

AMENDED IN ASSEMBLY SEPTEMBER 7, 2023

AMENDED IN ASSEMBLY SEPTEMBER 1, 2023

AMENDED IN ASSEMBLY JUNE 29, 2023

AMENDED IN SENATE MAY 18, 2023

AMENDED IN SENATE MARCH 30, 2023

AMENDED IN SENATE FEBRUARY 13, 2023

SENATE BILL

No. 50

Introduced by Senator Bradford

(Principal coauthors: Assembly Members Bryan and Kalra)

(Coauthors: Senators Menjivar, Skinner, and Wahab)

(Coauthors: Assembly Members Friedman, Jackson, McKinnor, and Wilson)

December 5, 2022

An act to amend Sections 21 and 21100 of, and to add Section 2804.5 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 50, as amended, Bradford. Vehicles: enforcement.

Existing law authorizes a peace officer to make an arrest pursuant to a warrant or without a warrant if, among other circumstances, the officer has probable cause to believe that the person has committed a public offense in the officer's presence. Under existing law, it is unlawful to disobey the lawful order, signal, or direction of a uniformed peace officer performing any duties pursuant to the Vehicle Code or to refuse to submit to any lawful vehicular inspection authorized by the Vehicle Code.

Existing case law deems a temporary detention of a person during an automobile stop by the police, even if only for a brief period and for a limited purpose, a seizure, under the Fourth Amendment of the Constitution of the United States, and as such, requires the actions to be reasonable. Under existing case law, the decision to stop an automobile is reasonable if the police have probable cause to believe that a traffic violation has occurred. Existing case law holds that constitutional reasonableness of traffic stops does not depend on the actual motivations of the individual officers involved and that ulterior motives do not invalidate police conduct that is justifiable on the basis of probable cause to believe that a violation of law has occurred.

This bill would prohibit a peace officer from stopping or detaining the operator of a motor vehicle or bicycle for a low-level infraction, as defined, unless a separate, independent basis for a stop exists or more than one low-level infraction is observed. The bill would state that a violation of these provisions is not grounds for a defendant to move for return of property or to suppress evidence. The bill would authorize a peace officer who does not have grounds to stop a vehicle or bicycle, but can determine the identity of the owner, to send a citation or warning letter to the owner.

The bill would authorize local authorities to enforce a nonmoving or equipment violation of the Vehicle Code through government employees who are not peace officers.

This bill would incorporate additional changes to Section 21100 of the Vehicle Code proposed by AB 436 and AB 825 to be operative only if this bill and AB 436, this bill and AB 825, or this bill, AB 436, and AB 825 are enacted and this bill is enacted last.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

- 1 SECTION 1. Section 21 of the Vehicle Code is amended to
- 2 read:
- 3 21. (a) Except as otherwise expressly provided, the provisions
- 4 of this code are applicable and uniform throughout the state and
- 5 in all counties and municipalities therein, and a local authority
- 6 shall not enact or enforce any ordinance or resolution on the matters
- 7 covered by this code, including ordinances or resolutions that
- 8 establish regulations or procedures for, or assess a fine, penalty,

1 assessment, or fee for a violation of, matters covered by this code,
2 unless expressly authorized by this code.

3 (b) To the extent permitted by current state law, this section
4 does not impair the current lawful authority of the Mountains
5 Recreation and Conservation Authority, a joint powers authority,
6 or any member agency constituted therein as of July 1, 2010, to
7 enforce an ordinance or resolution relating to the management of
8 public lands within its jurisdiction.

9 (c) This section does not preclude a county, city, municipality,
10 or any other local authority from enforcing a nonmoving or
11 equipment violation provided in this code through government
12 employees who are not peace officers.

13 SEC. 2. Section 2804.5 is added to the Vehicle Code, to read:

14 2804.5. (a) (1) For the purpose of this section, “low-level
15 infraction” means any of the following:

16 (A) A violation related to the registration of a vehicle or vehicle
17 equipment in Sections 4000 and 5352.

18 (B) A violation related to the positioning or number of license
19 plates when the rear license plate is clearly displayed, in Sections
20 5200, 5201, and 5204.

21 (C) A violation related to vehicle lighting equipment not
22 illuminating, if the violation is limited to a single brake light,
23 headlight, rear license plate, or running light, or a single bulb in a
24 larger light of the same, in Sections 24252, 24400, 24600, 24601,
25 and 24603.

26 (D) A violation related to vehicle bumper equipment in Section
27 28071.

28 (E) A violation related to bicycle equipment or operation in
29 Sections 21201 and 21212.

30 (2) “Low-level infraction” does not include violations relating
31 to commercial vehicles.

32 (b) (1) Notwithstanding any other law, a peace officer shall not
33 stop or detain the operator of a motor vehicle or a bicycle for a
34 low-level infraction unless there is a separate, independent basis
35 to initiate the stop or more than one low-level infraction is
36 observed.

37 (2) A violation of this subdivision is not grounds for a defendant
38 to move for the return of property or to suppress evidence pursuant
39 to Section 1538.5 of the Penal Code.

1 (c) If an officer does not have grounds to stop or detain the
2 operator of a motor vehicle or bicycle, and the officer can identify
3 the owner of the vehicle, the officer's agency may, consistent with
4 current law, mail a citation to the owner, or send a warning letter
5 identifying the violation and instructing the owner to correct the
6 defect or otherwise remedy the violation.

7 (d) To the extent that this section relates to the reporting process
8 for stop data required by Section 12525.5 of the Government Code,
9 the Attorney General shall issue any necessary updates to the
10 technical specifications, with the system modifications taking
11 effect by July 1, 2025.

