

Assembly Bill No. 1755

CHAPTER 139

An act to amend Section 21200 of the Vehicle Code, relating to bikeways.

[Approved by Governor July 20, 2018. Filed with Secretary of State July 20, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1755, Steinorth. Bicycle operation.

Existing law regulates the operation of bicycles and pedicabs. Existing law defines a Class I bikeway as a bike path or shared use path that provides a completely separated right-of-way designated for the exclusive use of bicycles and pedestrians. Under existing law, a person riding a bicycle or operating a pedicab on a highway has all the rights prescribed in, and is subject to the requirements in, the Vehicle Code that are applicable to the driver of a vehicle.

This bill would subject a person riding a bicycle on a Class I bikeway to those rights and requirements of the Vehicle Code that apply if that person is involved in an accident resulting in injury or death of a person other than himself or herself, as specified. Because a violation of those provisions of the Vehicle Code by that person 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.

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

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

21200. (a) (1) A person riding a bicycle or operating a pedicab upon a highway has all the rights and is subject to all the provisions applicable to the driver of a vehicle by this division, including, but not limited to, provisions concerning driving under the influence of alcoholic beverages or drugs, and by Division 10 (commencing with Section 20000), Section 27400, Division 16.7 (commencing with Section 39000), Division 17 (commencing with Section 40000.1), and Division 18 (commencing with Section 42000), except those provisions which by their very nature can have no application.

(2) A person operating a bicycle on a Class I bikeway, as defined in subdivision (a) of Section 890.4 of the Streets and Highways Code, has all

the rights and is subject to all the provisions applicable to the driver of a vehicle pursuant to Section 20001, except those provisions which by their very nature can have no application.

(b) (1) A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, operating a bicycle during the course of his or her duties is exempt from the requirements of subdivision (a), except as those requirements relate to driving under the influence of alcoholic beverages or drugs, if the bicycle is being operated under any of the following circumstances:

(A) In response to an emergency call.

(B) While engaged in rescue operations.

(C) In the immediate pursuit of an actual or suspected violator of the law.

(2) This subdivision does not relieve a peace officer from the duty to operate a bicycle with due regard for the safety of all persons using the highway.

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