

**DEPARTMENT TRAFFIC COORDINATOR  
TRANSIT SERVICES BUREAU**

**NOTICE**

December 5, 2022

8.1

**TO:** All Department Personnel

**FROM:** Department Traffic Coordinator, Transit Services Bureau

**SUBJECT:** 2023 NEW CALIFORNIA VEHICLE LAWS

**PURPOSE**

The purpose of this Notice is to advise of upcoming revisions to the California Vehicle Code (CVC) and Penal Code (PC). Effective January 1, 2023, the California State Legislature will revise various sections of the law pertaining to pedestrians, vehicular manslaughter when speeding or driving recklessly, speed contests and exhibitions in off-street parking facilities, and bicyclists.

**PROCEDURE**

Pedestrian Enforcement

The California Vehicle Code has numerous laws regarding the rules of the road that prohibit and control when or where a pedestrian may enter a roadway or crosswalk. The California State Legislature has revised these laws to ease pedestrian movements when entering the roadway. The new laws will give pedestrians the discretion to cross between signal-controlled intersections or at an intersection against a “Don’t Walk,” “Wait,” or other approved symbols that are designed to control such movement. These laws do not relieve pedestrians from the duty of using due care for their safety when entering an intersection.

As a result, Department personnel shall not stop a pedestrian for a violation of the below sections unless a reasonably careful person would realize there is an immediate danger of a crash with a moving vehicle or other device moving exclusively by human power. In the event a pedestrian will be stopped, officers shall articulate on body worn video why the pedestrian crossing created an immediate danger. The below sections of the CVC have been revised:

- 21451(c)
- 21451(d)
- 21452(b)
- 21453(d)
- 21456
- 21461.5(a)
- 21462(a)
- 21950
- 21953(a)
- 21954(a)
- 21955(a)
- 21956
- 21961
- 21966(a)

Vehicular Manslaughter Speeding & Reckless Driving

The California State Legislature recognizes that the number of community members killed or injured in traffic crashes caused by reckless drivers and speeders has become problematic. In an effort to save lives and improve traffic safety, the Legislature acknowledges that law enforcement at the state and local level must be provided increased funding, additional resources, and effective statutory changes to maximize the effort to combat reckless speeding and street racing.

As a result, PC Section 192(e), “gross negligence,” has been revised to include a list of circumstances that may, based on the totality of circumstances, constitute gross negligence for manslaughter. Penal Code Section 192(e) has been revised, and is in italics, to read:

(e)(1) “Gross negligence,” as used in this section, does not prohibit or preclude a charge of murder under Section 188 upon facts exhibiting wantonness and a conscious disregard for life to support a finding of implied malice, or upon fact showing malice, consistent with the holding of the California Supreme Court in *People v. Watson* (1981) 30 Cal.3d 290.

(2) “*Gross negligence,*” as used in this section, may include, based on the totality of the circumstances, any of the following:

(A) *Participating in a sideshow pursuant to subparagraph (A) of subparagraph (2) of subdivision (i) of Section 23109 of the Vehicle Code.*

(B) *An exhibition of speed pursuant to subdivision (a) of Section 23109 of the Vehicle Code.*

(C) *Speeding over 100 miles per hour.*

#### Motor Vehicle Speed Contests and Exhibition of Speed – Off-street Parking Facilities

The California Vehicle Code has some laws designed to criminalize street racing and sideshow activities. The California State Legislature has revised Section 23109 of the CVC to criminalize engaging in a motor vehicle speed contest or an exhibition of speed in an off-street parking facility, or to aid or abet them. An off-street parking facility is defined as an off-street facility held open for use by the public for parking vehicles and includes any publicly owned facilities for off-street parking, and privately-owned facilities for off-street parking where no fee is charged for the privilege to park and which are held open for the common public use of retail customers. Previously, this section could only be enforced when the activity was occurring on a highway.

