

AMENDED IN SENATE AUGUST 19, 2010

AMENDED IN SENATE AUGUST 12, 2010

AMENDED IN SENATE JUNE 24, 2010

AMENDED IN ASSEMBLY APRIL 26, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2294

Introduced by Assembly Members Block and Fletcher
(Coauthor: Senator Kehoe)

February 18, 2010

An act to amend Sections 21100 and 21200 of, and to add Section 467.5 to, the Vehicle Code, relating to pedicabs.

LEGISLATIVE COUNSEL'S DIGEST

AB 2294, as amended, Block. Pedicabs: licensing.

Existing

(1) *Existing* law regulates the operation of bicycles. Under existing law, local authorities may regulate, by ordinance or resolution, among other things, the licensing and operation of vehicles for hire and drivers of passenger vehicles for hire.

This bill would define the term “pedicab” for purposes of the Vehicle Code. The bill would authorize a city or county to adopt rules and regulations, by an ordinance or resolution, licensing and regulating the operation of pedicabs for hire, and operators of pedicabs for hire, including requiring one or more of the following: (1) a valid California driver’s license; (2) proof of successful completion of a bicycle safety training course certified by the League of American Bicyclists or an equivalent organization as determined by the local authority; or (3) a

valid California identification card and proof of successful completion of the written portion of the California driver’s license examination.

~~Under~~

(2) *Under* existing law, every person riding a bicycle upon a highway has all the rights of, and is subject to specified provisions in, the Vehicle Code, including rules of the road, that are applicable to the driver of a vehicle.

This bill would make those provisions also applicable to a person operating a pedicab. By making the operation of a pedicab subject to the Vehicle Code, a violation of which is a crime, this bill would impose a state-mandated local program.

(3) *The bill would incorporate changes to Section 21100 of the Vehicle Code proposed by both this bill and AB 2756, which would become operative only if both bills are enacted and become effective on or before January 1, 2011, each bill amends that section, and this bill is enacted last.*

~~The~~

(4) *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 467.5 is added to the Vehicle Code, to
2 read:

3 467.5. “Pedicab” means either of the following:

4 (a) A bicycle that has three or more wheels, that transports, or
5 is capable of transporting, passengers on seats attached to the
6 bicycle, that is operated by a person, and that is being used for
7 transporting passengers for hire.

8 (b) A bicycle that pulls a trailer, sidecar, or similar device, that
9 transports, or is capable of transporting, passengers on seats
10 attached to the trailer, sidecar, or similar device, that is operated
11 by a person, and that is being used for transporting passengers for
12 hire.

13 SEC. 2. Section 21100 of the Vehicle Code is amended to read:

1 21100. Local authorities may adopt rules and regulations by
2 ordinance or resolution regarding the following matters:

3 (a) Regulating or prohibiting processions or assemblages on the
4 highways.

5 (b) Licensing and regulating the operation of vehicles for hire
6 and drivers of passenger vehicles for hire.

7 (c) Regulating traffic by means of traffic officers.

8 (d) Regulating traffic by means of official traffic control devices
9 meeting the requirements of Section 21400.

10 (e) Regulating traffic by means of a person given temporary or
11 permanent appointment for that duty by the local authority
12 whenever official traffic control devices are disabled or otherwise
13 inoperable, at the scenes of accidents or disasters, or at locations
14 as may require traffic direction for orderly traffic flow.

15 A person shall not be appointed pursuant to this subdivision
16 unless and until the local authority has submitted to the
17 commissioner or to the chief law enforcement officer exercising
18 jurisdiction in the enforcement of traffic laws within the area in
19 which the person is to perform the duty, for review, a proposed
20 program of instruction for the training of a person for that duty,
21 and unless and until the commissioner or other chief law
22 enforcement officer approves the proposed program. The
23 commissioner or other chief law enforcement officer shall approve
24 a proposed program if he or she reasonably determines that the
25 program will provide sufficient training for persons assigned to
26 perform the duty described in this subdivision.

27 (f) Regulating traffic at the site of road or street construction or
28 maintenance by persons authorized for that duty by the local
29 authority.

