

ASSEMBLY BILL

No. 1909

Introduced by Assembly Member Friedman

February 9, 2022

An act to amend Sections 21207.5, 21456, 21456.2, 21760, and 39002 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1909, as introduced, Friedman. Vehicles: bicycle omnibus bill.

Existing law generally regulates the operation of bicycles upon a highway. A violation of these provisions, generally, is punishable as an infraction.

(1) Existing law prohibits the operation of a motorized bicycle or a class 3 electric bicycle on a bicycle path or trail, bikeway, bicycle lane, equestrian trail, or hiking or recreational trail, as specified. Existing law authorizes a local authority to additionally prohibit the operation of class 1 and class 2 electric bicycles on these facilities.

This bill would remove the prohibition of class 3 electric bicycles on these facilities and would remove the authority of a local jurisdiction to prohibit class 1 and class 2 electric bicycles on these facilities. The bill would instead authorize a local authority to prohibit the operation of a class 3 electric bicycle at a motor-assisted speed greater than 20 miles per hour.

(2) Existing law requires a vehicle at an intersection controlled by a traffic control signal, or traffic light, to stop or proceed as directed by the signal. Existing law makes these provisions applicable to pedestrians and bicycles, as specified. Under existing law, a pedestrian facing a solid red traffic control signal may enter the intersection if directed to

do so by a pedestrian control signal displaying “WALK” or an approved “walking person” symbol.

This bill would extend this authorization to cross the intersection to a bicycle, unless otherwise directed by a bicycle control signal.

(3) Existing law requires the driver of a motor vehicle that is passing or overtaking a bicycle to do so in a safe manner, as specified, and in no case at a distance of less than 3 feet.

This bill would additionally require a vehicle that is passing or overtaking a vehicle to move over to an adjacent lane of traffic, as specified, if one is available, before passing or overtaking the bicycle.

(4) Existing law authorizes a local authority to adopt a bicycle licensing ordinance or resolution, as specified. Existing law authorizes a local authority that has adopted a bicycle licensing ordinance or resolution to prohibit a resident of that jurisdiction to operate a bicycle in a public place within the jurisdiction unless the bicycle is licensed.

This bill would instead prohibit a jurisdiction from requiring any bicycle operated within its jurisdiction to be licensed.

(5) By changing the existing elements of existing infractions, 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 21207.5 of the Vehicle Code is amended
2 to read:
3 21207.5. (a) Notwithstanding Sections 21207 and 23127 of
4 this code, or any other law, a motorized bicycle ~~or class 3 electric~~
5 bicycle shall not be operated on a bicycle path or trail, bikeway,
6 bicycle lane established pursuant to Section 21207, equestrian
7 trail, or hiking or recreational trail, unless it is within or adjacent
8 to a roadway or unless the local authority or the governing body
9 of a public agency having jurisdiction over the path or trail permits,
10 by ordinance, that operation.

(b) The local authority or governing body of a public agency having jurisdiction over a bicycle path or trail, equestrian trail, or hiking or recreational trail, may prohibit, by ordinance, the operation of a class ~~1~~ or class ~~2~~ ³ electric bicycle *at a motor-assisted speed exceeding 20 miles per hour* on that path or trail.

SEC. 2. Section 21456 of the Vehicle Code is amended to read:

21456. If a pedestrian control signal showing the words “WALK” or “WAIT” or “DON’T WALK” or other approved symbol is in place, the signal shall indicate as follows:

(a) A “WALK” or approved “Walking Person” symbol means a pedestrian facing the signal may proceed across the roadway in the direction of the signal, but shall yield the right-of-way to vehicles lawfully within the intersection at the time that signal is first shown. *Except as otherwise directed by a bicycle control signal described in Section 21456.3, the operator of a bicycle facing a pedestrian control signal displaying a “WALK” or approved “Walking Person” symbol may proceed across the roadway in the direction of the signal, but shall yield the right of way to any vehicles or pedestrians lawfully within the intersection.*

(b) A flashing “DON’T WALK” or “WAIT” or approved “Upraised Hand” symbol with a “countdown” signal indicating the time remaining for a pedestrian to cross the roadway means a pedestrian facing the signal may start to cross the roadway in the direction of the signal but must complete the crossing prior to the display of the steady “DON’T WALK” or “WAIT” or approved “Upraised Hand” symbol when the “countdown” ends.