#### Bicyclists

The California State Legislature continues to revise the CVC to protect bicyclists. The passing of a bicyclist by a motor vehicle possesses a significant risk to both parties. In an effort to provide greater protection, CVC Section 21760(c) referred to as the “Three Feet for Safety Act” has been revised, and is in italics, to read:

“A driver of a motor vehicle shall not overtake or pass a bicycle proceeding in the same direction on a highway at a distance of less than three feet between any part of the motor vehicle and any part of the bicycle or its operator. *The driver of a motor vehicle overtaking or passing a bicycle that is proceeding in the same direction and in the same lane of travel, shall if another lane of traffic proceeding in the same direction is available, make a lane change into another available lane with due regard for safety and traffic conditions, if practicable and not prohibited by law, before overtaking or passing the bicycle.*”

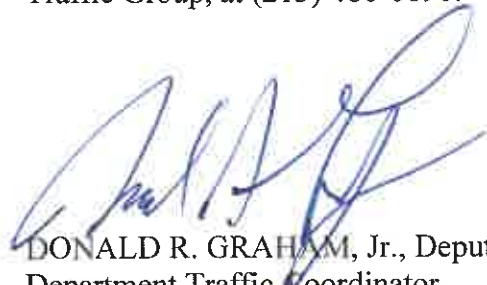
All Department Personnel

Page 3

8.1

It should be noted that CVC Section 21760(d) still provides an exemption when a motor vehicle is unable to comply with this subsection. This exemption requires a motor vehicle to reduce its speed and pass safely.

If you have any questions regarding this Notice, please contact Traffic Coordination Section, Traffic Group, at (213) 486-0690.



DONALD R. GRAHAM, Jr., Deputy Chief  
Department Traffic Coordinator  
Transit Services Bureau

APPROVED:



DANIEL RANDOLPH, Deputy Chief  
Chief of Staff  
Office of the Chief of Police

DISTRIBUTION "D"

Attachments



**AB-2147 Pedestrians.** (2021-2022)

SHARE THIS:



Date Published: 10/03/2022 09:00 PM

**Assembly Bill No. 2147**

**CHAPTER 957**

An act to amend Sections 21451, 21452, 21453, 21456, 21461.5, 21462, 21950, 21953, 21954, 21955, 21956, 21961, and 21966 of, and to add and repeal Section 21949.5 of, the Vehicle Code, relating to pedestrians.

[ Approved by Governor September 30, 2022. Filed with Secretary of State September 30, 2022. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 2147, Ting. Pedestrians.

Existing law imposes various duties relating to the rules of the road, including, but not limited to, traffic signs, symbols, and markings, and pedestrians' rights and duties. Existing law prohibits pedestrians from entering roadways and crosswalks, except under specified circumstances. Under existing law, a violation of these provisions is an infraction. Existing law establishes procedures for peace officers to make arrests for violations of the Vehicle Code without a warrant for offenses committed in their presence, as specified.

This bill would prohibit a peace officer, as defined, from stopping a pedestrian for specified traffic infractions unless a reasonably careful person would realize there is an immediate danger of collision with a moving vehicle or other device moving exclusively by human power. The bill would require the Commissioner of the California Highway Patrol, in consultation with the Institute of Transportation Studies at the University of California, to submit a report to the Legislature on or before January 1, 2028, regarding statewide pedestrian-related traffic crash data and any associated impacts to traffic safety, including an evaluation of whether and how the changes made by this bill have impacted pedestrian safety.

This bill would incorporate additional changes to Section 21456 of the Vehicle Code proposed by AB 1909 to be operative only if this bill and AB 1909 are enacted and this bill is enacted last.

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

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

**SECTION 1.** Section 21451 of the Vehicle Code is amended to read:

**21451.** (a) A driver facing a circular green signal shall proceed straight through or turn right or left or make a U-turn unless a sign prohibits a U-turn. Any driver, including one turning, shall yield the right-of-way to other traffic and to pedestrians lawfully within the intersection or an adjacent crosswalk.

(b) A driver facing a green arrow signal, shown alone or in combination with another indication, shall enter the intersection only to make the movement indicated by that green arrow or any other movement that is permitted by other indications shown at the same time. A driver facing a left green arrow may also make a U-turn unless prohibited by a sign. A driver shall yield the right-of-way to other traffic and to a pedestrian lawfully within the intersection or an adjacent crosswalk.