12 SEC. 3. Section 21100 of the Vehicle Code is amended to read:
13 21100. Local authorities may adopt rules and regulations by
14 ordinance or resolution regarding all of the following matters:

15 (a) Regulating or prohibiting processions or assemblages on the
16 highways.

17 (b) Licensing and regulating the operation of vehicles for hire
18 and drivers of passenger vehicles for hire.

19 (c) Regulating traffic by means of traffic officers, or other
20 government employees if they are enforcing a nonmoving or
21 equipment violation provided in this code.

22 (d) Regulating traffic by means of official traffic control devices
23 meeting the requirements of Section 21400.

24 (e) (1) Regulating traffic by means of a person given temporary
25 or permanent appointment for that duty by the local authority when
26 official traffic control devices are disabled or otherwise inoperable,
27 at the scenes of accidents or disasters, or at locations as may require
28 traffic direction for orderly traffic flow.

29 (2) A person shall not be appointed pursuant to this subdivision
30 unless and until the local authority has submitted to the
31 commissioner or to the chief law enforcement officer exercising
32 jurisdiction in the enforcement of traffic laws within the area in
33 which the person is to perform the duty, for review, a proposed
34 program of instruction for the training of a person for that duty,
35 and unless and until the commissioner or other chief law
36 enforcement officer approves the proposed program. The
37 commissioner or other chief law enforcement officer shall approve
38 a proposed program if they reasonably determine that the program
39 will provide sufficient training for persons assigned to perform
40 the duty described in this subdivision.

1 (f) Regulating traffic at the site of road or street construction or
2 maintenance by persons authorized for that duty by the local
3 authority.

4 (g) (1) Licensing and regulating the operation of tow truck
5 service or tow truck drivers whose principal place of business or
6 employment is within the jurisdiction of the local authority,
7 excepting the operation and operators of any auto dismantlers' tow
8 vehicle licensed under Section 11505 or any tow truck operated
9 by a repossessing agency licensed under Chapter 11 (commencing
10 with Section 7500) of Division 3 of the Business and Professions
11 Code and its registered employees.

12 (2) The Legislature finds that the safety and welfare of the
13 general public is promoted by permitting local authorities to
14 regulate tow truck service companies and operators by requiring
15 licensure, insurance, and proper training in the safe operation of
16 towing equipment, thereby ensuring against towing mistakes that
17 may lead to violent confrontation, stranding motorists in dangerous
18 situations, impeding the expedited vehicle recovery, and wasting
19 state and local law enforcement's limited resources.

20 (3) This subdivision does not limit the authority of a city or city
21 and county pursuant to Section 12111.

22 (h) Operation of bicycles, and, as specified in Section 21114.5,
23 electric carts by physically disabled persons, or persons 50 years
24 of age or older, on public sidewalks.

25 (i) Providing for the appointment of nonstudent school crossing
26 guards for the protection of persons who are crossing a street or
27 highway in the vicinity of a school or while returning thereafter
28 to a place of safety.

29 (j) Regulating the methods of deposit of garbage and refuse in
30 streets and highways for collection by the local authority or by
31 any person authorized by the local authority.

32 (k) (1) Regulating cruising.

33 (2) The ordinance or resolution adopted pursuant to this
34 subdivision shall regulate cruising, which is the repetitive driving
35 of a motor vehicle past a traffic control point in traffic that is
36 congested at or near the traffic control point, as determined by the
37 ranking peace officer on duty within the affected area, within a
38 specified time period and after the vehicle operator has been given
39 an adequate written notice that further driving past the control
40 point will be a violation of the ordinance or resolution.

1 (3) A person is not in violation of an ordinance or resolution
2 adopted pursuant to this subdivision unless both of the following
3 apply:

4 (A) That person has been given the written notice on a previous
5 driving trip past the control point and then again passes the control
6 point in that same time interval.

7 (B) The beginning and end of the portion of the street subject
8 to cruising controls are clearly identified by signs that briefly and
9 clearly state the appropriate provisions of this subdivision and the
10 local ordinance or resolution on cruising.

11 (I) Regulating or authorizing the removal by peace officers of
12 vehicles unlawfully parked in a fire lane, as described in Section
13 22500.1, on private property. A removal pursuant to this
14 subdivision shall be consistent, to the extent possible, with the
15 procedures for removal and storage set forth in Chapter 10
16 (commencing with Section 22650).

17 (m) Regulating mobile billboard advertising displays, as defined
18 in Section 395.5, including the establishment of penalties, which
19 may include, but are not limited to, removal of the mobile billboard
20 advertising display, civil penalties, and misdemeanor criminal
21 penalties, for a violation of the ordinance or resolution. The
22 ordinance or resolution may establish a minimum distance that a
23 mobile billboard advertising display shall be moved after a
24 specified time period.

25 (n) Licensing and regulating the operation of pedicabs for hire,
26 as defined in Section 467.5, and operators of pedicabs for hire,
27 including requiring one or more of the following documents:

28 (1) A valid California driver's license.

29 (2) Proof of successful completion of a bicycle safety training
30 course certified by the League of American Bicyclists or an
31 equivalent organization as determined by the local authority.

