

AMENDED IN ASSEMBLY APRIL 22, 2015  
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 red flashing~~ *red reflector, a solid red light, or a flashing red* 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 red flashing light,~~ *vehicle*. 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 *from 2010 to 2012, inclusive*,  
6 occurred in high population states with many urban centers. In  
7 addition, according to the report, this state ~~has the highest bicyclist~~  
8 ~~fatality rate~~ *had the highest number of bicycle fatalities from 2010*  
9 *to 2012, inclusive*, at 338 deaths ~~between the years 2010 and 2012~~,  
10 followed by Florida (329), Texas (143), New York (138), Illinois  
11 (80), and Michigan (72). These six states accounted for more than  
12 one-half (54 percent) of all bicyclist fatalities.

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

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

21 ~~(d)~~

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

28 ~~(e) In order to reduce the bicyclist fatality rate in this state, the~~  
29 ~~state should require that bicycles operated during darkness upon~~  
30 ~~a highway, a sidewalk, or a bikeway be equipped with a red~~

1 ~~flashing light, or with reflective gear worn by the bicyclist in lieu~~  
2 ~~of a red flashing light.~~

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

4 21201. (a) No person shall operate a bicycle on a roadway  
5 unless it is equipped with a brake ~~which~~ *that* will enable the  
6 operator to make one braked wheel skid on dry, level, clean  
7 pavement.

8 (b) No person shall operate on the highway a bicycle equipped  
9 with handlebars so raised that the operator must elevate his or her  
10 hands above the level of his or her shoulders in order to grasp the  
11 normal steering grip area.

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

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

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

24 (2) ~~A red flashing red reflector, a solid red light, or a flashing~~  
25 ~~red light on the rear that shall be visible from a distance of 500~~  
26 ~~feet to the rear when directly in front of lawful upper beams of~~  
27 ~~headlamps on a motor vehicle, or, in lieu of the red flashing light,~~  
28 ~~reflective gear worn by the bicyclist. vehicle.~~

29 (3) A white or yellow reflector on each pedal, shoe, or ankle  
30 visible from the front and rear of the bicycle from a distance of  
31 200 feet.

32 (4) A white or yellow reflector on each side forward of the  
33 center of the bicycle, and a white or red reflector on each side to  
34 the rear of the center of the bicycle, except that bicycles that are  
35 equipped with reflectorized tires on the front and the rear need not  
36 be equipped with these side reflectors.

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

39 (e) A lamp or lamp combination, emitting a white light, attached  
40 to the operator and visible from a distance of 300 feet in front and

1 from the sides of the bicycle, may be used in lieu of the lamp  
2 required by paragraph (1) of subdivision (d).

3 SEC. 3. No reimbursement is required by this act pursuant to  
4 Section 6 of Article XIII B of the California Constitution because  
5 the only costs that may be incurred by a local agency or school  
6 district will be incurred because this act creates a new crime or  
7 infraction, eliminates a crime or infraction, or changes the penalty  
8 for a crime or infraction, within the meaning of Section 17556 of  
9 the Government Code, or changes the definition of a crime within  
10 the meaning of Section 6 of Article XIII B of the California  
11 Constitution.