(c) A pedestrian facing a circular green signal, unless prohibited by sign or otherwise directed by a pedestrian control signal as provided in Section 21456, may proceed across the roadway within any marked or unmarked crosswalk, but shall yield the right-of-way to vehicles lawfully within the intersection at the time that signal is first shown.

(d) A pedestrian facing a green arrow turn signal, unless otherwise directed by a pedestrian control signal as provided in Section 21456, shall not enter the roadway.

(e) (1) A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, shall not stop a pedestrian for a violation of subdivision (c) or (d) unless a reasonably careful person would realize there is an immediate danger of a collision with a moving vehicle or other device moving exclusively by human power.

(2) This subdivision does not relieve a pedestrian from the duty of using due care for their safety.

(3) This subdivision does not relieve a driver of a vehicle from the duty of exercising due care for the safety of any pedestrian within the roadway.

**SEC. 2.** Section 21452 of the Vehicle Code is amended to read:

**21452.** (a) A driver facing a steady circular yellow or yellow arrow signal is, by that signal, warned that the related green movement is ending or that a red indication will be shown immediately thereafter.

(b) A pedestrian facing a steady circular yellow or a yellow arrow signal, unless otherwise directed by a pedestrian control signal as provided in Section 21456, is, by that signal, warned that there is insufficient time to cross the roadway and shall not enter the roadway.

(c) (1) A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, shall not stop a pedestrian for a violation of subdivision (b) unless a reasonably careful person would realize there is an immediate danger of a collision with a moving vehicle or other device moving exclusively by human power.

(2) This subdivision does not relieve a pedestrian from the duty of using due care for their safety.

(3) This subdivision does not relieve a driver of a vehicle from the duty of exercising due care for the safety of any pedestrian within the roadway.

**SEC. 3.** Section 21453 of the Vehicle Code is amended to read:

**21453.** (a) A driver facing a steady circular red signal alone shall stop at a marked limit line, but if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection, and shall remain stopped until an indication to proceed is shown, except as provided in subdivision (b).

(b) Except when a sign is in place prohibiting a turn, a driver, after stopping as required by subdivision (a), facing a steady circular red signal, may turn right, or turn left from a one-way street onto a one-way street. A driver making that turn shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to any vehicle that has approached or is approaching so closely as to constitute an immediate hazard to the driver, and shall continue to yield the right-of-way to that vehicle until the driver can proceed with reasonable safety.

(c) A driver facing a steady red arrow signal shall not enter the intersection to make the movement indicated by the arrow and, unless entering the intersection to make a movement permitted by another signal, shall stop at a clearly marked limit line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection, and shall remain stopped until an indication permitting movement is shown.

(d) Unless otherwise directed by a pedestrian control signal as provided in Section 21456, a pedestrian facing a steady circular red or red arrow signal shall not enter the roadway.

(e) (1) A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, shall not stop a pedestrian for a violation of subdivision (d) unless a reasonably careful person would realize there is an immediate danger of a collision with a moving vehicle or other device moving exclusively by human power.

(2) This subdivision does not relieve a pedestrian from the duty of using due care for their safety.

(3) This subdivision does not relieve a driver of a vehicle from the duty of exercising due care for the safety of any pedestrian within the roadway.

**SEC. 4.** Section 21456 of the Vehicle Code is amended to read:

**21456.** (a) If a pedestrian control signal showing the words "WALK" or "WAIT" or "DON'T WALK" or other approved symbol is in place, the signal shall indicate as follows:

(1) A "WALK" or approved "Walking Person" symbol means a pedestrian facing the signal may proceed across the roadway in the direction of the signal, but shall yield the right-of-way to vehicles lawfully within the intersection at the time that signal is first shown.

(2) A flashing "DON'T WALK" or "WAIT" or approved "Upraised Hand" symbol with a "countdown" signal indicating the time remaining for a pedestrian to cross the roadway means a pedestrian facing the signal may start to cross the roadway in the direction of the signal but must complete the crossing prior to the display of the steady "DON'T WALK" or "WAIT" or approved "Upraised Hand" symbol when the "countdown" ends.

