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**SB-1111 Trash receptacles and storage containers: reflective markings.** (2021-2022)

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**Senate Bill No. 1111**

**CHAPTER 244**

An act to add Chapter 22 (commencing with Section 26275) to Division 20 of the Health and Safety Code, relating to public safety.

[ Approved by Governor September 02, 2022. Filed with Secretary of State September 02, 2022. ]

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1111, Archuleta. Trash receptacles and storage containers: reflective markings.

Existing law vests the Department of Transportation with full possession and control of all state highways. Existing law vests the board of supervisors of a county with general supervision, management, and control of county highways. Existing law grants the legislative body of a city certain powers with respect to city streets and roads.

This bill would require, commencing January 1, 2025, a manufacturer who sells or provides for compensation, and, commencing January 1, 2026, an owner of, a trash receptacle or storage container that is longer than 3 feet and taller than 4 feet and that is designed to be placed on a roadway or the curb of a roadway in order to be emptied or picked up to mark the receptacle or container with a reflector on each side, as specified. The bill would require an owner of a trash receptacle or storage container that is designed to be placed on a roadway or the curb of a roadway in order to be emptied or picked up to clearly label the trash receptacle or storage container with the owner's name and current telephone number. To the extent that an owner of a trash receptacle or storage container is a local public agency, by adding new duties to a local public agency with respect to marking or labeling the receptacle or container, the bill would impose a state-mandated local program. The bill would provide that a manufacturer or an owner who violates these provisions shall be guilty of an infraction punishable by a fine of a specified amount for each violation, except as provided. By creating a new infraction for a violation of these provisions, the bill would create a state-mandated local program.

This bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

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

**SECTION 1.** This act shall be known, and may be cited, as the Rick Best Safety Act.

**SEC. 2.** Chapter 22 (commencing with Section 26275) is added to Division 20 of the Health and Safety Code, to read:

**CHAPTER 22. Trash Receptacles and Storage Containers**

**26275.** (a) (1) A manufacturer who sells or provides for compensation a trash receptacle or storage container that is designed to be placed on a roadway or the curb of a roadway in order to be emptied or picked up shall mark the trash receptacle or storage container with a reflector on each side. This paragraph applies to any trash receptacle or storage container marketed for sale on and after January 1, 2025, as well as any trash receptacle or storage container that was manufactured before January 1, 2025, that remains under the ownership of the manufacturer as of January 1, 2025.

(2) (A) An owner, other than a manufacturer, of a trash receptacle or storage container that is designed to be placed on a roadway or the curb of a roadway in order to be emptied or picked up shall mark the trash receptacle or storage container with a reflector on each side. This paragraph applies to any trash receptacle or storage container purchased before, on, or after January 1, 2026.

(B) Notwithstanding subdivision (g), this paragraph shall not become operative until January 1, 2026.

(b) A trash receptacle or storage container subject to subdivision (a) shall have a strip of reflective tape that is at a minimum six inches wide and four feet long placed vertically over each corner of the container where two vertical sides of the container meet. The reflective tape shall be fluorescent yellow and be made of high-performance retroreflective sheeting of American Society for Testing and Materials (ASTM) D4956-13 Type IX.

(c) An owner of a trash receptacle or storage container that is designed to be placed on a roadway or the curb of a roadway in order to be emptied or picked up shall clearly label the trash receptacle or storage container with the owner's name and current telephone number.

(d) (1) A manufacturer or an owner who violates this section shall be guilty of an infraction punishable by a fine of one hundred dollars (\$100) for the first violation of this section, five hundred dollars (\$500) for the second violation of this section, and one thousand dollars (\$1,000) for the third violation, or any subsequent violation, of this section.

(2) For purposes of this subdivision, a violation means the failure to mark an individual trash receptacle or storage container as required pursuant to subdivision (a), (b), or (c).

(3) For purposes of this subdivision, "owner" shall not mean a local governmental entity.

(e) This section only applies to trash receptacles and storage containers that are longer than three feet in length and taller than four feet in height.

(f) For purposes of this section, "provides for compensation" includes containers that are rented or provided as part of a service for which the owner or manufacturer receives compensation.

(g) This section shall become operative on January 1, 2025.

**SEC. 3.** The Legislature finds and declares that Section 2 of this act adding Chapter 22 (commencing with Section 26275) to Division 20 of the Health and Safety Code addresses a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, Section 2 of this act applies to all cities, including charter cities.

**SEC. 4.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, 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.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.