

Assembly Bill No. 122

Passed the Assembly September 1, 2021

Chief Clerk of the Assembly

Passed the Senate August 30, 2021

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2021, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend, repeal, and add Sections 21800, 21802, and 22450 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 122, Boerner Horvath. Vehicles: required stops: bicycles.

Existing law requires the driver of any vehicle, including a person riding a bicycle, when approaching a stop sign at the entrance of an intersection, to stop before entering the intersection. A violation of this requirement is an infraction.

This bill would, until January 1, 2028, require a person riding a bicycle, when approaching a stop sign at the entrance of an intersection, to yield the right-of-way to any vehicles that have either stopped at or entered the intersection, or that are approaching on the intersecting highway close enough to constitute an immediate hazard, and to pedestrians, as specified, and continue to yield the right-of-way to those vehicles and pedestrians until reasonably safe to proceed. The bill would require other vehicles to yield the right-of-way to a bicycle that, having yielded as prescribed, has entered the intersection. The bill would state that these provisions do not affect the liability of a driver of a motor vehicle as a result of the driver's negligent or wrongful act or omission in the operation of a motor vehicle.

The bill would also require the Commissioner of the California Highway Patrol to submit a report to the Legislature, as specified, regarding the effects of this bill.

By changing the elements of an existing 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 21800 of the Vehicle Code is amended to read:

21800. (a) The driver of a vehicle approaching an intersection shall yield the right-of-way to any vehicle that has entered the intersection from a different highway, including a bicycle that has entered the intersection after yielding as required by subdivision (d) of Section 22450.

(b) (1) When two vehicles enter an intersection from different highways at the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on their immediate right, except that the driver of any vehicle on a terminating highway shall yield the right-of-way to any vehicle on the intersecting continuing highway.

(2) For the purposes of this section, “terminating highway” means a highway that intersects, but does not continue beyond the intersection, with another highway that does continue beyond the intersection.

(c) When two vehicles enter an intersection from different highways at the same time and the intersection is controlled from all directions by stop signs, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on their immediate right.

(d) (1) The driver of any vehicle approaching an intersection that has official traffic control signals that are inoperative shall stop at the intersection, and may proceed with caution when it is safe to do so.

(2) When two vehicles enter an intersection from different highways at the same time, and the official traffic control signals for the intersection are inoperative, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on their immediate right, except that the driver of any vehicle on a terminating highway shall yield the right-of-way to any vehicle on the intersecting continuing highway.

(e) This section does not apply to any of the following:

(1) Any intersection controlled by an official traffic control signal or yield right-of-way sign.

(2) Any intersection controlled by stop signs from less than all directions.

(3) When vehicles are approaching each other from opposite directions and the driver of one of the vehicles intends to make, or is making, a left turn.

(f) This section shall remain in effect only until January 1, 2028, and as of that date is repealed.

SEC. 2. Section 21800 is added to the Vehicle Code, to read:

21800. (a) The driver of a vehicle approaching an intersection shall yield the right-of-way to any vehicle that has entered the intersection from a different highway.

(b) (1) When two vehicles enter an intersection from different highways at the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on their immediate right, except that the driver of any vehicle on a terminating highway shall yield the right-of-way to any vehicle on the intersecting continuing highway.

(2) For the purposes of this section, “terminating highway” means a highway that intersects, but does not continue beyond the intersection, with another highway that does continue beyond the intersection.

(c) When two vehicles enter an intersection from different highways at the same time and the intersection is controlled from all directions by stop signs, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on their immediate right.

(d) (1) The driver of any vehicle approaching an intersection that has official traffic control signals that are inoperative shall stop at the intersection, and may proceed with caution when it is safe to do so.

(2) When two vehicles enter an intersection from different highways at the same time, and the official traffic control signals for the intersection are inoperative, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on their immediate right, except that the driver of any vehicle on a terminating highway shall yield the right-of-way to any vehicle on the intersecting continuing highway.

(e) This section does not apply to any of the following:

(1) Any intersection controlled by an official traffic control signal or yield right-of-way sign.

(2) Any intersection controlled by stop signs from less than all directions.

(3) When vehicles are approaching each other from opposite directions and the driver of one of the vehicles intends to make, or is making, a left turn.

(f) This section shall become operative on January 1, 2028.

SEC. 3. Section 21802 of the Vehicle Code is amended to read:

21802. (a) The driver of any vehicle approaching a stop sign at the entrance to, or within, an intersection shall stop as required by Section 22450, or, in the case of a bicycle, yield as required by subdivision (d) of that section. The driver shall then yield the right-of-way to any vehicles that have approached from another highway, or that are approaching so closely as to constitute an immediate hazard, and shall continue to yield the right-of-way to those vehicles until they can proceed with reasonable safety.

