

AMENDED IN ASSEMBLY SEPTEMBER 3, 2015

AMENDED IN ASSEMBLY AUGUST 31, 2015

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, *and to repeal Section 21215.2 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, inspections, financial responsibility, ~~and reporting of accidents to the Department of the California Highway Patrol, the loading and unloading of passengers, and general operation of pedicabs.~~ The bill would, until January 1, 2020, establish requirements for pedicabs that allow 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.

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

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4
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Article 4.5. Operation of Pedicabs

6 21215. (a) A pedicab defined in subdivision (c) of Section
7 467.5 shall operate subject to all of the following requirements:

8 (1) The pedicab shall have a seating capacity for not more than
9 15 passengers.

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

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

14 (4) The pedicab shall be equipped with seatbelts for all
15 passengers, seat backs, brakes, reflectors, headlights, and grab
16 rails. The pedicab shall be inspected annually for compliance with
17 the requirements of this paragraph by an entity designated by the
18 local jurisdiction that authorized the pedicab to operate. The entity
19 may charge a reasonable fee to cover the costs of the inspection.
20 A pedicab that does not meet these requirements shall meet these
21 requirements by January 1, 2017, in order to continue operation.

22 (5) The operator of the pedicab shall at all times be able to
23 establish financial responsibility in a minimum amount of one
24 million dollars (\$1,000,000) general liability insurance coverage
25 and an additional five hundred thousand dollars (\$500,000) general
26 umbrella insurance that covers the pedicab. The local jurisdiction
27 that authorized the pedicab to operate may require additional proof
28 of financial responsibility.

29 (6) A pedicab shall not operate on any highway under the
30 jurisdiction of the local authority unless authorized by resolution
31 or ordinance. A pedicab shall not operate on any freeway and shall
32 not operate on any highway with a posted speed limit in excess of
33 30 miles per hour, except to cross the highway at an intersection.

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

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

39 ~~(B) An onboard safety monitor who is 21 years of age or older~~
40 ~~shall be present whenever alcohol is being consumed by passengers~~

1 during the operation of the pedicab. The onboard safety monitor
2 shall not be under the influence of any alcoholic beverage and
3 shall be considered as driving the pedicab for purposes of Article
4 2 (commencing with Section 23152) of Chapter 12 of Division 11
5 during the operation of the pedicab.

6 ~~(C) Both the operator and safety monitor shall have completed~~
7 ~~either the Licensee Education on Alcohol and Drugs (LEAD)~~
8 ~~program implemented by the Department of Alcoholic Beverage~~
9 ~~Control or a training course utilizing the curriculum components~~
10 ~~recommended by the Responsible Beverage Service Advisory~~
11 ~~Board established by the Director of Alcoholic Beverage Control.~~

12 ~~(D) Alcoholic beverages shall not be provided by the operator~~
13 ~~or onboard safety monitor or any employee or agent of the operator~~
14 ~~or onboard safety monitor of the pedicab. Alcoholic beverages~~
15 ~~may only be supplied by the passengers of the pedicab. All~~
16 ~~alcoholic beverages supplied by passengers of the pedicab shall~~
17 ~~be in enclosed, sealed, and unopened containers that have been~~
18 ~~labeled pursuant to Chapter 13 (commencing with Section 25170)~~
19 ~~of Division 9 of the Business and Professions Code prior to their~~
20 ~~consumption on board the pedicab.~~

21 ~~(E) Alcoholic beverages may be consumed by a passenger of~~
22 ~~the pedicab only while he or she is physically on board and within~~
23 ~~the pedicab.~~

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

26 ~~(G) For purposes of this subdivision, passengers who are~~
27 ~~pedaling the device are not operators.~~

28 ~~(2) A license or permit from the Department of Alcoholic~~
29 ~~Beverage Control shall not be required of the operator or onboard~~
30 ~~safety monitor, so long as neither they, nor their employees or~~
31 ~~agents sell, serve, or furnish any alcoholic beverage to any~~
32 ~~passenger.~~

33 ~~(3) For purposes of this section, "alcoholic beverage" has the~~
34 ~~same meaning as defined in Section 23004 of the Business and~~
35 ~~Professions Code.~~

36 ~~(7) The operator of the pedicab shall annually report to the~~
37 ~~Department of the California Highway Patrol, commencing on~~
38 ~~January 1, 2016, any accidents caused or experienced by the~~
39 ~~pedicabs.~~

