

AMENDED IN SENATE MARCH 25, 2011

**SENATE BILL**

**No. 910**

---

---

**Introduced by Senator Lowenthal**

February 18, 2011

---

---

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

LEGISLATIVE COUNSEL'S DIGEST

SB 910, as amended, Lowenthal. Vehicles: bicycles: passing distance.

*(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 and at a speed not exceeding 15 miles per hour faster than the bicycle, 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 significant or substantial physical injury 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) 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.*

~~Existing law imposes various operational and equipment requirements on a person riding a bicycle on highways and roads in the state, and requires that the driver of a vehicle overtaking a bicycle in the same direction pass to the left at a safe distance without interfering with the safe operation of the overtaken bicycle.~~

~~This bill would declare the intent of the Legislature to enact subsequent legislation that would establish a minimum passing distance that would be required of motorists who are passing bicyclists on highways and roads in the state.~~

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

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

1     SECTION 1. Section 21750 of the Vehicle Code is amended to  
 2     read:

3     21750. The driver of a vehicle overtaking another vehicle ~~or~~  
 4     ~~a bicycle~~ proceeding in the same direction shall pass to the left at  
 5     a safe distance without interfering with the safe operation of the  
 6     overtaken ~~vehicle or bicycle,~~ vehicle, subject to the limitations and  
 7     exceptions ~~hereinafter stated.~~ set forth in this article.

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

9     21750.1. (a) (1) The driver of a motor vehicle overtaking a  
 10     bicycle proceeding in the same direction shall pass to the left at  
 11     a safe distance, at a minimum clearance of three feet, at a speed  
 12     not exceeding 15 miles per hour faster than the speed of the bicycle,  
 13     without interfering with the safe operation of the overtaken bicycle.

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

16     (b) If a person operates a motor vehicle in violation of  
 17     subdivision (a) and that conduct proximately causes great bodily

1 *injury, as defined in subdivision (f) of Section 12022.7 of the Penal*  
2 *Code, or death to the bicycle operator, the person driving the*  
3 *motor vehicle, upon conviction, shall be punished by imprisonment*  
4 *in a county jail or in the state prison.*

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

14 ~~SECTION 1. It is the intent of the Legislature to enact~~  
15 ~~subsequent legislation that would establish a minimum passing~~  
16 ~~distance that would be required of motorists who are passing~~  
17 ~~bicyclists on highways and roads in the state.~~