

AMENDED IN ASSEMBLY JUNE 19, 2012

AMENDED IN SENATE APRIL 24, 2012

AMENDED IN SENATE APRIL 9, 2012

**SENATE BILL**

**No. 1464**

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**Introduced by Senator Lowenthal**  
*(Coauthor: Assembly Member Chesbro)*

February 24, 2012

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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 1464, 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 and passing a bicycle by requiring, with specified exceptions, the driver of a motor vehicle overtaking and passing a bicycle that is proceeding in the same direction on a highway to pass in compliance with specified requirements applicable to overtaking and passing a vehicle, and to do so at a safe distance that does not interfere with the safe operation of the overtaken bicycle, having due regard for the size and speed of the

motor vehicle and the bicycle, traffic conditions, weather, and the surface and width of the highway. The bill would prohibit, with specified exceptions, the driver of the motor vehicle that is overtaking or passing a bicycle proceeding in the same direction on a highway from passing at a distance of less than 3 feet between any part of the motor vehicle and any part of the bicycle or its operator. The bill would make a violation of these provisions an infraction punishable by a \$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 prohibit a person driving a vehicle from crossing over any part of any double parallel solid white lines except in the above situations or when entering or exiting designated areas of exclusive or preferential use lanes, as provided. The bill would permit a driver of a motor vehicle to cross double parallel lines ~~in a substandard width lane, as described,~~ to pass a person operating a bicycle in the same direction, if in compliance with a specified provision.

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:

1 21460. (a) If double parallel solid yellow lines are in place a  
2 person driving a vehicle shall not drive to the left of those lines,  
3 except as permitted in this section.

4 (b) If double parallel solid white lines are in place, a person  
5 driving a vehicle shall not cross any part of those double solid  
6 white lines, except as permitted in this section or Section 21655.8.

7 (c) If double parallel lines, one of which is broken, are in place,  
8 a person driving a vehicle shall not drive to the left of those lines,  
9 except as follows:

10 (1) If the driver is on the side of the roadway in which the broken  
11 line is in place, the driver may cross over the double lines or drive  
12 to the left of the double lines if the driver is overtaking or passing  
13 other vehicles.

14 (2) As provided in Section 21460.5.

15 (d) (1) The markings, as specified in subdivision (a), (b), or  
16 (c), do not prohibit a driver from crossing the markings, if either  
17 of the following applies:

18 (A) The driver is turning to the left at an intersection or into or  
19 out of a driveway or private road.

20 (B) The driver is making a U-turn under the rules governing  
21 that turn.

22 (2) The markings, as specified in subdivision (a), (b), or (c),  
23 shall be disregarded if authorized signs have been erected  
24 designating off-center traffic lanes as permitted under Section  
25 21657.

26 (e) Raised pavement markers may be used to simulate painted  
27 lines described in this section if the markers are placed in  
28 accordance with standards established by the Department of  
29 Transportation.

30 (f) ~~(1) The driver of a motor vehicle in a substandard width~~  
31 ~~lane on a two-lane highway may drive to the left of either of the~~  
32 ~~markings specified in subdivision (a) or (c) to pass a person~~  
33 ~~operating a bicycle proceeding in the same direction if in~~  
34 ~~compliance with Section 21751.~~

35 ~~(2) For purposes of this subdivision, a "substandard width lane"~~  
36 ~~means a lane that is too narrow for a bicycle and a vehicle to travel~~  
37 ~~safely side by side within the lane.~~

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

39 21750. The driver of a vehicle overtaking another vehicle  
40 proceeding in the same direction shall pass to the left at a safe

1 distance without interfering with the safe operation of the overtaken  
2 vehicle, subject to the limitations and exceptions set forth in this  
3 article.

4 SEC. 3. Section 21750.1 is added to the Vehicle Code, to read:  
5 21750.1. (a) This section shall be known and may be cited as  
6 the “Three Feet for Safety Act.”

7 (b) The driver of a motor vehicle overtaking and passing a  
8 bicycle that is proceeding in the same direction on a highway shall  
9 pass in compliance with the provisions of this article applicable  
10 to overtaking and passing a vehicle, and shall do so at a safe  
11 distance that does not interfere with the safe operation of the  
12 overtaken bicycle, having due regard for the size and speed of the  
13 motor vehicle and the bicycle, traffic conditions, weather, and the  
14 surface and width of the highway.

15 (c) A driver of a motor vehicle shall not overtake or pass a  
16 bicycle proceeding in the same direction on a highway at a distance  
17 of less than three feet between any part of the motor vehicle and  
18 any part of the bicycle or its operator.

19 (d) If the driver of a motor vehicle is unable to comply with  
20 subdivision (c) of this section or paragraph (1) of subdivision (f)  
21 of Section 21460, due to a substandard width lane, as defined in  
22 paragraph (2) of subdivision (f) of Section 21460, or other traffic  
23 or roadway conditions, the driver shall slow to a speed that is  
24 reasonable and prudent, ~~having due regard for~~ *and may pass only*  
25 *when doing so would not endanger the safety of the operator of*  
26 *the bicycle, taking into account* the size and speed of the motor  
27 vehicle and bicycle, traffic conditions, weather, and surface and  
28 width of the highway, ~~and pass at a distance of less than three feet~~  
29 ~~in a manner that does not endanger the safety of the operator of~~  
30 ~~the bicyele and that provides the maximum feasible distance~~  
31 ~~between the motor vehicle and the bicycle and its operator.~~

32 (e) (1) A violation of subdivision (b), (c), or (d) is an infraction  
33 punishable by a fine of thirty-five dollars (\$35).

34 (2) If a collision occurs between a motor vehicle and a bicycle  
35 causing bodily injury to the operator of the bicycle, and the driver  
36 of the motor vehicle is found to be in violation of subdivision (b),  
37 (c), or (d), a two-hundred-twenty-dollar (\$220) fine shall be  
38 imposed on that driver.

39 SEC. 4. No reimbursement is required by this act pursuant to  
40 Section 6 of Article XIII B of the California Constitution because

1 the only costs that may be incurred by a local agency or school  
2 district will be incurred because this act creates a new crime or  
3 infraction, eliminates a crime or infraction, or changes the penalty  
4 for a crime or infraction, within the meaning of Section 17556 of  
5 the Government Code, or changes the definition of a crime within  
6 the meaning of Section 6 of Article XIII B of the California  
7 Constitution.

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