32 (3) A valid California identification card and proof of successful
33 completion of the written portion of the California driver's license
34 examination administered by the department. The department shall
35 administer, without charging a fee, the original driver's license
36 written examination on traffic laws and signs to a person who ~~state~~
37 *states* that they are or that they intend to become, a pedicab
38 operator, and who holds a valid California identification card or
39 has successfully completed an application for a California
40 identification card. If the person achieves a passing score on the

examination, the department shall issue a certificate of successful completion of the examination, bearing the person's name and identification card number. The certificate shall not serve in lieu of successful completion of the required examination administered as part of any subsequent application for a driver's license. The department is not required to enter the results of the examination into the computerized record of the person's identification card or otherwise retain a record of the examination or results.

(o) (1) This section does not authorize a local authority to enact or enforce an ordinance or resolution that establishes a violation if a violation for the same or similar conduct is provided in this code, nor does it authorize a local authority to enact or enforce an ordinance or resolution that assesses a fine, penalty, assessment, or fee for a violation if a fine, penalty, assessment, or fee for a violation involving the same or similar conduct is provided in this code.

(2) This section does not preclude a local authority from enacting parking ordinances pursuant to existing authority in Chapter 9 (commencing with Section 22500) of Division 11.

(3) This section does not preclude a county, city, municipality, or any other local authority from enforcing a nonmoving or equipment violation provided in this code through government employees who are not peace officers.

(p) (1) Regulating advertising signs on motor vehicles parked or left standing upon a public street. The ordinance or resolution may establish a minimum distance that the advertising sign shall be moved after a specified time period.

(2) Paragraph (1) does not apply to any of the following:

(A) Advertising signs that are permanently affixed to the body of, an integral part of, or a fixture of a motor vehicle for permanent decoration, identification, or display and that do not extend beyond the overall length, width, or height of the vehicle.

(B) If the license plate frame is installed in compliance with Section 5201, paper advertisements issued by a dealer contained within that license plate frame or any advertisements on that license plate frame.

(3) As used in paragraph (2), "permanently affixed" means any of the following:

(A) Painted directly on the body of a motor vehicle.

(B) Applied as a decal on the body of a motor vehicle.

1 (C) Placed in a location on the body of a motor vehicle that was
2 specifically designed by a vehicle manufacturer as defined in
3 Section 672 and licensed pursuant to Section 11701, in compliance
4 with both state and federal law or guidelines, for the express
5 purpose of containing an advertising sign.

6 *SEC. 3.1. Section 21100 of the Vehicle Code is amended to*
7 *read:*

8 21100. Local authorities may adopt rules and regulations by
9 ordinance or resolution regarding all of the following matters:

10 (a) Regulating or prohibiting ~~processions~~ *a procession* or
11 ~~assemblages~~ *assemblage* on the highways.

12 (b) Licensing and regulating the operation of vehicles for hire
13 and drivers of passenger vehicles for hire.

14 (c) Regulating traffic by means of traffic ~~officers~~ *officers, or*
15 *other government employees if they are enforcing a nonmoving*
16 *or equipment violation provided in this code.*

17 (d) Regulating traffic by means of official traffic control devices
18 meeting the requirements of Section 21400.

19 (e) (1) Regulating traffic by means of a person given temporary
20 or permanent appointment for that duty by the local authority when
21 official traffic control devices are disabled or otherwise inoperable,
22 at the ~~scenes~~ *scene* of ~~accidents~~ *an accident* or ~~disasters~~ *disaster*,
23 or at ~~locations~~ *as a location* that may require traffic direction for
24 orderly traffic flow.

25 (2) A person shall not be appointed pursuant to this subdivision
26 unless and until the local authority has submitted to the
27 commissioner or to the chief law enforcement officer exercising
28 jurisdiction in the enforcement of traffic laws within the area in
29 which the person is to perform the duty, for review, a proposed
30 program of instruction for the training of a person for that ~~duty~~,
31 *duty* and unless and until the commissioner or other chief law
32 enforcement officer approves the proposed program. The
33 commissioner or other chief law enforcement officer shall approve
34 a proposed program if ~~he or she reasonably determines they~~
35 *reasonably determine* that the program will provide sufficient
36 training for persons assigned to perform the duty described in this
37 subdivision.

38 (f) Regulating traffic at the site of road or street construction or
39 maintenance by ~~persons~~ *a person* authorized for that duty by the
40 local authority.

(g) (1) Licensing and regulating the operation of tow truck service or tow truck drivers whose principal place of business or employment is within the jurisdiction of the local authority, excepting the operation and operators of any auto dismantlers' tow vehicle licensed under Section 11505 or any tow truck operated by a repossessing agency licensed under Chapter 11 (commencing with Section 7500) of Division 3 of the Business and Professions Code and its registered employees.

(2) The Legislature finds that the safety and welfare of the general public is promoted by permitting local authorities to regulate tow truck service companies and operators by requiring licensure, insurance, and proper training in the safe operation of towing equipment, thereby ensuring against towing mistakes that may lead to violent confrontation, stranding motorists in dangerous situations, impeding the expedited vehicle recovery, and wasting state and local law enforcement's limited resources.

(3) This subdivision does not limit the authority of a city or city and county pursuant to Section 12111.

(h) Operation of ~~bicycles~~, *bicycles* and, as specified in Section 21114.5, electric carts by physically disabled ~~persons~~, *persons* or persons 50 years of age or older, on public sidewalks.

(i) Providing for the appointment of nonstudent school crossing guards for the protection of persons who are crossing a street or highway in the vicinity of a school or while returning thereafter to a place of safety.

(j) Regulating the methods of deposit of garbage and refuse in streets and highways for collection by the local authority or by any person authorized by the local authority.

