

AMENDED IN ASSEMBLY APRIL 17, 2013
AMENDED IN ASSEMBLY FEBRUARY 7, 2013
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 64

Introduced by Assembly Member Donnelly

January 7, 2013

An act to amend Sections ~~38601~~ and 38603 and 38604 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 64, as amended, Donnelly. Vehicles: recreational off-highway vehicles.

(1) Existing law establishes rules for the operation of off-highway vehicles, including specified requirements governing the operation of recreational off-highway vehicles. A violation of these rules and requirements is a crime. Existing law prohibits 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.

This bill would make these provisions applicable only to a recreational off-highway vehicle with a model year of 2014 or later. For vehicles with a model year of 2013 or earlier, the bill would allow seats that are installed in a separate seat location not designed and provided by the manufacturer for a passenger to be occupied if the occupant of the seat is fully contained inside of the vehicle's rollover protection structure at all times while the vehicle is being operated. Because a violation of the provisions would be a crime, this bill would impose a state-mandated local program.

(2) Existing law prohibits a person from operating a recreational off-highway vehicle from riding with a passenger, unless the passenger, while seated upright with his or her back against the seatback, can grasp the occupant handhold with the seatbelt and shoulder belt or safety harness properly fastened while seated upright.

This bill would define occupant handhold for these purposes, and would require occupant handholds to be designed to allow the recreational off-highway vehicle passenger to exit the vehicle without interference from the handholds. Because a violation of these provisions would be a 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.

~~(1) Existing law establishes rules for the operation of off-highway vehicles, including specified requirements governing the operation of recreational off-highway vehicles. Existing law prohibits a person from allowing a passenger in a recreational off-highway vehicle unless the passenger is wearing a safety helmet.~~

~~This bill would provide that this prohibition does not apply to a passenger secured in a child safety seat.~~

~~(2) Existing law prohibits a person 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.~~

~~This bill would provide that this prohibition does not apply to any vehicle manufactured prior to January 1, 2014.~~

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 38603 of the Vehicle Code is amended to
- 2 read:
- 3 38603. (a) A person operating a recreational off-highway
- 4 vehicle with a model year of 2014 or later shall not allow a

1 passenger to occupy a separate seat location not designed and
2 provided by the manufacturer for a passenger.

3 *(b) Seats that are installed in a separate seat location not*
4 *designed and provided by the manufacturer for a passenger in*
5 *vehicles with model year of 2013 or earlier may be occupied by a*
6 *passenger if the occupant of the seat is fully contained inside of*
7 *the vehicle's rollover protection structure at all times while the*
8 *vehicle is being operated.*

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

10 *SEC. 2. Section 38604 of the Vehicle Code is amended to read:*

11 38604. *(a) A person operating a recreational off-highway*
12 *vehicle shall not ride with a passenger, unless the passenger, while*
13 *seated upright with his or her back against the seatback, can grasp*
14 *the occupant handhold with the seatbelt and shoulder belt or safety*
15 *harness properly fastened.*

16 *(b) For purposes of this chapter, "occupant handhold" means*
17 *any factory or aftermarket device grasped by an occupant to*
18 *provide support and to assist in keeping arms and hands within*
19 *the recreational off-highway vehicle. The steering wheel shall be*
20 *considered an occupant handhold for the recreational off-highway*
21 *vehicle operator.*

22 *(c) Occupant handholds shall be designed to allow the*
23 *recreational off-highway vehicle passenger to exit the vehicle*
24 *without interference from the handholds.*

25 *SEC. 3. No reimbursement is required by this act pursuant to*
26 *Section 6 of Article XIII B of the California Constitution because*
27 *the only costs that may be incurred by a local agency or school*
28 *district will be incurred because this act creates a new crime or*
29 *infraction, eliminates a crime or infraction, or changes the penalty*
30 *for a crime or infraction, within the meaning of Section 17556 of*
31 *the Government Code, or changes the definition of a crime within*
32 *the meaning of Section 6 of Article XIII B of the California*
33 *Constitution.*

34 *SEC. 4. This act shall become operative on July 1, 2013.*

35 ~~SECTION 1. Section 38601 of the Vehicle Code is amended~~
36 ~~to read:~~

37 ~~38601. (a) A person shall not operate, or allow a passenger~~
38 ~~in, a recreational off-highway vehicle unless the person and the~~
39 ~~passenger are wearing safety helmets meeting the requirements~~

1 ~~established for motorcycles and motorized bicycles pursuant to~~
2 ~~Section 27802.~~

3 ~~(b) This section shall not apply to a passenger secured in a child~~
4 ~~safety seat.~~

5 ~~SEC. 2. Section 38603 of the Vehicle Code is amended to read:~~

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

10 ~~(b) This section shall not apply to any vehicle manufactured~~
11 ~~prior to January 1, 2014.~~