(3) A steady "DON'T WALK" or "WAIT" or approved "Upraised Hand" symbol or a flashing "DON'T WALK" or "WAIT" or approved "Upraised Hand" without a "countdown" signal indicating the time remaining for a pedestrian to cross the roadway means a pedestrian facing the signal shall not start to cross the roadway in the direction of the signal, but any pedestrian who started the crossing during the display of the "WALK" or approved "Walking Person" symbol and who has partially completed crossing shall proceed to a sidewalk or safety zone or otherwise leave the roadway while the steady "WAIT" or "DON'T WALK" or approved "Upraised Hand" symbol is showing.

(b) (1) A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, shall not stop a pedestrian for a violation of this section unless a reasonably careful person would realize there is an immediate danger of a collision with a moving vehicle or other device moving exclusively by human power.

(2) This subdivision does not relieve a pedestrian from the duty of using due care for their safety.

(3) This subdivision does not relieve a driver of a vehicle from the duty of exercising due care for the safety of any pedestrian within the roadway.

**SEC. 4.5.** Section 21456 of the Vehicle Code is amended to read:

**21456.** (a) If a pedestrian control signal showing the words "WALK" or "WAIT" or "DON'T WALK" or other approved symbol is in place, the signal shall indicate as follows:

(1) A "WALK" or approved "Walking Person" symbol means a pedestrian facing the signal may proceed across the roadway in the direction of the signal, but shall yield the right-of-way to vehicles lawfully within the intersection at the time that signal is first shown.

(2) A flashing "DON'T WALK" or "WAIT" or approved "Upraised Hand" symbol with a "countdown" signal indicating the time remaining for a pedestrian to cross the roadway means a pedestrian facing the signal may start to cross the roadway in the direction of the signal, but must complete the crossing prior to the display of the steady "DON'T WALK" or "WAIT" or approved "Upraised Hand" symbol when the "countdown" ends.

(3) A steady "DON'T WALK" or "WAIT" or approved "Upraised Hand" symbol or a flashing "DON'T WALK" or "WAIT" or approved "Upraised Hand" without a "countdown" signal indicating the time remaining for a pedestrian to cross the roadway means a pedestrian facing the signal shall not start to cross the roadway in the direction of the signal, but any pedestrian who started the crossing during the display of the "WALK" or approved "Walking Person" symbol and who has partially completed crossing shall proceed to a sidewalk or safety zone or otherwise leave the roadway while the steady "WAIT" or "DON'T WALK" or approved "Upraised Hand" symbol is showing.

(b) (1) A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, shall not stop a pedestrian for a violation of this section unless a reasonably careful person would realize there is an immediate danger of a collision with a moving vehicle or other device moving exclusively by human power.

(2) This subdivision does not relieve a pedestrian from the duty of using due care for their safety.

(3) This subdivision does not relieve a driver of a vehicle from the duty of exercising due care for the safety of any pedestrian within the roadway.

(c) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

**SEC. 4.6.** Section 21456 is added to the Vehicle Code, to read:

**21456.** (a) If a pedestrian control signal showing the words "WALK" or "WAIT" or "DON'T WALK" or other approved symbol is in place, the signal shall indicate as follows:

(1) A "WALK" or approved "Walking Person" symbol means a pedestrian facing the signal may proceed across the roadway in the direction of the signal, but shall yield the right-of-way to vehicles lawfully within the intersection at the time that signal is first shown. Except as otherwise directed by a bicycle control signal described in Section 21456.3, the operator of a bicycle facing a pedestrian control signal displaying a "WALK" or approved "Walking Person" symbol may proceed across the roadway in the direction of the signal, but shall yield the right-of-way to any vehicles or pedestrians lawfully within the intersection.

(2) A flashing "DON'T WALK" or "WAIT" or approved "Upraised Hand" symbol with a "countdown" signal indicating the time remaining for a pedestrian to cross the roadway means a pedestrian facing the signal may start to cross the roadway in the direction of the signal, but must complete the crossing prior to the display of the steady "DON'T WALK" or "WAIT" or approved "Upraised Hand" symbol when the "countdown" ends.