~~(k) (1) Regulating cruising.~~

~~(2) The ordinance or resolution adopted pursuant to this subdivision shall regulate cruising, which is the repetitive driving of a motor vehicle past a traffic control point in traffic that is congested at or near the traffic control point, as determined by the ranking peace officer on duty within the affected area, within a specified time period and after the vehicle operator has been given an adequate written notice that further driving past the control point will be a violation of the ordinance or resolution.~~

~~(3) A person is not in violation of an ordinance or resolution adopted pursuant to this subdivision unless both of the following apply:~~

1 (A) ~~That person has been given the written notice on a previous~~
2 ~~driving trip past the control point and then again passes the control~~
3 ~~point in that same time interval.~~

4 (B) ~~The beginning and end of the portion of the street subject~~
5 ~~to cruising controls are clearly identified by signs that briefly and~~
6 ~~clearly state the appropriate provisions of this subdivision and the~~
7 ~~local ordinance or resolution on cruising.~~

8 ~~(H)~~

9 (k) Regulating or authorizing the removal by peace officers of
10 vehicles unlawfully parked in a fire lane, as described in Section
11 22500.1, on private property. A removal pursuant to this
12 subdivision shall be consistent, to the extent possible, with the
13 procedures for removal and storage set forth in Chapter 10
14 (commencing with Section 22650).

15 ~~(m)~~

16 (l) Regulating mobile billboard advertising displays, as defined
17 in Section 395.5, including the establishment of penalties, which
18 may include, but are not limited to, removal of the mobile billboard
19 advertising display, civil penalties, and misdemeanor criminal
20 ~~penalties~~, *penalties* for a violation of the ordinance or resolution.
21 The ordinance or resolution may establish a minimum distance
22 that a mobile billboard advertising display shall be moved after a
23 specified time period.

24 ~~(n)~~

25 (m) Licensing and regulating the operation of pedicabs for hire,
26 as defined in Section 467.5, and operators of pedicabs for hire,
27 including requiring one or more of the following documents:

28 (1) A valid California driver's license.

29 (2) Proof of successful completion of a bicycle safety training
30 course certified by the League of American Bicyclists or an
31 equivalent organization as determined by the local authority.

32 (3) A valid California identification card and proof of successful
33 completion of the written portion of the California driver's license
34 examination administered by the department. The department shall
35 administer, without charging a fee, the original driver's license
36 written examination on traffic laws and signs to a person who
37 states that ~~he or she is, or intends~~ *they are or that they intend* to
38 become, a pedicab ~~operator~~, *operator* and who holds a valid
39 California identification card or has successfully completed an
40 application for a California identification card. If the person

1 achieves a passing score on the examination, the department shall
2 issue a certificate of successful completion of the ~~examination~~;
3 *examination* bearing the person's name and identification card
4 number. The certificate shall not serve in lieu of successful
5 completion of the required examination administered as part of
6 any subsequent application for a driver's license. The department
7 is not required to enter the results of the examination into the
8 computerized record of the person's identification card or otherwise
9 retain a record of the examination or results.

10 ~~(e)~~

11 *(n)* (1) This section does not authorize a local authority to enact
12 or enforce an ordinance or resolution that establishes a violation
13 if a violation for the same or similar conduct is provided in this
14 code, nor does it authorize a local authority to enact or enforce an
15 ordinance or resolution that assesses a fine, penalty, assessment,
16 or fee for a violation if a fine, penalty, assessment, or fee for a
17 violation involving the same or similar conduct is provided in this
18 code.

19 (2) This section does not preclude a local authority from enacting
20 parking ordinances pursuant to existing authority in Chapter 9
21 (commencing with Section 22500) of Division 11.

22 *(3) This section does not preclude a county, city, municipality,*
23 *or any other local authority from enforcing a nonmoving or*
24 *equipment violation provided in this code through government*
25 *employees who are not peace officers.*

26 ~~(p)~~

27 *(o)* (1) Regulating advertising signs on motor vehicles parked
28 or left standing upon a public street. The ordinance or resolution
29 may establish a minimum distance that the advertising sign shall
30 be moved after a specified time period.

31 (2) Paragraph (1) does not apply to any of the following:

32 (A) Advertising signs that are permanently affixed to the body
33 of, an integral part of, or a fixture of a motor vehicle for permanent
34 decoration, identification, or display and that do not extend beyond
35 the overall length, width, or height of the vehicle.

36 (B) If the license plate frame is installed in compliance with
37 Section 5201, paper advertisements issued by a dealer contained
38 within that license plate frame or any advertisements on that license
39 plate frame.

(3) As used in paragraph (2), “permanently affixed” means any of the following:

- (A) Painted directly on the body of a motor vehicle.
- (B) Applied as a decal on the body of a motor vehicle.
- (C) Placed in a location on the body of a motor vehicle that was specifically designed by a vehicle ~~manufacturer~~ *manufacturer*, as defined in Section ~~672~~ 672, and licensed pursuant to Section 11701, in compliance with both state and federal law or guidelines, for the express purpose of containing an advertising sign.

SEC. 3.2. Section 21100 of the Vehicle Code is amended to read:

21100. Local authorities may adopt rules and regulations by ordinance or resolution regarding all of the following matters:

(a) Regulating or prohibiting processions or assemblages on the highways.

(b) Licensing and regulating the operation of vehicles for hire and drivers of passenger vehicles for hire.

(c) Regulating traffic by means of traffic ~~officers~~ *officers, or other government employees if they are enforcing a nonmoving or equipment violation provided in this code.*

(d) Regulating traffic by means of official traffic control devices meeting the requirements of Section 21400.

