

One Minute Brief

LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
DISTRICT ATTORNEY NATHAN J. HOCHMAN



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BY: Matthew Brown

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TOPIC: Failing to Signal

ISSUE: When may an officer stop a vehicle for failing to use a turn signal?

Vehicle Code section 22107 reads: “No person shall turn a vehicle from a direct course or move right or left upon a roadway until such movement can be made with reasonable safety and then only after the giving of an appropriate signal in the manner provided in this chapter in the event any other vehicle may be affected by the movement.”

Vehicle Code section 22108 reads: “Any signal of intention to turn right or left shall be given continuously during the last 100 feet traveled by the vehicle before turning.”

The statutes are connected: “[S]ections 22107 and 22108 must be read together so that when a motorist is required by section 22107 to give a turn signal, that signal must be given continuously during the last 100 feet traveled by the vehicle before turning.” (*People v. Carmona* (2011) 195 Cal.App.4th 1385, 1392.)

When stopping a vehicle for failure to signal, or analyzing a suppression motion, there are four important points to remember.

First, a turn signal is required only when another vehicle “*may* be affected by the movement.” Thus, a driver need not signal if there is no plausible effect on another vehicle. On the other hand, an “[a]ctual **impact is not required** by the statute; **potential** effect triggers the signal requirement.” (*People v. Logsdon* (2008) 164 Cal.App.4th 741, 745, emphasis added.)

Second, it does not matter whether the driver’s movement is independently unsafe. “[T]he failure to properly signal where another ‘may be affected by the movement’ is prima facie unsafe, for it creates the possible danger the statute was designed to prevent.” (*People v. Miranda* (1993) 17 Cal.App.4th 917, 930.)

Third, the affected vehicle **may be the officer’s patrol car**. (*People v. Logsdon, supra*, 164 Cal.App.4th at p. 744.)

Fourth, as with any stop, its legality does not require an actual violation, only a reasonable suspicion that the driver violated the statute. (*People v. Carmona, supra*, 195 Cal.App.4th at p. 1391.)

A few cases show the line between good and bad stops.

In *People v. Logsdon*, *supra*, 164 Cal.App.4th at p. 744, the officer was following the defendant in the same lane within about 100 feet. The defendant changed lanes without signaling. The trial court found that this maneuver may have affected the police vehicle, and the Court of Appeal agreed. “[A] signal is primarily aimed at vehicles behind the car making the lane change.” (*Ibid.*) The court further explained:

The lack of a signal *could* have been due to the driver’s drifting into the lane without intending to do so, with the possible result of a very sudden overcorrection upon the error’s discovery. Or, the driver could have unknowingly changed lanes due to a sudden illness or sleepiness. The failure to signal would have left *any* driver proceeding behind him in bewilderment as to what to *expect* because it was impossible to discern the initial driver’s intent in changing lanes. The purpose of the signaling requirement is to *inform* other drivers what the initial driver intends and thus, provide them with an indication as to his or her future course. Without such an indication, a driver is bereft of necessary information by which preparations can be made to drive safely.

(*Id.* at p. 746.)

In *People v. Suff* (2014) 58 Cal.4th 1013, 1051, the officer stopped behind a van at a red light. The van was “positioned to go straight in the lane,” but there was room to the right of the van to potentially pass and make a right turn. The van then suddenly made a right turn without signaling. This affected the police vehicle: “[H]ad [the officer] decided to proceed to the right of defendant’s van to make a right turn, he would have done so without knowing that defendant was planning to turn right into the same path.” (*Id.* at p. 1056.) The later stop was therefore justified.

In contrast, in *People v. Carmona*, *supra*, 195 Cal.App.4th at p. 1388, the defendant made a right turn without signaling; an officer was driving in the **opposite** direction, was about 55 feet away, and was not attempting to turn into the defendant’s path. The officer stopped defendant for a violation. The Court of Appeal held it was a bad stop: “[B]ecause [the officer] was approaching from the opposite direction when Carmona’s vehicle made a right-hand turn *away* from [the officer’s] vehicle, and no other vehicles were present, there was no possible violation of section 22107.” (*Id.* at p. 1391.)

In *People v. Holiman* (2022) 76 Cal.App.5th 825, 834, the defendant made a complete stop at a stop sign, and an officer came to a complete stop behind the defendant. Unlike in *Suff*, there was no room to proceed to the right of the defendant’s car. The defendant then made a right turn without signaling, and the officer stopped him. The Court of Appeal held this was a bad stop: “The People have proffered neither evidence nor explanation of how [the officer’s] patrol car, which presumably also would be stopping at the stop sign, could have been affected by Holiman’s turn and thus have shown no violation of the Vehicle Code.”

BOTTOM LINE: A violation for failing to signal requires some potential effect on another vehicle, which may be the police vehicle. When litigating a suppression motion, be sure to elicit evidence showing this effect. And remember: The facts need to show only a *reasonable belief* in a violation.

This information was current as of publication date. It is not intended as legal advice. It is recommended that readers check for subsequent developments and consult legal advisors to ensure currency after publication. Local policies and procedures regarding application should be observed.