(3) A steady "DON'T WALK" or "WAIT" or approved "Upraised Hand" symbol or a flashing "DON'T WALK" or "WAIT" or approved "Upraised Hand" without a "countdown" signal indicating the time remaining for a pedestrian to cross the roadway means a pedestrian facing the signal shall not start to cross the roadway in the direction of the signal, but any pedestrian who started the crossing during the display of the "WALK" or approved "Walking Person" symbol and who has partially completed crossing shall proceed to a sidewalk or safety zone or otherwise leave the roadway while the steady "WAIT" or "DON'T WALK" or approved "Upraised Hand" symbol is showing.

(b) (1) A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, shall not stop a pedestrian for a violation of this section unless a reasonably careful person would realize there is an immediate danger of a collision with a moving vehicle or other device moving exclusively by human power.

(2) This subdivision does not relieve a pedestrian from the duty of using due care for their safety.

(3) This subdivision does not relieve a driver of a vehicle from the duty of exercising due care for the safety of any pedestrian within the roadway.

(c) This section shall become operative on January 1, 2024.

**SEC. 5.** Section 21461.5 of the Vehicle Code is amended to read:

**21461.5.** (a) It shall be unlawful for any pedestrian to fail to obey any sign or signal erected or maintained to indicate or carry out the provisions of this code or any local traffic ordinance or resolution adopted pursuant to a local traffic ordinance, or to fail to obey any device erected or maintained pursuant to Section 21352.

(b) (1) A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, shall not stop a pedestrian for a violation of subdivision (a) unless a reasonably careful person would realize there is an immediate danger of a collision with a moving vehicle or other device moving exclusively by human power.

(2) This subdivision does not relieve a pedestrian from the duty of using due care for their safety.

(3) This subdivision does not relieve a driver of a vehicle from the duty of exercising due care for the safety of any pedestrian within the roadway.

**SEC. 6.** Section 21462 of the Vehicle Code is amended to read:

**21462.** (a) The driver of a vehicle, the person in charge of an animal, a pedestrian, and the motorist of a streetcar shall obey the instructions of an official traffic signal applicable to them and placed as provided by law, unless otherwise directed by a police or traffic officer or when it is necessary for the purpose of avoiding a collision or in case of other emergency, subject to the exemptions granted by Section 21055.

(b) (1) A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, shall not stop a pedestrian for a violation of subdivision (a) unless a reasonably careful person would realize there is an immediate danger of a collision with a moving vehicle or other device moving exclusively by human power.

(2) This subdivision does not relieve a pedestrian from the duty of using due care for their safety.

(3) This subdivision does not relieve a driver of a vehicle from the duty of exercising due care for the safety of any pedestrian within the roadway.

**SEC. 7.** Section 21949.5 is added to the Vehicle Code, to read:

**21949.5.** (a) On or before January 1, 2028, the Commissioner of the California Highway Patrol, in consultation with the Institute of Transportation Studies at the University of California, shall submit a report to the Legislature regarding statewide pedestrian-related traffic crash data and any associated impacts to traffic safety, including an evaluation of whether and how the changes made to this chapter and Article 3 (commencing with Section 21450) of Chapter 2 by the act that added this section have impacted pedestrian safety.

(b) (1) A report to be submitted pursuant to subdivision (a) shall be submitted in compliance with Section 9795 of the Government Code.

(2) Pursuant to Section 10231.5 of the Government Code, this section is repealed on January 1, 2032.

**SEC. 8.** Section 21950 of the Vehicle Code is amended to read:

**21950.** (a) The driver of a vehicle shall yield the right-of-way to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection, except as otherwise provided in this chapter.

(b) This section does not relieve a pedestrian from the duty of using due care for their safety. No pedestrian may suddenly leave a curb or other place of safety and walk or run into the path of a vehicle that is so close as to constitute an immediate hazard. No pedestrian may unnecessarily stop or delay traffic while in a marked or unmarked crosswalk.

(c) The driver of a vehicle approaching a pedestrian within any marked or unmarked crosswalk shall exercise all due care and shall reduce the speed of the vehicle or take any other action relating to the operation of the vehicle as necessary to safeguard the safety of the pedestrian.