(e) (1) Regulating traffic by means of a person given temporary or permanent appointment for that duty by the local authority when official traffic control devices are disabled or otherwise inoperable, at the scenes of accidents or disasters, or at locations as may require traffic direction for orderly traffic flow.

(2) A person shall not be appointed pursuant to this subdivision unless and until the local authority has submitted to the commissioner or to the chief law enforcement officer exercising jurisdiction in the enforcement of traffic laws within the area in which the person is to perform the duty, for review, a proposed program of instruction for the training of a person for that duty, and unless and until the commissioner or other chief law enforcement officer approves the proposed program. The commissioner or other chief law enforcement officer shall approve a proposed program if ~~he or she reasonably determines they reasonably determine~~ that the program will provide sufficient training for persons assigned to perform the duty described in this subdivision.

1 (f) Regulating traffic at the site of road or street construction or
2 maintenance by persons authorized for that duty by the local
3 authority.

4 (g) (1) Licensing and regulating the operation of tow truck
5 service or tow truck drivers whose principal place of business or
6 employment is within the jurisdiction of the local authority,
7 excepting the operation and operators of any auto dismantlers' tow
8 vehicle licensed under Section 11505 or any tow truck operated
9 by a repossessing agency licensed under Chapter 11 (commencing
10 with Section 7500) of Division 3 of the Business and Professions
11 Code and its registered employees.

12 (2) The Legislature finds that the safety and welfare of the
13 general public is promoted by permitting local authorities to
14 regulate tow truck service companies and operators by requiring
15 licensure, insurance, and proper training in the safe operation of
16 towing equipment, thereby ensuring against towing mistakes that
17 may lead to violent confrontation, stranding motorists in dangerous
18 situations, impeding the expedited vehicle recovery, and wasting
19 state and local law enforcement's limited resources.

20 (3) This subdivision does not limit the authority of a city or city
21 and county pursuant to Section 12111.

22 (h) (1) Operation of bicycles, and, as specified in Section
23 21114.5, electric carts by physically disabled persons, or persons
24 50 years of age or older, on public sidewalks.

25 (2) (A) *Notwithstanding paragraph (1), until January 1, 2031,*
26 *a local authority shall not prohibit the operation of a bicycle on*
27 *a sidewalk adjacent to a highway or corridor that does not include*
28 *a Class I, Class II, or Class IV bikeway, as defined in Section 890.4*
29 *of the Streets and Highways Code, except in any of the following*
30 *circumstances:*

31 (i) *A local authority enacts an ordinance prohibiting the*
32 *operation of a bicycle on a sidewalk within a business activity*
33 *district that includes findings demonstrating the operation of a*
34 *bicycle on a sidewalk within the business activity district is unsafe*
35 *given pedestrian traffic conditions.*

36 (ii) *A local authority enacts an ordinance prohibiting the*
37 *operation of a bicycle on a sidewalk adjacent to a street with a*
38 *posted speed limit not exceeding 20 miles per hour.*

39 (iii) *A local authority enacts an ordinance prohibiting the*
40 *operation of a bicycle on a sidewalk at a speed or in a manner*

1 *that is not reasonable or endangers the safety of persons or*
2 *property.*

3 *(iv) A local authority enacts an ordinance that requires a person*
4 *riding a bicycle upon a sidewalk to yield the right-of-way to any*
5 *pedestrian, and to yield the right-of-way to any other vehicle upon*
6 *entering a roadway or driveway from a sidewalk.*

7 *(v) A local authority enacts an ordinance that prohibits the*
8 *operation of an electric bicycle, as defined in Section 312.5, on a*
9 *sidewalk.*

10 *(B) (i) The Commissioner of the California Highway Patrol*
11 *shall submit a report to the Legislature, on or before January 1,*
12 *2029, about the effects of bicycles operating under subparagraph*
13 *(A). The report shall include, but not be limited to, information*
14 *about statewide injury and fatal traffic crash data and any*
15 *associated traffic- or pedestrian-related safety issues, including,*
16 *but not limited to, a detailed analysis of bicycle collisions,*
17 *including collisions with pedestrians, and all of the following*
18 *issues:*

19 *(I) Changes in the frequency of collisions.*

20 *(II) Changes in the severity of collisions.*

21 *(III) Causes of, and contributing factors in, collisions.*

22 *(IV) Location of collisions, including an analysis of collision*
23 *data.*

24 *(V) Time of day of collisions.*

25 *(VI) Ages of bicyclists involved, including a breakdown of*
26 *minors versus adults.*

27 *(VII) Types of bicycles involved in collisions, specifically*
28 *differences between traditional bicycles and electric bicycles.*

29 *(ii) The report required by this subparagraph shall be submitted*
30 *in compliance with Section 9795 of the Government Code.*

31 *(i) Providing for the appointment of nonstudent school crossing*
32 *guards for the protection of persons who are crossing a street or*
33 *highway in the vicinity of a school or while returning thereafter*
34 *to a place of safety.*

35 *(j) Regulating the methods of deposit of garbage and refuse in*
36 *streets and highways for collection by the local authority or by*
37 *any person authorized by the local authority.*

38 *(k) (1) Regulating cruising.*

39 *(2) The ordinance or resolution adopted pursuant to this*
40 *subdivision shall regulate cruising, which is the repetitive driving*

1 of a motor vehicle past a traffic control point in traffic that is
2 congested at or near the traffic control point, as determined by the
3 ranking peace officer on duty within the affected area, within a
4 specified time period and after the vehicle operator has been given
5 an adequate written notice that further driving past the control
6 point will be a violation of the ordinance or resolution.

