

AMENDED IN ASSEMBLY APRIL 21, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 208**

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**Introduced by Assembly Member Bigelow**

January 29, 2015

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An act to amend Section ~~21760~~ 21656 of the Vehicle Code, relating to ~~bicycles~~: *vehicles*.

LEGISLATIVE COUNSEL'S DIGEST

AB 208, as amended, Bigelow. ~~Bicycles: Three Feet for Safety Act. Vehicles: highway: lane use.~~

*Existing law requires, on a 2-lane highway where passing is unsafe due to specified reasons, a slow-moving vehicle behind which 5 or more vehicles are formed in a line to turn off the roadway at the nearest place designed as a turnout or wherever sufficient area of a safe turnout exists in order to permit the vehicles following it to proceed.*

*This bill would make a technical, nonsubstantive change to that provision.*

Existing law, the ~~Three Feet for Safety Act~~, requires the driver of a motor vehicle overtaking and passing a bicycle that is proceeding in the same direction on a highway to pass in compliance with specified requirements applicable to overtaking and passing a vehicle, and to do so at a safe distance that does not interfere with the safe operation of the overtaken bicycle, having due regard for the size and speed of the motor vehicle and the bicycle. Existing law prohibits, subject to specified exceptions, the driver of a motor vehicle from overtaking or passing a bicycle proceeding in the same direction on a highway at a distance of

~~less than 3 feet between any part of the motor vehicle and any part of the bicycle or its operator. A violation of these provisions is an infraction.~~

~~This bill would require the operator of a bicycle behind which 5 or more vehicles are formed in a line, to turn off the roadway at the nearest place designated as a turnout in order to permit the vehicles following him or her to proceed if the driver of a motor vehicle is unable to overtake or pass a bicycle proceeding in the same direction on a highway at a distance less than 3 feet between any part of the motor vehicle and any part of the bicycle or its operator.~~

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Section 21656 of the Vehicle Code is amended to~~  
2     ~~read:~~

3     ~~21656. On a two-lane highway where passing is unsafe because~~  
4     ~~of traffic in the opposite direction or other conditions, a~~  
5     ~~slow-moving vehicle, including a passenger vehicle, behind which~~  
6     ~~five or more vehicles are formed in line, shall turn off the roadway~~  
7     ~~highway at the nearest place designated as a turnout by signs~~  
8     ~~erected by the authority having jurisdiction over the highway, or~~  
9     ~~wherever sufficient area for a safe turnout exists, in order to permit~~  
10    ~~the vehicles following it to proceed. As used in this section a~~  
11    ~~slow-moving vehicle is one which is proceeding at a rate of speed~~  
12    ~~less than the normal flow of traffic at the particular time and place.~~

13    ~~SECTION 1. Section 21760 of the Vehicle Code is amended~~  
14    ~~to read:~~

15    ~~21760. (a) This section shall be known and may be cited as~~  
16    ~~the Three Feet for Safety Act.~~

17    ~~(b) The driver of a motor vehicle overtaking and passing a~~  
18    ~~bicycle that is proceeding in the same direction on a highway shall~~  
19    ~~pass in compliance with the requirements of this article applicable~~  
20    ~~to overtaking and passing a vehicle, and shall do so at a safe~~  
21    ~~distance that does not interfere with the safe operation of the~~  
22    ~~overtaken bicycle, having due regard for the size and speed of the~~  
23    ~~motor vehicle and the bicycle, traffic conditions, weather, visibility,~~  
24    ~~and the surface and width of the highway.~~

1 ~~(e) A driver of a motor vehicle shall not overtake or pass a~~  
2 ~~bicycle proceeding in the same direction on a highway at a distance~~  
3 ~~of less than three feet between any part of the motor vehicle and~~  
4 ~~any part of the bicycle or its operator.~~

5 ~~(d) If the driver of a motor vehicle is unable to comply with~~  
6 ~~subdivision (c), due to traffic or roadway conditions, the driver~~  
7 ~~shall slow to a speed that is reasonable and prudent, and may pass~~  
8 ~~only when doing so would not endanger the safety of the operator~~  
9 ~~of the bicycle, taking into account the size and speed of the motor~~  
10 ~~vehicle and bicycle, traffic conditions, weather, visibility, and~~  
11 ~~surface and width of the highway.~~

12 ~~(e) (1) If the driver of a motor vehicle is unable to comply with~~  
13 ~~subdivision (d), the operator of a bicycle behind which five or~~  
14 ~~more vehicles are formed in line, shall turn off the roadway at the~~  
15 ~~nearest place designated as a turnout, or wherever sufficient area~~  
16 ~~for a safe turnout exists, in order to permit the vehicles following~~  
17 ~~the operator of the bicycle to proceed.~~

18 ~~(2) Section 40000.1 does not apply to a violation of this~~  
19 ~~subdivision.~~

20 ~~(f) (1) A violation of subdivision (b), (c), or (d) is an infraction~~  
21 ~~punishable by a fine of thirty-five dollars (\$35).~~

22 ~~(2) If a collision occurs between a motor vehicle and a bicycle~~  
23 ~~causing bodily injury to the operator of the bicycle, and the driver~~  
24 ~~of the motor vehicle is found to be in violation of subdivision (b),~~  
25 ~~(c), or (d), a two-hundred-twenty-dollar (\$220) fine shall be~~  
26 ~~imposed on that driver.~~

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