

AMENDED IN ASSEMBLY APRIL 8, 2013
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 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. 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, enact the Three Feet for Safety Act, which would require~~ 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 under certain circumstances, including when 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. *The bill would also provide that when the driver of a motor vehicle drives to the left of certain double parallel lines, as specified, to pass a person operating a bicycle and is involved in a collision, the driver is solely liable for the damages suffered by any person who is involved in the collision, regardless of the conditions of the roadway.*

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.

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 yellow lines are in place, a
4 person driving a vehicle shall not drive to the left of 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 *in* Section
9 21655.8.

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

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

17 (2) As provided in Section 21460.5.

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

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

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

25 (2) The markings, as specified in subdivision (a), (b), or (c),
26 shall be disregarded if authorized signs have been erected
27 designating off-center traffic lanes as permitted under Section
28 21657.

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

33 (f) The driver of a motor vehicle on a two-lane highway may
34 drive to the left of either of the markings specified in subdivision
35 (a) or (c) to pass a person operating a bicycle proceeding in the
36 same direction if in compliance with Section ~~21751 and if both of~~
37 ~~the following conditions are met:~~ 21751. *If a driver of a motor*
38 *vehicle drives to the left of the markings specified in subdivision*

1 (a) or (c) to pass a person operating a bicycle and is involved in
2 a collision, the driver of the motor vehicle that drove to the left of
3 the markings is solely liable for any damages suffered by any
4 person involved in the collision, regardless of the conditions of
5 the roadway.

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

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

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

15 21750. The driver of a vehicle overtaking another vehicle
16 proceeding in the same direction shall pass to the left at a safe
17 distance without interfering with the safe operation of the overtaken
18 vehicle, subject to the limitations and exceptions set forth in this
19 article.

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

21 21750.1. (a) This section shall be known and may be cited as
22 the Three Feet for Safety Act.

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

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

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

1 vehicle and bicycle, traffic conditions, weather, visibility, and
2 surface and width of the highway.

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

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

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

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