7 (3) A person is not in violation of an ordinance or resolution
8 adopted pursuant to this subdivision unless both of the following
9 apply:

10 (A) That person has been given the written notice on a previous
11 driving trip past the control point and then again passes the control
12 point in that same time interval.

13 (B) The beginning and end of the portion of the street subject
14 to cruising controls are clearly identified by signs that briefly and
15 clearly state the appropriate provisions of this subdivision and the
16 local ordinance or resolution on cruising.

17 (I) Regulating or authorizing the removal by peace officers of
18 vehicles unlawfully parked in a fire lane, as described in Section
19 22500.1, on private property. A removal pursuant to this
20 subdivision shall be consistent, to the extent possible, with the
21 procedures for removal and storage set forth in Chapter 10
22 (commencing with Section 22650).

23 (m) Regulating mobile billboard advertising displays, as defined
24 in Section 395.5, including the establishment of penalties, which
25 may include, but are not limited to, removal of the mobile billboard
26 advertising display, civil penalties, and misdemeanor criminal
27 penalties, for a violation of the ordinance or resolution. The
28 ordinance or resolution may establish a minimum distance that a
29 mobile billboard advertising display shall be moved after a
30 specified time period.

31 (n) Licensing and regulating the operation of pedicabs for hire,
32 as defined in Section 467.5, and operators of pedicabs for hire,
33 including requiring one or more of the following documents:

34 (1) A valid California driver's license.

35 (2) Proof of successful completion of a bicycle safety training
36 course certified by the League of American Bicyclists or an
37 equivalent organization as determined by the local authority.

38 (3) A valid California identification card and proof of successful
39 completion of the written portion of the California driver's license
40 examination administered by the department. The department shall

1 administer, without charging a fee, the original driver's license
2 written examination on traffic laws and signs to a person who
3 states that ~~he or she is, or intends~~ *they are, or that they intend* to
4 become, a pedicab operator, and who holds a valid California
5 identification card or has successfully completed an application
6 for a California identification card. If the person achieves a passing
7 score on the examination, the department shall issue a certificate
8 of successful completion of the examination, bearing the person's
9 name and identification card number. The certificate shall not serve
10 in lieu of successful completion of the required examination
11 administered as part of any subsequent application for a driver's
12 license. The department is not required to enter the results of the
13 examination into the computerized record of the person's
14 identification card or otherwise retain a record of the examination
15 or results.

16 (o) (1) This section does not authorize a local authority to enact
17 or enforce an ordinance or resolution that establishes a violation
18 if a violation for the same or similar conduct is provided in this
19 code, nor does it authorize a local authority to enact or enforce an
20 ordinance or resolution that assesses a fine, penalty, assessment,
21 or fee for a violation if a fine, penalty, assessment, or fee for a
22 violation involving the same or similar conduct is provided in this
23 code.

24 (2) This section does not preclude a local authority from enacting
25 parking ordinances pursuant to existing authority in Chapter 9
26 (commencing with Section 22500) of Division 11.

27 (3) *This section does not preclude a county, city, municipality,*
28 *or any other local authority from enforcing a nonmoving or*
29 *equipment violation provided in this code through government*
30 *employees who are not peace officers.*

31 (p) (1) Regulating advertising signs on motor vehicles parked
32 or left standing upon a public street. The ordinance or resolution
33 may establish a minimum distance that the advertising sign shall
34 be moved after a specified time period.

35 (2) Paragraph (1) does not apply to any of the following:

36 (A) Advertising signs that are permanently affixed to the body
37 of, an integral part of, or a fixture of a motor vehicle for permanent
38 decoration, identification, or display and that do not extend beyond
39 the overall length, width, or height of the vehicle.

(B) If the license plate frame is installed in compliance with Section 5201, paper advertisements issued by a dealer contained within that license plate frame or any advertisements on that license plate frame.

(3) As used in paragraph (2), “permanently affixed” means any of the following:

(A) Painted directly on the body of a motor vehicle.

(B) Applied as a decal on the body of a motor vehicle.

(C) Placed in a location on the body of a motor vehicle that was specifically designed by a vehicle manufacturer as defined in Section 672 and licensed pursuant to Section 11701, in compliance with both state and federal law or guidelines, for the express purpose of containing an advertising sign.

SEC. 3.3. Section 21100 of the Vehicle Code is amended to read:

21100. Local authorities may adopt rules and regulations by ordinance or resolution regarding all of the following matters:

(a) ~~Regulating or prohibiting processions~~ *a procession or assemblages assemblage* on the highways.

(b) Licensing and regulating the operation of vehicles for hire and drivers of passenger vehicles for hire.

(c) ~~Regulating traffic by means of traffic officers; officers, or other government employees if they are enforcing a nonmoving or equipment violation provided in this code.~~

(d) Regulating traffic by means of official traffic control devices meeting the requirements of Section 21400.

(e) (1) Regulating traffic by means of a person given temporary or permanent appointment for that duty by the local authority when official traffic control devices are disabled or otherwise inoperable, ~~at the scenes scene of accidents an accident or disasters, disaster,~~ or ~~at locations as a location that~~ may require traffic direction for orderly traffic flow.