(d) Subdivision (b) does not relieve a driver of a vehicle from the duty of exercising due care for the safety of any pedestrian within any marked crosswalk or within any unmarked crosswalk at an intersection.

(e) (1) A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, shall not stop a pedestrian for a violation of this section unless a reasonably careful person would realize there is an immediate danger of a collision with a moving vehicle or other device moving exclusively by human power.

(2) This subdivision does not relieve a pedestrian from the duty of using due care for their safety.

(3) This subdivision does not relieve a driver of a vehicle from the duty of exercising due care for the safety of any pedestrian within the roadway.

**SEC. 9.** Section 21953 of the Vehicle Code is amended to read:

**21953.** (a) Whenever any pedestrian crosses a roadway other than by means of a pedestrian tunnel or overhead pedestrian crossing, if a pedestrian tunnel or overhead crossing serves the place where the pedestrian is crossing



the roadway, such pedestrian shall yield the right-of-way to all vehicles on the highway so near as to constitute an immediate hazard.

(b) This section shall not be construed to mean that a marked crosswalk, with or without a signal device, cannot be installed where a pedestrian tunnel or overhead crossing exists.

(c) (1) A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, shall not stop a pedestrian for a violation of subdivision (a) unless a reasonably careful person would realize there is an immediate danger of a collision with a moving vehicle or other device moving exclusively by human power.

(2) This subdivision does not relieve a pedestrian from the duty of using due care for their safety.

(3) This subdivision does not relieve a driver of a vehicle from the duty of exercising due care for the safety of any pedestrian within the roadway.

**SEC. 10.** Section 21954 of the Vehicle Code is amended to read:

**21954.** (a) Every pedestrian upon a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway so near as to constitute an immediate hazard.

(b) The provisions of this section shall not relieve the driver of a vehicle from the duty to exercise due care for the safety of any pedestrian upon a roadway.

(c) (1) A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, shall not stop a pedestrian for a violation of subdivision (a) unless a reasonably careful person would realize there is an immediate danger of a collision with a moving vehicle or other device moving exclusively by human power.

(2) This subdivision does not relieve a pedestrian from the duty of using due care for their safety.

(3) This subdivision does not relieve a driver of a vehicle from the duty of exercising due care for the safety of any pedestrian within the roadway.

**SEC. 11.** Section 21955 of the Vehicle Code is amended to read:

**21955.** (a) Between adjacent intersections controlled by traffic control signal devices or by police officers, pedestrians shall not cross the roadway at any place except in a crosswalk.

(b) (1) A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, shall not stop a pedestrian for a violation of subdivision (a) unless a reasonably careful person would realize there is an immediate danger of a collision with a moving vehicle or other device moving exclusively by human power.

(2) This subdivision does not relieve a pedestrian from the duty of using due care for their safety.

(3) This subdivision does not relieve a driver of a vehicle from the duty of exercising due care for the safety of any pedestrian within the roadway.

**SEC. 12.** Section 21956 of the Vehicle Code is amended to read:

**21956.** (a) A pedestrian shall not walk upon a roadway outside of a business or residence district otherwise than close to the pedestrian's left-hand edge of the roadway.

(b) A pedestrian may walk close to their right-hand edge of the roadway if a crosswalk or other means of safely crossing the roadway is not available or if existing traffic or other conditions would compromise the safety of a pedestrian attempting to cross the road.

(c) (1) A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, shall not stop a pedestrian for a violation of this section unless a reasonably careful person would realize there is an immediate danger of a collision with a moving vehicle or other device moving exclusively by human power.

(2) This subdivision does not relieve a pedestrian from the duty of using due care for their safety.

(3) This subdivision does not relieve a driver of a vehicle from the duty of exercising due care for the safety of any pedestrian within the roadway.

**SEC. 13.** Section 21961 of the Vehicle Code is amended to read:

**21961.** (a) This chapter does not prevent local authorities from adopting ordinances prohibiting pedestrians from crossing roadways at other than crosswalks.

(b) (1) A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, shall not stop a pedestrian for a violation of an ordinance adopted by a local authority pursuant to this section, unless a reasonably careful person would realize there is an immediate danger of a collision with a moving vehicle or other device moving exclusively by human power.

