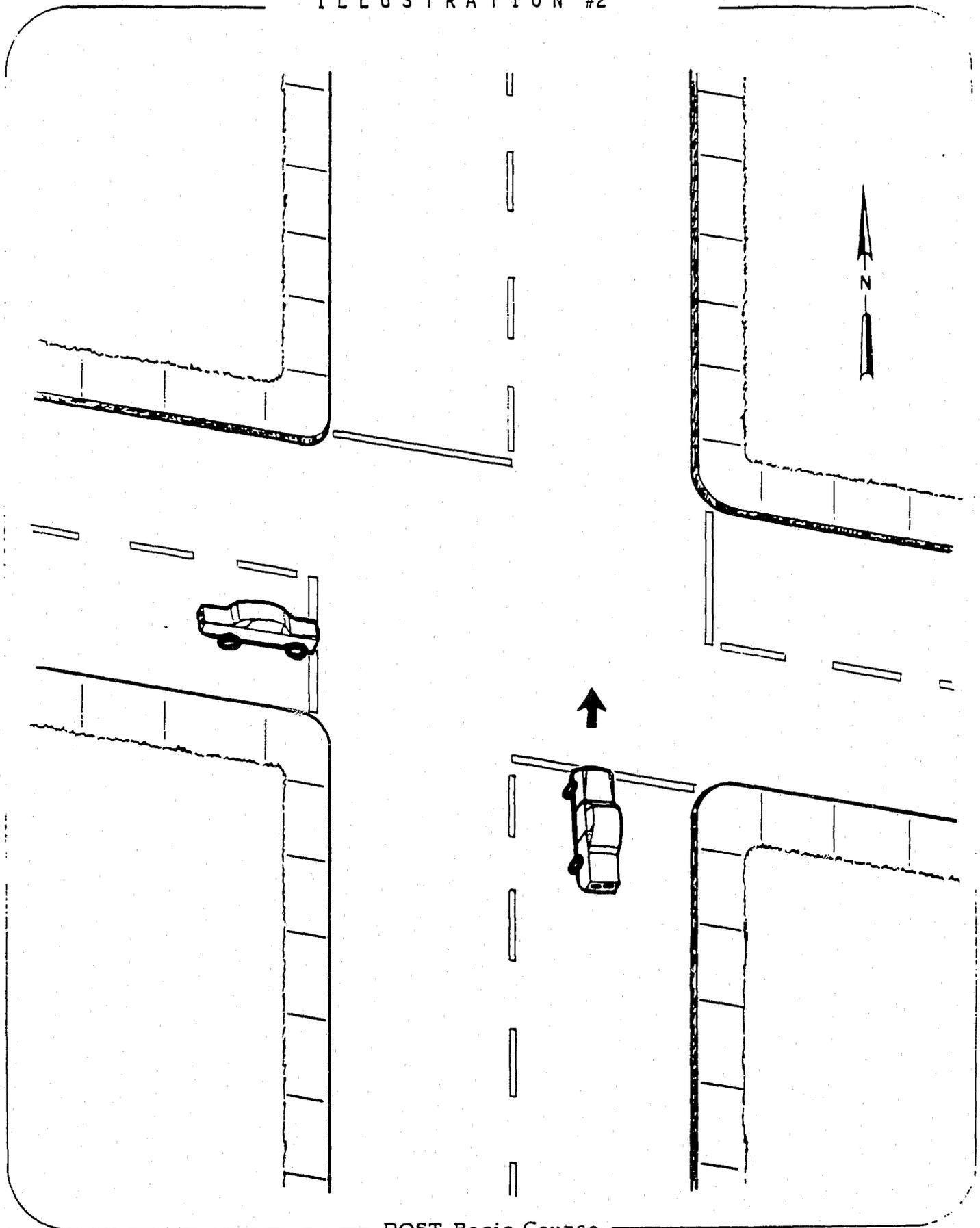
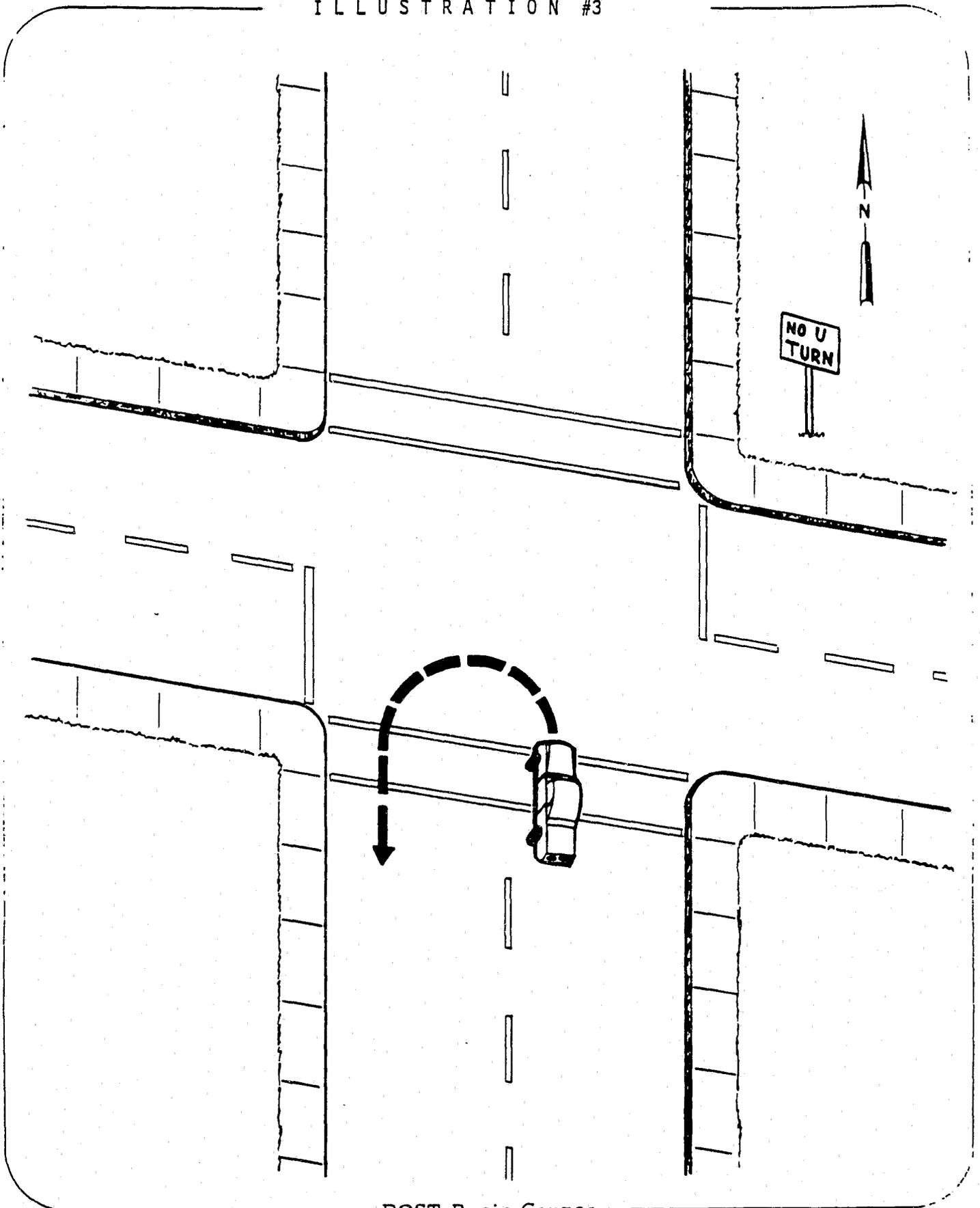


ILLUSTRATION #3



## Reference Materials

This section is set up as reference information for use by training institutions. These materials can be utilized for prime instruction; remediation, additional reading, viewing or for planning local units of instruction. They are presented here as instructional materials that may assist the learner or the academy staff in the teaching-learning process. Each training institution is encouraged to expand this list but only after careful viewing and reading to determine its acceptability.

### California Vehicle Code.

California Peace Officer's Legal Sourcebook, published by the California Department of Justice.

In no way is this list an endorsement of any author, publisher, producer, or presentation. Each training institution must read or view these materials, and others to establish their own list of reference materials.