30 (g) (1) Licensing and regulating the operation of tow truck
31 service or tow truck drivers whose principal place of business or
32 employment is within the jurisdiction of the local authority,
33 excepting the operation and operators of any auto dismantlers' tow
34 vehicle licensed under Section 11505 or any tow truck operated
35 by a repossessing agency licensed under Chapter 11 (commencing
36 with Section 7500) of Division 3 of the Business and Professions
37 Code and its registered employees.

38 (2) The Legislature finds that the safety and welfare of the
39 general public is promoted by permitting local authorities to
40 regulate tow truck service companies and operators by requiring

1 licensure, insurance, and proper training in the safe operation of
2 towing equipment, thereby ensuring against towing mistakes that
3 may lead to violent confrontation, stranding motorists in dangerous
4 situations, impeding the expedited vehicle recovery, and wasting
5 state and local law enforcement’s limited resources.

6 (3) This subdivision does not limit the authority of a city or city
7 and county pursuant to Section 12111.

8 (h) Operation of bicycles, and, as specified in Section 21114.5,
9 electric carts by physically disabled persons, or persons 50 years
10 of age or older, on the public sidewalks.

11 (i) Providing for the appointment of nonstudent school crossing
12 guards for the protection of persons who are crossing a street or
13 highway in the vicinity of a school or while returning thereafter
14 to a place of safety.

15 (j) Regulating the methods of deposit of garbage and refuse in
16 streets and highways for collection by the local authority or by
17 any person authorized by the local authority.

18 (k) (1) Regulating cruising.

19 (2) The ordinance or resolution adopted pursuant to this
20 subdivision shall regulate cruising, which is the repetitive driving
21 of a motor vehicle past a traffic control point in traffic that is
22 congested at or near the traffic control point, as determined by the
23 ranking peace officer on duty within the affected area, within a
24 specified time period and after the vehicle operator has been given
25 an adequate written notice that further driving past the control
26 point will be a violation of the ordinance or resolution.

27 (3) A person is not in violation of an ordinance or resolution
28 adopted pursuant to this subdivision unless both of the following
29 apply:

30 (A) That person has been given the written notice on a previous
31 driving trip past the control point and then again passes the control
32 point in that same time interval.

33 (B) The beginning and end of the portion of the street subject
34 to cruising controls are clearly identified by signs that briefly and
35 clearly state the appropriate provisions of this subdivision and the
36 local ordinance or resolution on cruising.

37 (l) Regulating or authorizing the removal by peace officers of
38 vehicles unlawfully parked in a fire lane, as described in Section
39 22500.1, on private property. A removal pursuant to this
40 subdivision shall be consistent, to the extent possible, with the

1 procedures for removal and storage set forth in Chapter 10
2 (commencing with Section 22650).

3 (m) Licensing and regulating the operation of pedicabs for hire,
4 as defined in Section 467.5, and operators of pedicabs for hire,
5 including requiring one or more of the following documents:

6 (1) A valid California driver's license.

7 (2) Proof of successful completion of a bicycle safety training
8 course certified by the League of American Bicyclists or an
9 equivalent organization as determined by the local authority.

10 (3) A valid California identification card and proof of successful
11 completion of the written portion of the California driver's license
12 examination administered by the department. The department shall
13 administer, without charging a fee, the original driver's license
14 written examination on traffic laws and signs to a person who
15 states that he or she is, or intends to become, a pedicab operator,
16 and who holds a valid California identification card or has
17 successfully completed an application for a California identification
18 card. If the person achieves a passing score on the examination,
19 the department shall issue a certificate of successful completion
20 of the examination, bearing the person's name and identification
21 card number. The certificate shall not serve in lieu of successful
22 completion of the required examination administered as part of
23 any subsequent application for a driver's license. The department
24 is not required to enter the results of the examination into the
25 computerized record of the person's identification card or otherwise
26 retain a record of the examination or results.

27 *SEC. 2.5. Section 21100 of the Vehicle Code is amended to*
28 *read:*

29 21100. Local authorities may adopt rules and regulations by
30 ordinance or resolution regarding the following matters:

31 (a) Regulating or prohibiting processions or assemblages on the
32 highways.