(2) This subdivision does not relieve a pedestrian from the duty of using due care for their safety.

(3) This subdivision does not relieve a driver of a vehicle from the duty of exercising due care for the safety of any pedestrian within the roadway.

**SEC. 14.** Section 21966 of the Vehicle Code is amended to read:

**21966.** (a) A pedestrian shall not proceed along a bicycle path or lane where there is an adjacent adequate pedestrian facility.

(b) (1) A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, shall not stop a pedestrian for a violation of subdivision (a) unless a reasonably careful person would realize there is an immediate danger of a collision with a moving vehicle or other device moving exclusively by human power.

(2) This subdivision does not relieve a pedestrian from the duty of using due care for their safety.

(3) This subdivision does not relieve a bicyclist from the duty of exercising due care for the safety of any pedestrian within the roadway.

**SEC. 15.** Sections 4.5 and 4.6 of this bill incorporate amendments to Section 21456 of the Vehicle Code proposed by both this bill and Assembly Bill 1909. Those sections of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2023, (2) each bill amends Section 21456 of the Vehicle Code, and (3) this bill is enacted after Assembly Bill 1909, in which case Section 4 of this bill shall not become operative.



**AB-2000 Motor vehicle speed contests and exhibitions of speed: offstreet parking facilities. (2021-2022)**

SHARE THIS:  

Date Published: 09/20/2022 02:00 PM

**Assembly Bill No. 2000**

**CHAPTER 436**

An act to amend Section 23109 of the Vehicle Code, relating to vehicles.

[ Approved by Governor September 19, 2022. Filed with Secretary of State September 19, 2022. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 2000, Gabriel. Motor vehicle speed contests and exhibitions of speed: offstreet parking facilities.

Existing law makes it a crime for a person to engage in a motor vehicle speed contest on a highway or an exhibition of speed on a highway, or to aid or abet therein.

This bill would also make it a crime for a person to engage in a motor vehicle speed contest in an offstreet parking facility or an exhibition of speed in an offstreet parking facility, or to aid or abet therein. By expanding the definition of an existing crime, the 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 23109 of the Vehicle Code is amended to read:

**23109.** (a) A person shall not engage in a motor vehicle speed contest on a highway or in an offstreet parking facility. As used in this section, a motor vehicle speed contest includes a motor vehicle race against another vehicle, a clock, or other timing device. For purposes of this section, an event in which the time to cover a prescribed route of more than 20 miles is measured, but in which the vehicle does not exceed the speed limits, is not a speed contest.

(b) A person shall not aid or abet in any motor vehicle speed contest on a highway or in an offstreet parking facility.

(c) A person shall not engage in a motor vehicle exhibition of speed on a highway or in an offstreet parking facility, and a person shall not aid or abet in a motor vehicle exhibition of speed on any highway or in an offstreet parking facility.

(d) A person shall not, for the purpose of facilitating or aiding or as an incident to any motor vehicle speed contest or exhibition upon a highway or in an offstreet parking facility, in any manner obstruct or place a barricade or obstruction or assist or participate in placing a barricade or obstruction upon a highway or in an offstreet parking facility.

(e) (1) A person convicted of a violation of subdivision (a) shall be punished by imprisonment in a county jail for not less than 24 hours nor more than 90 days or by a fine of not less than three hundred fifty-five dollars (\$355) nor more than one thousand dollars (\$1,000), or by both that fine and imprisonment. That person shall also be required to perform 40 hours of community service. The court may order the privilege to operate a motor vehicle suspended for 90 days to six months, as provided in paragraph (8) of subdivision (a) of Section 13352. The person's privilege to operate a motor vehicle may be restricted for 90 days to six months to necessary travel to and from that person's place of employment and, if driving a

motor vehicle is necessary to perform the duties of the person's employment, restricted to driving in that person's scope of employment. This subdivision does not interfere with the court's power to grant probation in a suitable case.

(2) If a person is convicted of a violation of subdivision (a) and that violation proximately causes bodily injury to a person other than the driver, the person convicted shall be punished by imprisonment in a county jail for not less than 30 days nor more than six months or by a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000), or by both that fine and imprisonment.

