

AMENDED IN ASSEMBLY MARCH 5, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 60

Introduced by Assembly Member Nava

December 4, 2006

An act to amend ~~Sections 21460.5 and~~ *Section* 21750 of, and to add Section 21750.1 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 60, as amended, Nava. Vehicles: bicycles.

(1) Under existing law a driver of a vehicle overtaking another vehicle or a bicycle proceeding in the same direction is required to pass to the left at a safe distance without interfering with the safe operation of the overtaken vehicle or bicycle, subject to certain limitations and exceptions. A violation of this provision is an infraction punishable by a fine not exceeding \$100 for a first conviction, and up to a \$250 fine for a 3rd and subsequent conviction occurring within one year of 2 or more prior infractions.

This bill would recast this provision as to overtaking a bicycle by requiring the driver of a motor vehicle overtaking a bicycle that is proceeding in the same direction to pass to the left at a safe distance, at a minimum clearance of 3 feet, without interfering with the safe operation of the overtaken bicycle. The bill would make a violation of this provision an infraction punishable by a \$250 fine. The bill would make it a misdemeanor or felony if a person operates a motor vehicle in violation of the above requirement and that conduct proximately causes ~~great bodily~~ *a significant or substantial physical injury*, ~~as defined~~, or death to the bicycle operator.

Because this bill would create a new crime and would expand the scope of an existing crime, this bill would impose a state-mandated local program.

~~(2) Under existing law, a person may not operate a vehicle by driving in a designated 2-way left-turn lane, as described, except when preparing for or making a left turn from or on to a highway or when preparing for or making a U-turn when otherwise permitted by law.~~

~~This bill would additionally allow a person to drive a vehicle in a designated 2-way left-turn lane when overtaking and passing a bicycle in order to comply with the driving requirements described in (1).~~

~~(3)~~

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

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

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. ~~Section 21460.5 of the Vehicle Code is amended~~
2 ~~to read:~~

3 ~~21460.5. (a) (1) The Department of Transportation and local~~
4 ~~authorities in their respective jurisdictions may designate a two-way~~
5 ~~left-turn lane on a highway.~~

6 ~~(2) A two-way left-turn lane is a lane near the center of the~~
7 ~~highway set aside for use by vehicles making left turns in both~~
8 ~~directions from or on to the highway.~~

9 ~~(b) A two-way left-turn lane shall be designated by distinctive~~
10 ~~roadway markings consisting of parallel double yellow lines,~~
11 ~~interior line dashed and exterior line solid, on each side of the lane.~~
12 ~~The Department of Transportation may determine and prescribe~~
13 ~~standards and specifications governing length, width, and~~
14 ~~positioning of the distinctive pavement markings. All pavement~~
15 ~~markings designating a two-way left-turn lane shall conform to~~
16 ~~the Department of Transportation's standards and specifications.~~

17 ~~(c) (1) A vehicle shall not be driven in a designated two-way~~
18 ~~left-turn lane except as follows:~~

1 ~~(A) When preparing for or making a left turn from or on to a~~
2 ~~highway.~~

3 ~~(B) When preparing for or making a U-turn when otherwise~~
4 ~~permitted by law.~~

5 ~~(C) When overtaking and passing a bicycle in order to comply~~
6 ~~with Section 21750.1.~~

7 ~~(2) A vehicle shall not be driven in the lane described in~~
8 ~~paragraph (1) for more than 200 feet while preparing for and~~
9 ~~making the turn, while overtaking and passing a bicycle, or while~~
10 ~~preparing to merge into the adjacent lanes of travel.~~

11 ~~(3) A left turn or U-turn shall not be made from any other lane~~
12 ~~where a two-way left-turn lane has been designated.~~

13 ~~(d) This section does not prohibit driving across a two-way~~
14 ~~left-turn lane.~~

15 ~~(e) Raised pavement markers may be used to simulate the~~
16 ~~painted lines described in this section when those markers are~~
17 ~~placed in accordance with standards established by the Department~~
18 ~~of Transportation.~~

19 ~~SEC. 2.~~

20 ~~SECTION 1.~~ Section 21750 of the Vehicle Code is amended
21 to read:

22 21750. The driver of a vehicle overtaking another vehicle
23 proceeding in the same direction shall pass to the left at a safe
24 distance without interfering with the safe operation of the overtaken
25 vehicle, subject to the limitations and exceptions ~~hereinafter stated~~
26 *set forth in this article.*

27 ~~SEC. 3.~~

28 ~~SEC. 2.~~ Section 21750.1 is added to the Vehicle Code, to read:

29 21750.1. (a) (1) The driver of a motor vehicle overtaking a
30 bicycle proceeding in the same direction shall pass to the left at a
31 safe distance, at a minimum clearance of three feet, without
32 interfering with the safe operation of the overtaken bicycle.

33 (2) A violation of paragraph (1) is an infraction punishable by
34 a fine of two hundred fifty dollars (\$250).

35 (b) Whenever a person operates a motor vehicle in violation of
36 subdivision (a) and that conduct proximately causes great bodily
37 injury, as defined in Section 12022.7 of the Penal Code, or death
38 to the bicycle operator, the person driving the motor vehicle, upon
39 conviction, is punishable by imprisonment in the county jail or in
40 a state prison.

1 ~~SEC. 4.~~
2 *SEC. 3.* No reimbursement is required by this act pursuant to
3 Section 6 of Article XIII B of the California Constitution because
4 the only costs that may be incurred by a local agency or school
5 district will be incurred because this act creates a new crime or
6 infraction, eliminates a crime or infraction, or changes the penalty
7 for a crime or infraction, within the meaning of Section 17556 of
8 the Government Code, or changes the definition of a crime within
9 the meaning of Section 6 of Article XIII B of the California
10 Constitution.

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