

ASSEMBLY BILL

No. 28

Introduced by Assembly Member Chu

December 1, 2014

An act to amend Section 21201 of the Vehicle Code, relating to bicycle safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 28, as introduced, Chu. Bicycle safety: rear lights.

Existing law requires that a bicycle operated during darkness upon a highway, a sidewalk where bicycle operation is not prohibited by the local jurisdiction, or a bikeway, as defined, be equipped with a red reflector on the rear that is visible from a distance of 500 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A violation of this requirement is an infraction.

This bill would instead require that a bicycle operated under those circumstances be equipped with a white flashing light on the rear that is visible from a distance of 500 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle, or, in lieu of the white flashing light, reflective gear worn by the bicyclist. By revising the definition of a crime, the bill would impose a state-mandated local program. The bill would also include a statement of legislative findings and declarations.

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. The Legislature finds and declares all of the
2 following:

3 (a) The Governors Highway Safety Association’s report entitled
4 “Spotlight on Highway Safety: Bicyclist Safety” states that the
5 greatest numbers of bicyclist deaths occurred in high population
6 states with many urban centers. In addition, according to the report,
7 this state has the highest bicyclist fatality rate at 338 deaths
8 between the years 2010 and 2012, followed by Florida (329), Texas
9 (143), New York (138), Illinois (80), and Michigan (72). These
10 six states accounted for more than one-half (54 percent) of all
11 bicyclist fatalities.

12 (b) In California, there were 123 bicyclist fatalities in 2012.
13 These deaths had an impact on the family members of the
14 bicyclists, as well as motor vehicle drivers involved in those
15 accidents and the families of those motor vehicle drivers.

16 (c) Because bicyclists frequently travel across city boundaries,
17 their safety should be a regional and state issue. In this regard, the
18 Legislature urges bicyclists to wear reflective vests, in addition to
19 helmets, to ensure their safety.

20 (d) Although there are many different approaches to reducing
21 accidents resulting in injuries and fatalities to bicyclists, enhancing
22 visibility through reflective clothing and lighting is important,
23 particularly in light of the fact that many collisions take place in
24 periods of darkness. In 2012, 27 percent of bicyclist deaths
25 occurred between 9 p.m. and 6 a.m.

26 (e) In order to reduce the bicyclist fatality rate in this state, the
27 state should require that bicycles operated during darkness upon
28 a highway, a sidewalk, or a bikeway be equipped with a white
29 flashing light, or with reflective gear worn by the bicyclist in lieu
30 of a white flashing light.

31 SEC. 2. Section 21201 of the Vehicle Code is amended to read:

32 21201. (a) No person shall operate a bicycle on a roadway
33 unless it is equipped with a brake which will enable the operator
34 to make one braked wheel skid on dry, level, clean pavement.

1 (b) No person shall operate on the highway a bicycle equipped
2 with handlebars so raised that the operator must elevate his hands
3 above the level of his shoulders in order to grasp the normal
4 steering grip area.

5 (c) No person shall operate upon a highway a bicycle that is of
6 a size that prevents the operator from safely stopping the bicycle,
7 supporting it in an upright position with at least one foot on the
8 ground, and restarting it in a safe manner.

9 (d) A bicycle operated during darkness upon a highway, a
10 sidewalk where bicycle operation is not prohibited by the local
11 jurisdiction, or a bikeway, as defined in Section 890.4 of the Streets
12 and Highways Code, shall be equipped with all of the following:

13 (1) A lamp emitting a white light that, while the bicycle is in
14 motion, illuminates the highway, sidewalk, or bikeway in front of
15 the bicyclist and is visible from a distance of 300 feet in front and
16 from the sides of the bicycle.

17 (2) ~~A red reflector~~ *white flashing light* on the rear that shall be
18 visible from a distance of 500 feet to the rear when directly in front
19 of lawful upper beams of headlamps on a motor vehicle, *or, in lieu*
20 *of the white flashing light, reflective gear worn by the bicyclist.*

21 (3) A white or yellow reflector on each pedal, shoe, or ankle
22 visible from the front and rear of the bicycle from a distance of
23 200 feet.

24 (4) A white or yellow reflector on each side forward of the
25 center of the bicycle, and a white or red reflector on each side to
26 the rear of the center of the bicycle, except that bicycles that are
27 equipped with reflectorized tires on the front and the rear need not
28 be equipped with these side reflectors.

29 The reflectors and reflectorized tires shall be of a type meeting
30 requirements established by the department.

31 (e) A lamp or lamp combination, emitting a white light, attached
32 to the operator and visible from a distance of 300 feet in front and
33 from the sides of the bicycle, may be used in lieu of the lamp
34 required by paragraph (1) of subdivision (d).

35 SEC. 3. No reimbursement is required by this act pursuant to
36 Section 6 of Article XIII B of the California Constitution because
37 the only costs that may be incurred by a local agency or school
38 district will be incurred because this act creates a new crime or
39 infraction, eliminates a crime or infraction, or changes the penalty
40 for a crime or infraction, within the meaning of Section 17556 of

- 1 the Government Code, or changes the definition of a crime within
- 2 the meaning of Section 6 of Article XIII B of the California
- 3 Constitution.

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