33 (b) Licensing and regulating the operation of vehicles for hire
34 and drivers of passenger vehicles for hire.

35 (c) Regulating traffic by means of traffic officers.

36 (d) Regulating traffic by means of official traffic control devices
37 meeting the requirements of Section 21400.

38 (e) (1) Regulating traffic by means of a person given temporary
39 or permanent appointment for that duty by the local authority
40 ~~whenever~~ *when* official traffic control devices are disabled or

1 otherwise inoperable, at the scenes of accidents or disasters, or at
2 locations as may require traffic direction for orderly traffic flow.

3 **A**

4 (2) A person shall not be appointed pursuant to this subdivision
5 unless and until the local authority has submitted to the
6 commissioner or to the chief law enforcement officer exercising
7 jurisdiction in the enforcement of traffic laws within the area in
8 which the person is to perform the duty, for review, a proposed
9 program of instruction for the training of a person for that duty,
10 and unless and until the commissioner or other chief law
11 enforcement officer approves the proposed program. The
12 commissioner or other chief law enforcement officer shall approve
13 a proposed program if he or she reasonably determines that the
14 program will provide sufficient training for persons assigned to
15 perform the duty described in this subdivision.

16 (f) Regulating traffic at the site of road or street construction or
17 maintenance by persons authorized for that duty by the local
18 authority.

19 (g) (1) Licensing and regulating the operation of tow truck
20 service or tow truck drivers whose principal place of business or
21 employment is within the jurisdiction of the local authority,
22 excepting the operation and operators of any auto dismantlers' tow
23 vehicle licensed under Section 11505 or any tow truck operated
24 by a repossessing agency licensed under Chapter 11 (commencing
25 with Section 7500) of Division 3 of the Business and Professions
26 Code and its registered employees.

27 (2) The Legislature finds that the safety and welfare of the
28 general public is promoted by permitting local authorities to
29 regulate tow truck service companies and operators by requiring
30 licensure, insurance, and proper training in the safe operation of
31 towing equipment, thereby ensuring against towing mistakes that
32 may lead to violent confrontation, stranding motorists in dangerous
33 situations, impeding the expedited vehicle recovery, and wasting
34 state and local law enforcement's limited resources.

35 (3) ~~Nothing in this~~ *This* subdivision ~~shall~~ *does not* limit the
36 authority of a city or city and county pursuant to Section 12111.

37 (h) Operation of bicycles, and, as specified in Section 21114.5,
38 electric carts by physically disabled persons, or persons 50 years
39 of age or older, on the public sidewalks.

1 (i) Providing for the appointment of nonstudent school crossing
2 guards for the protection of persons who are crossing a street or
3 highway in the vicinity of a school or while returning thereafter
4 to a place of safety.

5 (j) Regulating the methods of deposit of garbage and refuse in
6 streets and highways for collection by the local authority or by
7 any person authorized by the local authority.

8 (k) (1) Regulating cruising.

9 (2) The ordinance or resolution adopted pursuant to this
10 subdivision shall regulate cruising, which is the repetitive driving
11 of a motor vehicle past a traffic control point in traffic that is
12 congested at or near the traffic control point, as determined by the
13 ranking peace officer on duty within the affected area, within a
14 specified time period and after the vehicle operator has been given
15 an adequate written notice that further driving past the control
16 point will be a violation of the ordinance or resolution.

17 (3) A person is not in violation of an ordinance or resolution
18 adopted pursuant to this subdivision unless both of the following
19 apply:

20 (A) That person has been given the written notice on a previous
21 driving trip past the control point and then again passes the control
22 point in that same time interval.

23 (B) The beginning and end of the portion of the street subject
24 to cruising controls are clearly identified by signs that briefly and
25 clearly state the appropriate provisions of this subdivision and the
26 local ordinance or resolution on cruising.

