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**AB-974 Equestrian safety.** (2021-2022)

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**Assembly Bill No. 974**

**CHAPTER 175**

An act to add Article 8 (commencing with Section 21300) to Chapter 1 of Division 11 of the Vehicle Code, relating to equestrian safety.

[ Approved by Governor September 16, 2021. Filed with Secretary of State September 16, 2021. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 974, Luz Rivas. Equestrian safety.

Existing law generally establishes rules of the road for the operation of vehicles on state highways and roads, and authorizes the Department of Transportation and local governments to consider equestrian safety and designate equestrian crossings on highways, as specified. Existing law requires a person under 18 years of age to wear a properly fitted and fastened bicycle helmet, as specified, while operating, or riding as a passenger upon, a bicycle, a nonmotorized scooter, or a skateboard, or while wearing in-line or roller skates, upon a street, bikeway, or any other public bicycle path or trail. A violation of the Vehicle Code is punishable as an infraction.

This bill would require a person under 18 years of age to wear a properly fitted and fastened helmet meeting specified requirements when that person is riding an equestrian animal on a paved highway. The bill would require a person, regardless of age, riding an equestrian animal upon a paved highway during hours of darkness to use reflective gear or a lamp emitting a white light on their person or on the equestrian animal, as specified. The bill would make a violation of these provisions an infraction punishable by a fine of not more than \$25, except as provided. By creating a new crime, the bill would impose a state-mandated local program. The bill would make the parent or legal guardian having control or custody of an unemancipated minor whose conduct violates this section jointly and severally liable with the minor for the amount of the fine.

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.** Article 8 (commencing with Section 21300) is added to Chapter 1 of Division 11 of the Vehicle Code, to read:

**Article 8. Horseback Riding**

**21300.** (a) A person under 18 years of age shall not ride an equestrian animal upon a paved highway unless that person is wearing a properly fitted and fastened helmet that meets the standards of either the American Society for Testing and Materials or the United States Consumer Product Safety Commission, or standards subsequently established by those entities.

(b) A person riding an equestrian animal upon a paved highway during hours of darkness, as defined in Section 280, shall do one of the following:

(1) Wear reflective gear or have reflective gear on the equestrian animal that shall be visible from a distance of 500 feet on the rear and the sides when directly in front of the lawful upper beams of headlamps on a motor vehicle.

(2) Have a lamp emitting a white light attached to either the person or the equestrian animal that is visible from a distance of 300 feet in front of and from the sides of the equestrian animal.

(c) Notwithstanding subdivisions (a) and (b), a person is not required to wear a helmet or reflective gear while riding an equestrian animal when participating in a parade or festival, or while crossing a paved highway from an unpaved highway.

(d) In a civil action, a violation of subdivision (a) or (b) does not establish negligence as a matter of law or negligence per se for comparative fault purposes, but negligence may be proven as a fact without regard to the violation.

(e) A charge under this section shall be dismissed when the person charged alleges in court, under oath, that the charge against the person is the first charge against that person under this section, unless it is otherwise established in court that the charge is not the first charge against the person.

(f) (1) Except as provided in subdivision (e), a violation of this section is an infraction punishable by a fine of not more than twenty-five dollars (\$25).

(2) The parent or legal guardian having control or custody of an unemancipated minor whose conduct violates this section shall be jointly and severally liable with the minor for the amount of the fine imposed pursuant to this subdivision.

**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.