

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1371

Introduced by Assembly Member Bradford

February 22, 2013

An act to amend Section 16000 of the Business and Professions Code, relating to business regulations; amend Sections 21460 and 21750 of, and to add Section 21750.1 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1371, as amended, Bradford. ~~Business regulation.~~ *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 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.

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.

~~Existing law permits the legislative body of an incorporated city, in the exercise of its police power, to license any kind of business not prohibited by law transacted and carried on within its jurisdiction. Existing law prohibits the application of these license fees, if the fee is measured by the licensee's income or gross receipts, to specified nonprofit organizations, among others.~~

~~This bill would make nonsubstantive changes to these provisions.~~

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 21460 of the Vehicle Code is amended to*
2 *read:*

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

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

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

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

16 (2) As provided in Section 21460.5.

17 (d) (1) The markings, as specified in subdivision (a), (b), or
18 (c), do not prohibit a driver from crossing the ~~marking if (1) turning~~
19 ~~to the left at an intersection or into or out of a driveway or private~~
20 ~~road, or (2) making a U-turn under the rules governing that turn,~~
21 ~~and the markings shall be disregarded when authorized signs have~~
22 ~~been erected designating off-center traffic lanes as permitted~~
23 ~~pursuant to Section 21657.~~ *markings, if either of the following*
24 *applies:*

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

27 (B) *The driver is making a U-turn under the rules governing*
28 *that turn.*

29 (2) *The markings, as specified in subdivision (a), (b), or (c),*
30 *shall be disregarded if authorized signs have been erected*
31 *designating off-center traffic lanes as permitted under Section*
32 *21657.*

33 (e) Raised pavement markers may be used to simulate painted
34 lines described in this section if the markers are placed in
35 accordance with standards established by the Department of
36 Transportation.

37 (f) *The driver of a motor vehicle on a two-lane highway may*
38 *drive to the left of either of the markings specified in subdivision*

1 (a) or (c) to pass a person operating a bicycle proceeding in the
2 same direction if in compliance with Section 21751 and if both of
3 the following conditions are met:

4 (1) The left side of the road is clearly visible and free of
5 oncoming traffic for a sufficient distance ahead to permit
6 overtaking and passing of the bicycle to be completely made
7 without interfering with the safe operation of any vehicle
8 approaching from the opposite direction.

9 (2) The driver operates the motor vehicle to the left of either of
10 the markings specified in subdivision (a) or (c) only to the extent
11 reasonably necessary to comply with Section 21750.1.

12 SEC. 2. Section 21750 of the Vehicle Code is amended to read:
13 21750. The driver of a vehicle overtaking another vehicle ~~or~~
14 ~~a bicycle~~ proceeding in the same direction shall pass to the left at
15 a safe distance without interfering with the safe operation of the
16 overtaken vehicle ~~or bicycle~~, subject to the limitations and
17 exceptions ~~hereinafter stated~~ set forth in this article.

18 SEC. 3. Section 21750.1 is added to the Vehicle Code, to read:
19 21750.1. (a) This section shall be known and may be cited as
20 the Three Feet for Safety Act.

21 (b) The driver of a motor vehicle overtaking and passing a
22 bicycle that is proceeding in the same direction on a highway shall
23 pass in compliance with the provisions of this article applicable
24 to overtaking and passing a vehicle, and shall do so at a safe
25 distance that does not interfere with the safe operation of the
26 overtaken bicycle, having due regard for the size and speed of the
27 motor vehicle and the bicycle, traffic conditions, weather, visibility,
28 and the surface and width of the highway.

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

33 (d) If the driver of a motor vehicle is unable to comply with
34 subdivision (c), due to traffic or roadway conditions, the driver
35 shall slow to a speed that is reasonable and prudent, and may pass
36 only when doing so would not endanger the safety of the operator
37 of the bicycle, taking into account the size and speed of the motor
38 vehicle and bicycle, traffic conditions, weather, visibility, and
39 surface and width of the highway.

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

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

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

17 SECTION 1. ~~Section 16000 of the Business and Professions~~
18 ~~Code is amended to read:~~

19 ~~16000. (a) The legislative body of an incorporated city may,~~
20 ~~in the exercise of its police power, and for the purpose of~~
21 ~~regulation, as herein provided, and not otherwise, license any kind~~
22 ~~of business not prohibited by law transacted and carried on within~~
23 ~~the limits of its jurisdiction, including all shows, exhibitions and~~
24 ~~lawful games, and may fix the rates of the license fee and provide~~
25 ~~for its collection by suit or otherwise. Any legislative body,~~
26 ~~including the legislative body of a charter city, that fixes the rate~~
27 ~~of license fees pursuant to this subdivision upon a business~~
28 ~~operating both within and outside the legislative body's taxing~~
29 ~~jurisdiction, shall levy the license fee so that the measure of the~~
30 ~~fee fairly reflects that proportion of the activity actually carried~~
31 ~~on within the taxing jurisdiction.~~

32 ~~(b) A license fee levied pursuant to subdivision (a) that is~~
33 ~~measured by the licensee's income or gross receipts, whether levied~~
34 ~~by a charter or general law city, shall not apply to any nonprofit~~
35 ~~organization that is exempted from taxes by Chapter 4~~
36 ~~(commencing with Section 23701) of Part 11 of Division 2 of the~~
37 ~~Revenue and Taxation Code or Subchapter F (commencing with~~
38 ~~Section 501) of Chapter 1 of Subtitle A of the Internal Revenue~~
39 ~~Code of 1986, or the successor of either, or to any minister,~~
40 ~~clergyman, Christian Science practitioner, rabbi, or priest of any~~

1 ~~religious organization that has been granted an exemption from~~
2 ~~federal income tax by the United States Commissioner of Internal~~
3 ~~Revenue as an organization described in Section 501(c)(3) of the~~
4 ~~Internal Revenue Code or a successor to that section.~~

5 ~~(e) Before a city, including a charter city, issues a business~~
6 ~~license to a person to conduct business as a contractor, as defined~~
7 ~~in Section 7026, the city shall verify that the person is licensed by~~
8 ~~the Contractors' State License Board.~~