27 (l) Regulating or authorizing the removal by peace officers of
28 vehicles unlawfully parked in a fire lane, as described in Section
29 22500.1, on private property. A removal pursuant to this
30 subdivision shall be consistent, to the extent possible, with the
31 procedures for removal and storage set forth in Chapter 10
32 (commencing with Section 22650).

33 (m) *Regulating mobile billboard advertising displays, as defined*
34 *in Section 395.5, including the establishment of penalties, which*
35 *may include, but is not limited to, removal of the mobile billboard*
36 *advertising display and misdemeanor criminal penalties, for a*
37 *violation of the ordinance or resolution.*

38 (n) *Licensing and regulating the operation of pedicabs for hire,*
39 *as defined in Section 467.5, and operators of pedicabs for hire,*
40 *including requiring one or more of the following documents:*

1 (1) A valid California driver’s license.

2 (2) Proof of successful completion of a bicycle safety training
 3 course certified by the League of American Bicyclists or an
 4 equivalent organization as determined by the local authority.

5 (3) A valid California identification card and proof of successful
 6 completion of the written portion of the California driver’s license
 7 examination administered by the department. The department shall
 8 administer, without charging a fee, the original driver’s license
 9 written examination on traffic laws and signs to a person who
 10 states that he or she is, or intends to become, a pedicab operator,
 11 and who holds a valid California identification card or has
 12 successfully completed an application for a California
 13 identification card. If the person achieves a passing score on the
 14 examination, the department shall issue a certificate of successful
 15 completion of the examination, bearing the person’s name and
 16 identification card number. The certificate shall not serve in lieu
 17 of successful completion of the required examination administered
 18 as part of any subsequent application for a driver’s license. The
 19 department is not required to enter the results of the examination
 20 into the computerized record of the person’s identification card
 21 or otherwise retain a record of the examination or results.

22 SEC. 3. Section 21200 of the Vehicle Code is amended to read:

23 21200. (a) A person riding a bicycle or operating a pedicab
 24 upon a highway has all the rights and is subject to all the provisions
 25 applicable to the driver of a vehicle by this division, including, but
 26 not limited to, provisions concerning driving under the influence
 27 of alcoholic beverages or drugs, and by Division 10 (commencing
 28 with Section 20000), Section 27400, Division 16.7 (commencing
 29 with Section 39000), Division 17 (commencing with Section
 30 40000.1), and Division 18 (commencing with Section 42000),
 31 except those provisions which by their very nature can have no
 32 application.

33 (b) (1) A peace officer, as defined in Chapter 4.5 (commencing
 34 with Section 830) of Title 3 of Part 2 of the Penal Code, operating
 35 a bicycle during the course of his or her duties is exempt from the
 36 requirements of subdivision (a), except as those requirements relate
 37 to driving under the influence of alcoholic beverages or drugs, if
 38 the bicycle is being operated under any of the following
 39 circumstances:

40 (A) In response to an emergency call.

1 (B) While engaged in rescue operations.

2 (C) In the immediate pursuit of an actual or suspected violator
3 of the law.

4 (2) This subdivision does not relieve a peace officer from the
5 duty to operate a bicycle with due regard for the safety of all
6 persons using the highway.

7 *SEC. 4. Section 2.5 of this bill incorporates amendments to*
8 *Section 21100 of the Vehicle Code proposed by both this bill and*
9 *AB 2756. It shall only become operative if (1) both bills are enacted*
10 *and become effective on or before January 1, 2011, (2) each bill*
11 *amends Section 21100 of the Vehicle Code, and (3) this bill is*
12 *enacted after AB 2756, in which case Section 2 of this bill shall*
13 *not become operative.*

14 ~~SEC. 4.~~

15 *SEC. 5.* No reimbursement is required by this act pursuant to
16 Section 6 of Article XIII B of the California Constitution because
17 the only costs that may be incurred by a local agency or school
18 district will be incurred because this act creates a new crime or
19 infraction, eliminates a crime or infraction, or changes the penalty
20 for a crime or infraction, within the meaning of Section 17556 of
21 the Government Code, or changes the definition of a crime within
22 the meaning of Section 6 of Article XIII B of the California
23 Constitution.