(2) A person shall not be appointed pursuant to this subdivision unless and until the local authority has submitted to the commissioner or to the chief law enforcement officer exercising jurisdiction in the enforcement of traffic laws within the area in which the person is to perform the duty, for review, a proposed program of instruction for the training of a person for that ~~duty,~~ *duty* and unless and until the commissioner or other chief law enforcement officer approves the proposed program. The

1 commissioner or other chief law enforcement officer shall approve
2 a proposed program if ~~he or she reasonably determines they~~
3 *reasonably determine* that the program will provide sufficient
4 training for persons assigned to perform the duty described in this
5 subdivision.

6 (f) Regulating traffic at the site of road or street construction or
7 maintenance by ~~persons~~ *a person* authorized for that duty by the
8 local authority.

9 (g) (1) Licensing and regulating the operation of tow truck
10 service or tow truck drivers whose principal place of business or
11 employment is within the jurisdiction of the local authority,
12 excepting the operation and operators of any auto dismantlers' tow
13 vehicle licensed under Section 11505 or any tow truck operated
14 by a repossessing agency licensed under Chapter 11 (commencing
15 with Section 7500) of Division 3 of the Business and Professions
16 Code and its registered employees.

17 (2) The Legislature finds that the safety and welfare of the
18 general public is promoted by permitting local authorities to
19 regulate tow truck service companies and operators by requiring
20 licensure, insurance, and proper training in the safe operation of
21 towing equipment, thereby ensuring against towing mistakes that
22 may lead to violent confrontation, stranding motorists in dangerous
23 situations, impeding the expedited vehicle recovery, and wasting
24 state and local law enforcement's limited resources.

25 (3) This subdivision does not limit the authority of a city or city
26 and county pursuant to Section 12111.

27 (h) (1) Operation of ~~bicycles~~, *bicycles* and, as specified in
28 Section 21114.5, electric carts by physically disabled ~~persons~~,
29 *persons* or persons 50 years of age or older, on public sidewalks.

30 (2) (A) *Notwithstanding paragraph (1), until January 1, 2031,*
31 *a local authority shall not prohibit the operation of a bicycle on*
32 *a sidewalk adjacent to a highway or corridor that does not include*
33 *a Class I, Class II, or Class IV bikeway, as defined in Section 890.4*
34 *of the Streets and Highways Code, except in any of the following*
35 *circumstances:*

36 (i) *A local authority enacts an ordinance prohibiting the*
37 *operation of a bicycle on a sidewalk within a business activity*
38 *district that includes findings demonstrating the operation of a*
39 *bicycle on a sidewalk within the business activity district is unsafe*
40 *given pedestrian traffic conditions.*

1 (ii) A local authority enacts an ordinance prohibiting the
2 operation of a bicycle on a sidewalk adjacent to a street with a
3 posted speed limit not exceeding 20 miles per hour.

4 (iii) A local authority enacts an ordinance prohibiting the
5 operation of a bicycle on a sidewalk at a speed or in a manner
6 that is not reasonable or endangers the safety of persons or
7 property.

8 (iv) A local authority enacts an ordinance that requires a person
9 riding a bicycle upon a sidewalk to yield the right-of-way to any
10 pedestrian, and to yield the right-of-way to any other vehicle upon
11 entering a roadway or driveway from a sidewalk.

12 (v) A local authority enacts an ordinance that prohibits the
13 operation of an electric bicycle, as defined in Section 312.5, on a
14 sidewalk.

15 (B) (i) The Commissioner of the California Highway Patrol
16 shall submit a report to the Legislature, on or before January 1,
17 2029, about the effects of bicycles operating under subparagraph
18 (A). The report shall include, but not be limited to, information
19 about statewide injury and fatal traffic crash data and any
20 associated traffic- or pedestrian-related safety issues, including,
21 but not limited to, a detailed analysis of bicycle collisions,
22 including collisions with pedestrians, and all of the following
23 issues:

24 (I) Changes in the frequency of collisions.

25 (II) Changes in the severity of collisions.

26 (III) Causes of, and contributing factors in, collisions.

27 (IV) Location of collisions, including an analysis of collision
28 data.

29 (V) Time of day of collisions.

30 (VI) Ages of bicyclists involved, including a breakdown of
31 minors versus adults.

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

34 (ii) The report required by this subparagraph shall be submitted
35 in compliance with Section 9795 of the Government Code.

36 (i) Providing for the appointment of nonstudent school crossing
37 guards for the protection of persons who are crossing a street or
38 highway in the vicinity of a school or while returning thereafter
39 to a place of safety.

(j) Regulating the methods of deposit of garbage and refuse in streets and highways for collection by the local authority or by any person authorized by the local authority.

~~(k) (1) Regulating cruising.~~

~~(2) The ordinance or resolution adopted pursuant to this subdivision shall regulate cruising, which is the repetitive driving of a motor vehicle past a traffic control point in traffic that is congested at or near the traffic control point, as determined by the ranking peace officer on duty within the affected area, within a specified time period and after the vehicle operator has been given an adequate written notice that further driving past the control point will be a violation of the ordinance or resolution.~~

~~(3) A person is not in violation of an ordinance or resolution adopted pursuant to this subdivision unless both of the following apply:~~

~~(A) That person has been given the written notice on a previous driving trip past the control point and then again passes the control point in that same time interval.~~

~~(B) The beginning and end of the portion of the street subject to cruising controls are clearly identified by signs that briefly and clearly state the appropriate provisions of this subdivision and the local ordinance or resolution on cruising.~~

~~(l)–~~

(k) Regulating or authorizing the removal by peace officers of vehicles unlawfully parked in a fire lane, as described in Section 22500.1, on private property. A removal pursuant to this subdivision shall be consistent, to the extent possible, with the procedures for removal and storage set forth in Chapter 10 (commencing with Section 22650).

