

AMENDED IN SENATE MAY 10, 2011
AMENDED IN SENATE APRIL 26, 2011
AMENDED IN SENATE MARCH 25, 2011

SENATE BILL

No. 910

Introduced by Senator Lowenthal

February 18, 2011

An act to amend 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, 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 ~~\$220~~ \$35 fine. *The bill would also require the imposition of a \$220 fine on a driver if a collision occurs between a motor vehicle and a bicyclist causing bodily harm to*

the bicyclist, and the driver is found to be in violation of the above provisions.

(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, *as described*, 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.

(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
- 2 to read:
- 3 21460. (a) If double parallel solid lines are in place, a person
- 4 driving a vehicle shall not drive to the left of those lines, except
- 5 as permitted in this section.
- 6 (b) If double parallel lines, one of which is broken, are in place,
- 7 a person driving a vehicle shall not drive to the left of those lines,
- 8 except as follows:
- 9 (1) The driver on that side of the roadway in which the broken
- 10 line is in place may cross over the double lines or drive to the left
- 11 of the double lines if the driver is overtaking or passing other
- 12 vehicles.
- 13 (2) As provided in Section 21460.5.

1 (c) (1) Either of the markings, as specified in subdivision (a)
2 or (b), does not prohibit a driver to whom any of the following
3 applies from crossing the marking:

4 (A) The driver is on a substandard width lane, passing a person
5 riding a bicycle or operating a pedicab in the same direction, and
6 it is safe to do so. *For purposes of this subdivision, a “substandard
7 width lane” is a lane that is too narrow for a bicycle and a vehicle
8 to travel safely side by side within the lane.*

9 (B) ~~The driver~~ driver is turning to the left at any intersection or
10 into or out of a driveway or private road.

11 (C) The driver is making a U-turn under the rules governing
12 that turn.

13 (2) Either of the markings as specified in subdivision (a) or (b)
14 shall be disregarded if authorized signs have been erected
15 designating offcenter traffic lanes as permitted under Section
16 21657.

17 (d) Raised pavement markers may be used to simulate painted
18 lines described in this section if the markers are placed in
19 accordance with standards established by the Department of
20 Transportation.

21 SEC. 2. Section 21750 of the Vehicle Code is amended 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 set forth in this
26 article.

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

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

33 (b) (1) A violation of subdivision (a) is an infraction punishable
34 by a fine of ~~two hundred twenty dollars (\$220)~~ *thirty five dollars*
35 *(\$35)*.

36 (2) *If a collision occurs between a motor vehicle and a bicycle
37 causing bodily injury to the bicyclist, and the driver of the motor
38 vehicle is found to be in violation of subdivision (a), a two hundred
39 twenty dollar (\$220) fine shall be imposed on that driver.*

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

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