

Introduced by Senator BeallFebruary 20, 2013

An act to add Section 21658.5 to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 350, as introduced, Beall. Vehicles: motorcycles.

(1) Existing law requires, when a roadway has been divided into two or more clearly marked lanes for traffic in one direction, among other things, that a vehicle be driven as nearly as practical entirely within a single lane and prohibits the vehicle from being moved from the lane until that movement can be made with reasonable safety. A violation of the Vehicle Code is a crime.

This bill would prohibit, with an exception for a peace officer, as provided, a person operating a motorcycle from passing another vehicle in a portion of a lane occupied by that vehicle unless certain conditions are met, including that the passing occurs during traffic congestion, and the passing occurs at a safe speed. Because the failure to comply with these provisions would constitute an infraction under the Vehicle Code, this bill would impose a state-mandated local program.

(2) 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 21658.5 is added to the Vehicle Code,
2 to read:

3 21658.5. (a) Notwithstanding any other law, and except as
4 provided in subdivision (b), when a highway has been divided into
5 three or more clearly marked lanes for traffic traveling in the same
6 direction, a person operating a motorcycle shall not pass another
7 vehicle in a portion of a lane occupied by that vehicle unless the
8 following conditions are met:

- 9 (1) The passing occurs during traffic congestion.
- 10 (2) The passing occurs at a safe speed.

11 (b) This section does not apply to a peace officer in the
12 performance of official duties.

13 SEC. 2. No reimbursement is required by this act pursuant to
14 Section 6 of Article XIII B of the California Constitution because
15 the only costs that may be incurred by a local agency or school
16 district will be incurred because this act creates a new crime or
17 infraction, eliminates a crime or infraction, or changes the penalty
18 for a crime or infraction, within the meaning of Section 17556 of
19 the Government Code, or changes the definition of a crime within
20 the meaning of Section 6 of Article XIII B of the California
21 Constitution.