

ASSEMBLY BILL

No. 738

**Introduced by Assembly Member Harkey
(Coauthors: Assembly Members Bigelow and Hagman)**

February 21, 2013

An act to add Section 830.7 to the Government Code, and to add Section 21207.1 to the Vehicle Code, relating to public entity liability.

LEGISLATIVE COUNSEL'S DIGEST

AB 738, as introduced, Harkey. Public entity liability: bicycles.

Existing law specifies that a public entity or a public employee shall not be liable for an injury caused by the plan or design of a construction of, or an improvement to, public property in specified cases. Existing law allows public entities to establish bicycle lanes on public roads.

This bill would provide that a public entity or an employee of a public entity acting within his or her official capacity is not be liable for an injury caused to a person riding a bicycle while traveling on a roadway, if the public entity has provided a bike lane on that roadway.

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

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

1 SECTION 1. Section 830.7 is added to the Government Code,
2 to read:
3 830.7. (a) A public entity or an employee of a public entity
4 acting within his or her official capacity shall not be liable under
5 this chapter for an injury caused to a person riding a bicycle as
6 defined in Section 231 of the Vehicle Code while traveling on a

1 roadway if the public entity has provided a bike lane on that
2 roadway pursuant to Section 21207 of the Vehicle Code or Section
3 891.8 of the Streets and Highway Code. For purposes of this
4 section, “bike lane” is as defined in Section 890.4 of the Streets
5 and Highways Code.

6 (b) The immunity set forth in this section is applicable regardless
7 of whether the bicyclist was within the bike lane at the time of the
8 accident. This immunity is also applicable regardless of whether
9 the reason the bicyclist was not using the bike lane was in
10 accordance with the exceptions listed in Section 21208 of the
11 Vehicle Code.

12 (c) This section shall not limit the ability of a bicyclist to pursue
13 legal remedies against other individuals or entities involved in the
14 accident.

15 SEC. 2. Section 21207.1 is added to the Vehicle Code, to read:
16 21207.1. Public entities that establish bicycle lanes pursuant
17 to Section 21207 or Section 891.8 of the Streets and Highways
18 Code are immune from liability in accordance with Section 830.7
19 of the Government Code.