

AMENDED IN SENATE APRIL 26, 2011

AMENDED IN SENATE MARCH 25, 2011

**SENATE BILL**

**No. 910**

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**Introduced by Senator Lowenthal**

February 18, 2011

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An act to amend ~~Section~~ *Sections 21460 and 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, or~~ 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~~ *\$220 fine.*

(2) Existing law prohibits a person from driving a vehicle to the left of double parallel solid lines, or double parallel lines, one of which is broken, except as provided. Notwithstanding that prohibition, existing law permits a driver to cross those double parallel lines if the driver is turning to the left at any intersection or into or out of a driveway or private road or making a U-turn under the rules governing that turn.

This bill would additionally permit a driver to cross those double parallel lines if the driver is on a substandard width lane, passing a person riding a bicycle or operating a pedicab in the same direction, and it is safe to do so.

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)

(3) 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 of the Vehicle Code is amended to  
2 read:  
3 21460. (a) ~~When~~If double parallel solid lines are in place, ~~no~~  
4 a person driving a vehicle shall *not* drive to the left ~~thereof~~ of those  
5 lines, except as permitted in this section.  
6 (b) ~~When the~~If double parallel lines, one of which is broken,  
7 are in place, ~~no~~ a person driving a vehicle shall *not* drive to the  
8 left ~~thereof~~ of those lines, except as follows:  
9 (1) ~~That the~~The driver on that side of the roadway in which the  
10 broken line is in place may cross over the double ~~line~~ lines or drive  
11 to the left ~~thereof~~ ~~when~~ of the double lines if the driver is  
12 overtaking or passing other vehicles.  
13 (2) As provided in Section 21460.5.  
14 (c) (1) Either of the markings as specified in subdivision (a) or  
15 (b) does not prohibit a driver to whom any of the following applies  
16 from crossing the marking ~~when~~ (1):

1 (A) *The driver is on a substandard width lane, passing a person*  
2 *riding a bicycle or operating a pedicab in the same direction, and*  
3 *it is safe to do so.*

4 (B) *The drive is turning to the left at any intersection or into or*  
5 *out of a driveway or private road, or (2).*

6 (C) *The driver is making a U-turn under the rules governing*  
7 *that turn, and either.*

8 (2) *Either of the markings as specified in subdivision (a) or (b)*  
9 *shall be disregarded when if authorized signs have been erected*  
10 *designating offcenter traffic lanes as permitted under Section*  
11 *21657.*

12 (d) *Raised pavement markers may be used to simulate painted*  
13 *lines described in this section when if the markers are placed in*  
14 *accordance with standards established by the Department of*  
15 *Transportation.*

16 ~~SECTION 4.~~

17 *SEC. 2.* Section 21750 of the Vehicle Code is amended to read:

18 21750. The driver of a vehicle overtaking another vehicle  
19 proceeding in the same direction shall pass to the left at a safe  
20 distance without interfering with the safe operation of the overtaken  
21 vehicle, subject to the limitations and exceptions set forth in this  
22 article.

23 ~~SEC. 2.~~

24 *SEC. 3.* Section 21750.1 is added to the Vehicle Code, to read:

25 21750.1. (a) ~~(1)~~ The driver of a motor vehicle overtaking a  
26 bicycle proceeding in the same direction shall pass to the left at a  
27 safe distance, at a minimum clearance of three feet, *feet or* at a  
28 speed not exceeding 15 miles per hour faster than the speed of the  
29 bicycle, without interfering with the safe operation of the overtaken  
30 bicycle.

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

33 ~~(b) If a person operates a motor vehicle in violation of~~  
34 ~~subdivision (a) and that conduct proximately causes great bodily~~  
35 ~~injury, as defined in subdivision (f) of Section 12022.7 of the Penal~~  
36 ~~Code, or death to the bicycle operator, the person driving the motor~~  
37 ~~vehicle, upon conviction, shall be punished by imprisonment in a~~  
38 ~~county jail or in the state prison.~~

39 *(b) A violation of subdivision (a) is an infraction punishable by*  
40 *a fine of two hundred twenty dollars (\$220).*

1     ~~SEC. 3.~~

2     *SEC. 4.* 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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