(c) A steady “DON’T WALK” or “WAIT” or approved “Upraised Hand” symbol or a flashing “DON’T WALK” or “WAIT” or approved “Upraised Hand” without a “countdown” signal indicating the time remaining for a pedestrian to cross the roadway means a pedestrian facing the signal shall not start to cross the roadway in the direction of the signal, but any pedestrian who started the crossing during the display of the “WALK” or approved “Walking Person” symbol and who has partially completed crossing shall proceed to a sidewalk or safety zone or otherwise leave the roadway while the steady “WAIT” or “DON’T WALK” or approved “Upraised Hand” symbol is showing.

SEC. 3. Section 21456.2 of the Vehicle Code is amended to read:

1 21456.2. (a) Unless otherwise directed by a bicycle signal as
2 provided in Section 21456.3, *or as otherwise provided in*
3 *subdivision (a) of Section 21456*, an operator of a bicycle shall
4 obey the provisions of this article applicable to the driver of a
5 vehicle.

6 (b) Whenever an official traffic control signal exhibiting
7 different colored bicycle symbols is shown concurrently with
8 official traffic control signals *or pedestrian control signals*
9 exhibiting different colored lights or arrows, an operator of a
10 bicycle facing those traffic control signals shall obey the bicycle
11 signals as provided in Section 21456.3.

12 SEC. 4. Section 21760 of the Vehicle Code is amended to read:

13 21760. (a) This section shall be known and may be cited as
14 the Three Feet for Safety Act.

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

23 (c) A driver of a motor vehicle shall not overtake or pass a
24 bicycle proceeding in the same direction on a highway at a distance
25 of less than three feet between any part of the motor vehicle and
26 any part of the bicycle or its operator.

27 (d) If the driver of a motor vehicle is unable to comply with
28 subdivision (c), due to traffic or roadway conditions, the driver
29 shall slow to a speed that is reasonable and prudent, and may pass
30 only when doing so would not endanger the safety of the operator
31 of the bicycle, taking into account the size and speed of the motor
32 vehicle and bicycle, traffic conditions, weather, visibility, and
33 surface and width of the highway.

34 (e) *The driver of a motor vehicle overtaking or passing a bicycle*
35 *that is proceeding in the same direction and in the same lane of*
36 *travel shall, if another lane of traffic proceeding in the same*
37 *direction is available, make a lane change into another available*
38 *lane with due regard for safety and traffic conditions, if practicable*
39 *and not prohibited by law, before overtaking or passing the bicycle.*

40 (e)

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

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

8 ~~(f) This section shall become operative on September 16, 2014.~~

9 SEC. 5. Section 39002 of the Vehicle Code is amended to read:

10 39002. (a) A city or county, which adopts a bicycle licensing
11 ordinance or resolution, ~~may provide in the ordinance or resolution~~
12 ~~that no resident shall operate any bicycle, as specified in the~~
13 ~~ordinance, on any street, road, highway, or other public property~~
14 ~~within the jurisdiction of the city or county, as the case may be,~~
15 ~~unless the bicycle is licensed in accordance with this division. shall~~
16 ~~not prohibit the operation of an unlicensed bicycle.~~

17 (b) It is unlawful for any person to tamper with, destroy,
18 mutilate, or alter any license indicia or registration form, or to
19 remove, alter, or mutilate the serial number, or the identifying
20 marks of a licensing agency's identifying symbol, on any bicycle
21 frame licensed under this division.

22 SEC. 6. No reimbursement is required by this act pursuant to
23 Section 6 of Article XIII B of the California Constitution because
24 the only costs that may be incurred by a local agency or school
25 district will be incurred because this act creates a new crime or
26 infraction, eliminates a crime or infraction, or changes the penalty
27 for a crime or infraction, within the meaning of Section 17556 of
28 the Government Code, or changes the definition of a crime within
29 the meaning of Section 6 of Article XIII B of the California
30 Constitution.