

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 902

Introduced by Assembly Members Bloom and Chiu

February 26, 2015

An act to amend Section ~~21200~~ 42005.3 of the Vehicle Code, relating to ~~vehicles~~: *traffic violations*.

LEGISLATIVE COUNSEL'S DIGEST

AB 902, as amended, Bloom. ~~Bicycle riders~~: *Traffic violations: diversion programs*.

Existing law specifies the penalties for a violation of the Vehicle Code or an ordinance or resolution adopted under the Vehicle Code, including the imposition of fines, fees, and forfeitures, and imprisonment, as specified. Existing law also specifies procedures related to the imposition of those penalties and the disposition of fees, fines, and forfeitures. Existing law provides that a local authority may not allow a person who has committed a traffic violation under the Vehicle Code to participate in a driver awareness or education program as an alternative to those penalties and procedures, unless the program is a diversion program for a minor who commits an infraction not involving a motor vehicle and for which no fee is charged.

This bill would instead allow any person of any age who commits an infraction not involving a motor vehicle to participate in a diversion program of the type described above. This bill would make other technical, nonsubstantive changes.

~~Existing law provides that a person riding a bicycle or operating a pedicab on a highway has the rights of, and is subject to specified existing provisions governing, the driver of a vehicle on a highway,~~

except for those provisions that by their very nature can have no application. Existing law also provides that a peace officer, as defined, operating a bicycle during the course of his or her duties and under specified circumstances is exempt from those provisions, subject to specified limitations.

~~This bill would make technical, nonsubstantive changes to those provisions.~~

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 42005.3 of the Vehicle Code is amended
2 to read:

3 ~~42005.3. Operative January 1, 1993, no-~~(a) A local authority
4 ~~may~~ shall not allow a person who is alleged to have committed a
5 traffic offense in violation of this ~~code~~ code, or an ordinance or
6 resolution adopted under this code, to participate in a driver
7 awareness or education program or in any other diversion program
8 as an alternative to the procedure required to be followed under
9 this code for alleged violations of this code.

10 ~~This~~

11 (b) ~~This~~ section does not apply to a diversion programs for
12 ~~minors~~ program for a person who ~~commit infractions~~ committed
13 an infraction not involving a motor vehicle and for which no fee
14 is charged.

15 SECTION 1. ~~Section 21200 of the Vehicle Code is amended~~
16 to read:

17 21200. ~~(a) A person riding a bicycle or operating a pedicab~~
18 ~~upon a highway has the rights and is subject to the provisions of~~
19 ~~this division applicable to the driver of a vehicle, including, but~~
20 ~~not limited to, provisions concerning driving under the influence~~
21 ~~of alcoholic beverages or drugs, and by Division 10 (commencing~~
22 ~~with Section 20000), Section 27400, Division 16.7 (commencing~~
23 ~~with Section 39000), Division 17 (commencing with Section~~
24 ~~40000.1), and Division 18 (commencing with Section 42000),~~
25 ~~except those provisions that by their very nature can have no~~
26 ~~application.~~

27 (b) (1) A peace officer, as defined in Chapter 4.5 (commencing
28 with Section 830) of Title 3 of Part 2 of the Penal Code, operating

1 a bicycle during the course of his or her duties is exempt from the
2 requirements of subdivision (a), except as those requirements relate
3 to driving under the influence of alcoholic beverages or drugs, if
4 the bicycle is being operated under any of the following
5 circumstances:
6 (A) In response to an emergency call.
7 (B) While engaged in rescue operations.
8 (C) In the immediate pursuit of an actual or suspected violator
9 of the law.
10 (2) This subdivision does not relieve a peace officer from the
11 duty to operate a bicycle with due regard for the safety of persons
12 using the highway.

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