

AMENDED IN SENATE AUGUST 31, 2015
AMENDED IN ASSEMBLY APRIL 22, 2015
AMENDED IN ASSEMBLY FEBRUARY 11, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

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 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 ~~reflector, a solid red light, or a flashing red light~~ *reflector or a solid or flashing red light with a built-in 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. 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 had the highest number
8 of bicycle fatalities from 2010 to 2012, inclusive, at 338 deaths
9 followed by Florida (329), Texas (143), New York (138), Illinois
10 (80), and Michigan (72). These six states accounted for more than
11 one-half (54 percent) of all 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 on the motor vehicle drivers involved in those
15 accidents and the families of those motor vehicle drivers.

16 (c) Although there are many different approaches to reducing
17 accidents resulting in injuries and fatalities to bicyclists, enhancing
18 visibility is important, particularly in light of the fact that many
19 collisions take place in periods of darkness. In 2012, 27 percent
20 of bicyclist deaths in California occurred between 9 p.m. and 6
21 a.m.

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

23 21201. (a) No person shall operate a bicycle on a roadway
24 unless it is equipped with a brake that will enable the operator to
25 make one braked wheel skid on dry, level, clean pavement.

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

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

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

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

13 (2) ~~A red reflector, a solid red light, or a flashing red light~~
14 ~~reflector or a solid or flashing red light with a built-in reflector~~
15 on the rear that shall be visible from a distance of 500 feet to the
16 rear when directly in front of lawful upper beams of headlamps
17 on a motor vehicle.

18 (3) A white or yellow reflector on each pedal, shoe, or ankle
19 visible from the front and rear of the bicycle from a distance of
20 200 feet.

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

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

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

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

- 1 the meaning of Section 6 of Article XIII B of the California
- 2 Constitution.

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