

AMENDED IN SENATE AUGUST 29, 2012

AMENDED IN SENATE AUGUST 23, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1266**

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**Introduced by Assembly Members Nielsen and Cook  
(Coauthor: Assembly Member V. Manuel Pérez)**

February 18, 2011

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An act to amend Sections 38603 and 38604 of the Vehicle Code, relating to vehicles, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1266, as amended, Nielsen. Vehicles: recreational off-highway vehicles.

**Existing**

(1) *Existing* law, commencing January 1, 2013, establishes rules for the operation of, and requirements for equipment of, an off-highway vehicle, including prohibiting a person who is operating a recreational off-highway vehicle from allowing a passenger to occupy a separate seat location not designed and provided by the manufacturer for a passenger. Existing law, commencing January 1, 2013, prohibits a person operating a recreational off-highway vehicle from riding with a passenger, unless the passenger, among other things, have both feet flat on the floorboard.

This bill would delay operation of ~~those prohibitions~~ *the prohibition that a person operating a recreational off-highway vehicle shall not allow a passenger to occupy a separate seat location not designed and provided by the manufacturer for a passenger* until July 1, 2013, and

would eliminate the requirement that both of the passengers feet must be flat on the floorboard.

(2) *This bill would declare that it is to take effect immediately as an urgency statute.*

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

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

1 SECTION 1. Section 38603 of the Vehicle Code, as added by  
2 Section 3 of Chapter 165 of the Statutes of 2012, is amended to  
3 read:

4 38603. (a) A person operating a recreational off-highway  
5 vehicle shall not allow a passenger to occupy a separate seat  
6 location not designed and provided by the manufacturer for a  
7 passenger.

8 (b) This section shall become operative on July 1, 2013.

9 SEC. 2. Section 38604 of the Vehicle Code, as added by  
10 Section 3 of Chapter 165 of the Statutes of 2012, is amended to  
11 read:

12 38604. A person operating a recreational off-highway vehicle  
13 shall not ride with a passenger, unless the passenger, while seated  
14 upright with his or her back against the seatback, can grasp the  
15 occupant handhold with the seatbelt and shoulder belt or safety  
16 harness properly fastened.

17 *SEC. 3. This act is an urgency statute necessary for the*  
18 *immediate preservation of the public peace, health, or safety within*  
19 *the meaning of Article IV of the Constitution and shall go into*  
20 *immediate effect. The facts constituting the necessity are:*

21 *In order to protect off-highway vehicle operators, passengers,*  
22 *and the public from acts that could lead to harm or death, and in*  
23 *order to avoid unnecessary implementation that could cost the*  
24 *state money and take away resources from other important*  
25 *activities, it is necessary that this act take effect immediately.*