1 (8) *The pedicab shall not load or unload passengers on*
2 *roadways or in the middle of highways.*

3 (9) *Pedicabs shall be operated as close as practicable to the*
4 *right hand curb or edge of the roadway, except when necessary*
5 *to overtake another vehicle, to avoid a stationary object, or when*
6 *preparing to make a left turn.*

7 ~~(e)~~

8 (b) *This article only applies to pedicabs defined by subdivision*
9 *(c) of Section 467.5, and does not apply to pedicabs defined in*
10 *subdivision (a) or (b) of Section 467.5.*

11 21215.2. (a) *If alcoholic beverages are consumed on board*
12 *the pedicab, a pedicab defined in subdivision (c) of Section 467.5*
13 *shall additionally operate subject to all of the following*
14 *requirements:*

15 (1) *The consumption of alcoholic beverages onboard the pedicab*
16 *shall be authorized by local ordinance or resolution.*

17 (2) *An onboard safety monitor who is 21 years of age or older*
18 *shall be present whenever alcohol is being consumed by passengers*
19 *during the operation of the pedicab. The onboard safety monitor*
20 *shall not be under the influence of any alcoholic beverage and*
21 *shall be considered as driving the pedicab for purposes of Article*
22 *2 (commencing with Section 23152) of Chapter 12 of Division 11*
23 *during the operation of the pedicab.*

24 (3) *Both the operator and safety monitor shall have completed*
25 *either the Licensee Education on Alcohol and Drugs (LEAD)*
26 *program implemented by the Department of Alcoholic Beverage*
27 *Control or a training course utilizing the curriculum components*
28 *recommended by the Responsible Beverage Service Advisory Board*
29 *established by the Director of Alcoholic Beverage Control.*

30 (4) *Alcoholic beverages shall not be provided by the operator*
31 *or onboard safety monitor or any employee or agent of the operator*
32 *or onboard safety monitor of the pedicab. Alcoholic beverages*
33 *may only be supplied by the passengers of the pedicab. All*
34 *alcoholic beverages supplied by passengers of the pedicab shall*
35 *be in enclosed, sealed, and unopened containers that have been*
36 *labeled pursuant to Chapter 13 (commencing with Section 25170)*
37 *of Division 9 of the Business and Professions Code prior to their*
38 *consumption on board the pedicab.*

1 (5) *Alcoholic beverages may be consumed by a passenger of*
2 *the pedicab only while he or she is physically on board and within*
3 *the pedicab.*

4 (6) *All passengers shall be 21 years of age or older if alcohol*
5 *is consumed during the operation of the pedicab.*

6 (7) *For purposes of this subdivision, passengers who are*
7 *pedaling the device are not operators.*

8 (b) *A license or permit from the Department of Alcoholic*
9 *Beverage Control shall not be required of the operator or onboard*
10 *safety monitor, so long as neither they, nor their employees or*
11 *agents sell, serve, or furnish any alcoholic beverage to any*
12 *passenger.*

13 (c) *For purposes of this section, “alcoholic beverage” has the*
14 *same meaning as defined in Section 23004 of the Business and*
15 *Professions Code.*

16 (d) *This section shall remain in effect only until January 1, 2020,*
17 *and as of that date is repealed, unless a later enacted statute, that*
18 *is enacted before January 1, 2020, deletes or extends that date.*

19 21215.5. This article does not preclude a local authority from
20 imposing more stringent operating or equipment requirements on
21 a pedicab subject to this article.

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

23 23229. (a) Except as provided in Section 23229.1, Sections
24 23221 and 23223 do not apply to passengers in any bus, taxicab,
25 or limousine for hire licensed to transport passengers pursuant to
26 the Public Utilities Code or proper local authority, the living
27 quarters of a housecar or camper, or of a pedicab operated pursuant
28 to Article 4.5 (commencing with Section 21215) of Chapter 1.

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

34 SEC. 4. No reimbursement is required by this act pursuant to
35 Section 6 of Article XIII B of the California Constitution because
36 the only costs that may be incurred by a local agency or school
37 district will be incurred because this act creates a new crime or
38 infraction, eliminates a crime or infraction, or changes the penalty
39 for a crime or infraction, within the meaning of Section 17556 of
40 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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