

AMENDED IN ASSEMBLY JULY 9, 2015
AMENDED IN ASSEMBLY JUNE 25, 2015
AMENDED IN ASSEMBLY JUNE 15, 2015
AMENDED IN SENATE APRIL 22, 2015
AMENDED IN SENATE APRIL 7, 2015

SENATE BILL

No. 530

Introduced by Senator Pan

February 26, 2015

An act to amend Sections 467.5 and 23229 of, and to add Article 4.5 (commencing with Section 21215) to Chapter 1 of Division 11 of, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 530, as amended, Pan. Pedicabs.

Existing law generally regulates the operation of bicycles, including, among other things, providing that a person operating a bicycle on the highway has all the rights and is subject to all the provisions applicable to the driver of a vehicle, including a prohibition against operating a bicycle while under the influence of an alcoholic beverage or any drug. These provisions also apply to a pedicab, as defined. A violation of the provisions regulating the operation of a bicycle or pedicab is an offense.

This bill would expand the definition of a pedicab to include a 4-wheeled device that is primarily or exclusively pedal-powered, has a seating capacity for 8 or more passengers, cannot travel in excess of 15 miles per hour, and is being used for transporting passengers for hire, as prescribed. The bill would impose specified requirements on these pedicabs defined by the bill, relating to, among other things, a

maximum seating capacity for 15 passengers, local authorization to operate, operator qualifications and training, safety equipment, financial responsibility, and passenger alcohol consumption. Because a violation of these provisions would be a crime, this bill would impose a state-mandated local program.

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. Section 467.5 of the Vehicle Code is amended
2 to read:

3 467.5. "Pedicab" means any of the following:

4 (a) A bicycle that has three or more wheels, that transports, or
5 is capable of transporting, passengers on seats attached to the
6 bicycle, that is operated by a person, and that is being used for
7 transporting passengers for hire.

8 (b) A bicycle that pulls a trailer, sidecar, or similar device, that
9 transports, or is capable of transporting, passengers on seats
10 attached to the trailer, sidecar, or similar device, that is operated
11 by a person, and that is being used for transporting passengers for
12 hire.

13 (c) A four-wheeled device that is primarily or exclusively
14 pedal-powered, has a seating capacity for eight or more passengers,
15 cannot travel in excess of 15 miles per hour, and is being used for
16 transporting passengers for hire. A pedicab defined under this
17 subdivision is subject to the requirements of Article 4.5
18 (commencing with Section 21215) of Chapter 1 of Division 11.

19 SEC. 2. Article 4.5 (commencing with Section 21215) is added
20 to Chapter 1 of Division 11 of the Vehicle Code, to read:

21
22 Article 4.5. Operation of Pedicabs

23
24 21215. (a) A pedicab defined in subdivision (c) of Section
25 467.5 shall operate subject to all of the following requirements:

1 (1) The pedicab shall have a seating capacity for not more than
2 15 passengers.

3 (2) The pedicab shall be authorized by local ordinance or
4 resolution to operate within the applicable local jurisdiction.

5 (3) The operator of the pedicab shall be at least 21 years of age,
6 with a valid California driver's license.

7 (4) The pedicab shall be equipped with seatbelts for all
8 passengers, seat backs, brakes, reflectors, headlights, and grab
9 rails. A pedicab that does not meet these requirements shall meet
10 these requirements by January 1, 2017, in order to continue
11 operation.

12 (5) The operator of the pedicab shall at all times be able to
13 establish financial responsibility pursuant to Division 7
14 (commencing with Section 16000).

15 (6) A pedicab shall not operate on any highway under the
16 jurisdiction of the local authority unless authorized by resolution
17 or ordinance.

18 (b) (1) If alcoholic beverages are consumed on board the
19 pedicab, a pedicab defined in subdivision (c) of Section 467.5 shall
20 additionally operate subject to all of the following requirements:

21 (A) The consumption of alcoholic beverages onboard the
22 pedicab shall be authorized by local ordinance or resolution.

23 (B) An onboard safety monitor who is 21 years of age or older
24 shall be present whenever alcohol is being consumed by passengers
25 during the operation of the pedicab. The onboard safety monitor
26 shall not be under the influence of any alcoholic beverage and
27 shall be considered as driving the pedicab for purposes of Article
28 2 (commencing with Section 23152) of Chapter 12 of Division 11
29 during the operation of the pedicab.

30 (C) Both the operator and safety monitor shall have completed
31 either the Licensee Education on Alcohol and Drugs (LEAD)
32 program implemented by the Department of Alcoholic Beverage
33 Control or a training course utilizing the curriculum components
34 recommended by the Responsible Beverage Service Advisory
35 Board established by the Director of Alcoholic Beverage Control.

36 (D) Alcoholic beverages shall not be provided by the operator
37 or onboard safety monitor or any employee or agent of the operator
38 or onboard safety monitor of the pedicab. Alcoholic beverages
39 may only be supplied by the passengers of the pedicab. All
40 alcoholic beverages supplied by passengers of the pedicab shall

1 be in ~~enclosed~~ and enclosed, sealed, and unopened containers that
 2 have been labeled pursuant to Chapter 13 (commencing with
 3 Section 25170) of Division 9 of the Business and Professions Code
 4 prior to their consumption on board the pedicab.

5 (E) Alcoholic beverages may be consumed by a passenger of
 6 the pedicab only while he or she is physically on board and within
 7 the pedicab.

8 ~~(E)~~

9 (F) All passengers shall be 21 years of age or older if alcohol
 10 is consumed during the operation of the pedicab.

11 ~~(F)~~

12 (G) For purposes of this subdivision, passengers who are
 13 pedaling the device are not operators.

14 (2) A license or permit from the Department of Alcoholic
 15 Beverage Control shall not be required of the operator or onboard
 16 safety monitor, so long as neither they, nor their employees or
 17 agents sell, serve, or furnish any alcoholic beverage to any
 18 passenger.

19 (3) For purposes of this section, “alcoholic beverage” has the
 20 same meaning as defined in Section 23004 of the Business and
 21 Professions Code.

22 (c) This article only applies to pedicabs defined by subdivision
 23 (c) of Section 467.5, and does not apply to pedicabs defined in
 24 subdivision (a) or (b) of Section 467.5.

25 21215.5. This article does not preclude a local authority from
 26 imposing more stringent operating or equipment requirements on
 27 a pedicab subject to this article.

28 SEC. 3. Section 23229 of the Vehicle Code is amended to read:

29 23229. (a) Except as provided in Section 23229.1, Sections
 30 23221 and 23223 do not apply to passengers in any bus, taxicab,
 31 or limousine for hire licensed to transport passengers pursuant to
 32 the Public Utilities Code or proper local authority, the living
 33 quarters of a housecar or camper, or of a pedicab operated pursuant
 34 to Article 4.5 (commencing with Section 21215) of Chapter 1.

35 (b) Except as provided in Section 23229.1, Section 23225 does
 36 not apply to the driver or owner of a bus, taxicab, or limousine for
 37 hire licensed to transport passengers pursuant to the Public Utilities
 38 Code or proper local authority, or of a pedicab operated pursuant
 39 to Article 4.5 (commencing with Section 21215) of Chapter 1.

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

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