

AMENDED IN ASSEMBLY FEBRUARY 11, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 28**

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**Introduced by Assembly Member Chu**

December 1, 2014

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

LEGISLATIVE COUNSEL'S DIGEST

AB 28, as amended, 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~~ *red* 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~~ *red* 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~~ red  
29 flashing light, or with reflective gear worn by the bicyclist in lieu  
30 of a ~~white~~ red 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 *or her*  
3 hands above the level of his *or her* shoulders in order to grasp the  
4 normal 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 ~~white~~ red flashing light on the rear that shall be visible  
18 from a distance of 500 feet to the rear when directly in front of  
19 lawful upper beams of headlamps on a motor vehicle, or, in lieu  
20 of the ~~white~~ red 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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