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AB-2115 Vehicles: passing and overtaking: waste service vehicles. (2017-2018)

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Assembly Bill No. 2115

CHAPTER 710

An act to add Section 21761 to the Vehicle Code, relating to vehicles.

[Approved by Governor September 23, 2018. Filed with Secretary of State September 23, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2115, Santiago. Vehicles: passing and overtaking: waste service vehicles.

Existing law requires the driver of a vehicle overtaking another vehicle proceeding in the same direction to pass to the left at a safe distance without interfering with the safe operation of the overtaken vehicle, as specified. Existing law requires the driver of a vehicle overtaking any interurban electric or streetcar stopped or about to stop for the purpose of receiving or discharging any passenger to stop the vehicle to the rear of the nearest running board or door of the car and remain standing until all passengers have boarded the car, or upon alighting have reached a place of safety, except as provided. A violation of these provisions is an offense.

This bill would require, commencing January 1, 2020, and subject to exceptions, the driver of a vehicle on a public street or highway approaching or overtaking a stopped waste service vehicle, as defined, to make a lane change into an available lane adjacent to the waste service vehicle and pass at a safe distance without interfering with the safe operation of the waste service vehicle, with due regard for safety and traffic conditions, if practicable and not prohibited by law. The bill would require that if that maneuver would be unsafe or impractical, the driver slow to a reasonable and prudent speed that is safe for existing weather, road, and vehicular or pedestrian traffic conditions. The requirements of the bill would apply if the waste service vehicle is readily identifiable as a waste service vehicle based on the vehicle configuration or markings on the vehicle, and displays flashing amber lights. 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 Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 21761 is added to the Vehicle Code, to read:

21761. (a) The driver of a vehicle on a public street or highway approaching and overtaking a stopped waste service vehicle shall make a lane change into an available lane adjacent to the waste service vehicle and shall pass at a safe distance without

interfering with the safe operation of the waste service vehicle, with due regard for safety and traffic conditions, if practicable and not prohibited by law.

(b) If the maneuver described in subdivision (a) would be unsafe or impractical, a driver approaching and overtaking a stopped waste service vehicle shall slow to a reasonable and prudent speed that is safe for existing weather, road, and vehicular or pedestrian traffic conditions.

(c) For purposes of this section, "waste service vehicle" means a refuse collection vehicle, including a vehicle collecting recyclables or yard waste that is used for curbside collection, and sewer and catch basin maintenance vehicles.

(d) The requirements in subdivisions (a) and (b) apply when both of the following circumstances exist:

(1) The waste service vehicle is readily identifiable as a waste service vehicle based on the vehicle configuration or markings on the vehicle.

(2) The waste service vehicle displays flashing amber lights.

(e) Subdivisions (a) and (b) do not apply to a waste service vehicle that is located on a private driveway or highway, when the waste service vehicle is not adjacent to the street or highway, or is separated from the street or highway by a protective physical barrier.

(f) This section shall be operative on and after January 1, 2020.

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.