(b) A driver having yielded as prescribed in subdivision (a) may proceed to enter the intersection, and the drivers of all other approaching vehicles shall yield the right-of-way to the vehicle entering or crossing the intersection.

(c) This section does not apply where stop signs are erected upon all approaches to an intersection.

(d) This section shall remain in effect only until January 1, 2028, and as of that date is repealed.

SEC. 4. Section 21802 is added to the Vehicle Code, to read:

21802. (a) The driver of any vehicle approaching a stop sign at the entrance to, or within, an intersection shall stop as required by Section 22450. The driver shall then yield the right-of-way to any vehicles that have approached from another highway, or that are approaching so closely as to constitute an immediate hazard, and shall continue to yield the right-of-way to those vehicles until they can proceed with reasonable safety.

(b) A driver having yielded as prescribed in subdivision (a) may proceed to enter the intersection, and the drivers of all other approaching vehicles shall yield the right-of-way to the vehicle entering or crossing the intersection.

(c) This section does not apply where stop signs are erected upon all approaches to an intersection.

(d) This section shall become operative on January 1, 2028.

SEC. 5. Section 22450 of the Vehicle Code is amended to read:

22450. (a) Except as otherwise provided in subdivision (d), the driver of any vehicle approaching a stop sign at the entrance to, or within, an intersection shall stop at a limit line, if marked,

otherwise before entering the crosswalk on the near side of the intersection.

If there is no limit line or crosswalk, the driver shall stop at the entrance to the intersecting roadway.

(b) The driver of a vehicle approaching a stop sign at a railroad grade crossing shall stop at a limit line, if marked, otherwise before crossing the first track or entrance to the railroad grade crossing.

(c) Notwithstanding any other provision of law, a local authority may adopt rules and regulations by ordinance or resolution providing for the placement of a stop sign at any location on a highway under its jurisdiction where the stop sign would enhance traffic safety.

(d) A person riding a bicycle approaching a stop sign at the entrance to, or within, an intersection shall, upon arriving at the sign, yield the right-of-way to any vehicles that have stopped at the entrance to the intersection, have entered the intersection, or that are approaching on the intersecting highway close enough to constitute an immediate hazard, and to pedestrians as required by Section 21950, and shall continue to yield the right-of-way to those vehicles and pedestrians until it is reasonably safe to proceed.

(e) (1) The Commissioner of the California Highway Patrol shall submit a report to the Legislature, on or before January 1, 2027, about the effects of bicycles operating under the provisions of subdivision (d), subdivision (a) of Section 21800, and subdivision (a) of Section 21802. The report shall include, without limitation, information about statewide injury and fatal traffic crash data and any associated traffic-related safety issues, including, but not limited to, a detailed analysis of the following issues:

- (A) Changes in the frequency of collisions.
- (B) Changes in the severity of collisions.
- (C) Causes of and contributing factors in collisions.
- (D) Location of collisions, including an analysis of collision data.
- (E) Time of day of collisions.
- (F) Ages of bicyclists involved, including a breakdown of minors versus adults.

(G) Types of bicycles involved in collisions, specifically differences between traditional bicycles and electric bicycles.

(2) The report required by this subdivision shall be submitted in compliance with Section 9795 of the Government Code.

(f) This section does not affect the liability of a driver of a motor vehicle as a result of the driver's negligent or wrongful act or omission in the operation of a motor vehicle.

(g) This section shall remain in effect only until January 1, 2028, and as of that date is repealed.

SEC. 6. Section 22450 is added to the Vehicle Code, to read:

22450. (a) The driver of any vehicle approaching a stop sign at the entrance to, or within, an intersection shall stop at a limit line, if marked, otherwise before entering the crosswalk on the near side of the intersection.

If there is no limit line or crosswalk, the driver shall stop at the entrance to the intersecting roadway.

(b) The driver of a vehicle approaching a stop sign at a railroad grade crossing shall stop at a limit line, if marked, otherwise before crossing the first track or entrance to the railroad grade crossing.

(c) Notwithstanding any other provision of law, a local authority may adopt rules and regulations by ordinance or resolution providing for the placement of a stop sign at any location on a highway under its jurisdiction where the stop sign would enhance traffic safety.

(d) This section shall become operative on January 1, 2028.

SEC. 7. 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.

Approved _____, 2021

Governor