~~(m)~~

(l) Regulating mobile billboard advertising displays, as defined in Section 395.5, including the establishment of penalties, which may include, but are not limited to, removal of the mobile billboard advertising display, civil penalties, and misdemeanor criminal penalties, *penalties* for a violation of the ordinance or resolution. The ordinance or resolution may establish a minimum distance that a mobile billboard advertising display shall be moved after a specified time period.

~~(n)~~

1 (m) Licensing and regulating the operation of pedicabs for hire,
2 as defined in Section 467.5, and operators of pedicabs for hire,
3 including requiring one or more of the following documents:

4 (1) A valid California driver's license.

5 (2) Proof of successful completion of a bicycle safety training
6 course certified by the League of American Bicyclists or an
7 equivalent organization as determined by the local authority.

8 (3) A valid California identification card and proof of successful
9 completion of the written portion of the California driver's license
10 examination administered by the department. The department shall
11 administer, without charging a fee, the original driver's license
12 written examination on traffic laws and signs to a person who
13 states that ~~he or she is, or intends~~ *they are or that they intend* to
14 become, a pedicab ~~operator, operator~~ and who holds a valid
15 California identification card or has successfully completed an
16 application for a California identification card. If the person
17 achieves a passing score on the examination, the department shall
18 issue a certificate of successful completion of the ~~examination,~~
19 *examination* bearing the person's name and identification card
20 number. The certificate shall not serve in lieu of successful
21 completion of the required examination administered as part of
22 any subsequent application for a driver's license. The department
23 is not required to enter the results of the examination into the
24 computerized record of the person's identification card or otherwise
25 retain a record of the examination or results.

26 (o)

27 (n) (1) This section does not authorize a local authority to enact
28 or enforce an ordinance or resolution that establishes a violation
29 if a violation for the same or similar conduct is provided in this
30 code, nor does it authorize a local authority to enact or enforce an
31 ordinance or resolution that assesses a fine, penalty, assessment,
32 or fee for a violation if a fine, penalty, assessment, or fee for a
33 violation involving the same or similar conduct is provided in this
34 code.

35 (2) This section does not preclude a local authority from enacting
36 parking ordinances pursuant to existing authority in Chapter 9
37 (commencing with Section 22500) of Division 11.

38 (3) *This section does not preclude a county, city, municipality,*
39 *or any other local authority from enforcing a nonmoving or*

1 *equipment violation provided in this code through government*
2 *employees who are not peace officers.*

3 ~~(p)~~

4 (o) (1) Regulating advertising signs on motor vehicles parked
5 or left standing upon a public street. The ordinance or resolution
6 may establish a minimum distance that the advertising sign shall
7 be moved after a specified time period.

8 (2) Paragraph (1) does not apply to any of the following:

9 (A) Advertising signs that are permanently affixed to the body
10 of, an integral part of, or a fixture of a motor vehicle for permanent
11 decoration, identification, or display and that do not extend beyond
12 the overall length, width, or height of the vehicle.

13 (B) If the license plate frame is installed in compliance with
14 Section 5201, paper advertisements issued by a dealer contained
15 within that license plate frame or any advertisements on that license
16 plate frame.

17 (3) As used in paragraph (2), “permanently affixed” means any
18 of the following:

19 (A) Painted directly on the body of a motor vehicle.

20 (B) Applied as a decal on the body of a motor vehicle.

21 (C) Placed in a location on the body of a motor vehicle that was
22 specifically designed by a vehicle ~~manufacturer~~ *manufacturer*, as
23 defined in Section ~~672~~ 672, and licensed pursuant to Section 11701,
24 in compliance with both state and federal law or guidelines, for
25 the express purpose of containing an advertising sign.

26 *SEC. 4. (a) Section 3.1 of this bill incorporates amendments*
27 *to Section 21100 of the Vehicle Code proposed by both this bill*
28 *and Assembly Bill 436. That section of this bill shall only become*
29 *operative if (1) both bills are enacted and become effective on or*
30 *before January 1, 2024, (2) each bill amends Section 21100 of the*
31 *Vehicle Code, and (3) Assembly Bill 825 is not enacted or as*
32 *enacted does not amend that section, and (4) this bill is enacted*
33 *after Assembly Bill 436, in which case Sections 3, 3.2, and 3.3 of*
34 *this bill shall not become operative.*

35 *(b) Section 3.2 of this bill incorporates amendments to Section*
36 *21100 of the Vehicle Code proposed by both this bill and Assembly*
37 *Bill 825. That section of this bill shall only become operative if*
38 *(1) both bills are enacted and become effective on or before*
39 *January 1, 2024, (2) each bill amends Section 21100 of the Vehicle*
40 *Code, (3) Assembly Bill 436 is not enacted or as enacted does not*

1 *amend that section, and (4) this bill is enacted after Assembly Bill*
2 *825 in which case Sections 3, 3.1, and 3.3 of this bill shall not*
3 *become operative.*

4 *(c) Section 3.3 of this bill incorporates amendments to Section*
5 *21100 of the Vehicle Code proposed by this bill, Assembly Bill*
6 *436, and Assembly Bill 825. That section of this bill shall only*
7 *become operative if (1) all three bills are enacted and become*
8 *effective on or before January 1, 2024, (2) all three bills amend*
9 *Section 21100 of the Vehicle Code, and (3) this bill is enacted after*
10 *Assembly Bill 436 and Assembly Bill 825, in which case Sections*
11 *3, 3.1, and 3.2 of this bill shall not become operative.*