(f) (1) If a person is convicted of a violation of subdivision (a) for an offense that occurred within five years of the date of a prior offense that resulted in a conviction of a violation of subdivision (a), that person shall be punished by imprisonment in a county jail for not less than four days nor more than six months, and by a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000).

(2) If the perpetration of the most recent offense within the five-year period described in paragraph (1) proximately causes bodily injury to a person other than the driver, a person convicted of that second violation shall be imprisoned in a county jail for not less than 30 days nor more than six months and by a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000).

(3) If the perpetration of the most recent offense within the five-year period described in paragraph (1) proximately causes serious bodily injury, as defined in paragraph (4) of subdivision (f) of Section 243 of the Penal Code, to a person other than the driver, a person convicted of that second violation shall be imprisoned in the state prison, or in a county jail for not less than 30 days nor more than one year, and by a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000).

(4) The court shall order the privilege to operate a motor vehicle of a person convicted under paragraph (1), (2), or (3) suspended for a period of six months, as provided in paragraph (9) of subdivision (a) of Section 13352. In lieu of the suspension, the person's privilege to operate a motor vehicle may be restricted for six months to necessary travel to and from that person's place of employment and, if driving a motor vehicle is necessary to perform the duties of the person's employment, restricted to driving in that person's scope of employment.

(5) This subdivision does not interfere with the court's power to grant probation in a suitable case.

(g) If the court grants probation to a person subject to punishment under subdivision (f), in addition to subdivision (f) and any other terms and conditions imposed by the court, which may include a fine, the court shall impose as a condition of probation that the person be confined in a county jail for not less than 48 hours nor more than six months. The court shall order the person's privilege to operate a motor vehicle to be suspended for a period of six months, as provided in paragraph (9) of subdivision (a) of Section 13352 or restricted pursuant to subdivision (f).

(h) If a person is convicted of a violation of subdivision (a) and the vehicle used in the violation is registered to that person, the vehicle may be impounded at the registered owner's expense for not less than one day nor more than 30 days.

(i) (1) A person who violates subdivision (b), (c), or (d) shall upon conviction of that violation be punished by imprisonment in a county jail for not more than 90 days, by a fine of not more than five hundred dollars (\$500), or by both that fine and imprisonment.

(2) (A) Commencing July 1, 2025, the court may order the privilege to operate a motor vehicle suspended for 90 days to six months for a person who violates subdivision (c), as provided in subparagraph (B) of paragraph (8) of subdivision (a) of Section 13352, only if the violation occurred as part of a sideshow. For purposes of this section, "sideshow" is defined as an event in which two or more persons block or impede traffic on a highway or in an offstreet parking facility, for the purpose of performing motor vehicle stunts, motor vehicle speed contests, motor vehicle exhibitions of speed, or reckless driving, for spectators.

(B) The person's privilege to operate a motor vehicle may be restricted for 90 days to six months to necessary travel to and from that person's place of employment and, if driving a motor vehicle is necessary to perform the duties of the person's employment, restricted to driving in that person's scope of employment.

(C) If the court is considering suspending or restricting the privilege to operate a motor vehicle pursuant to this paragraph, the court shall also consider whether a medical, personal, or family hardship exists that requires a person to have a driver's license for such limited purpose as the court deems necessary to address the hardship. This subdivision does not interfere with the court's power to grant probation in a suitable case.

(j) If a person's privilege to operate a motor vehicle is restricted by a court pursuant to this section, the court shall clearly mark the restriction and the dates of the restriction on that person's driver's license and promptly notify the Department of Motor Vehicles of the terms of the restriction in a manner prescribed by the department. The Department of Motor Vehicles shall place that restriction in the person's records in the Department of Motor Vehicles and enter the restriction on a license subsequently issued by the Department of Motor Vehicles to that person during the period of the restriction.

(k) The court may order that a person convicted under this section, who is to be punished by imprisonment in a county jail, be imprisoned on days other than days of regular employment of the person, as determined by the court.

(l) For purposes of this section, "offstreet parking facility" has the same meaning as in subdivision (c) of Section 12500.

(m) This section shall be known and may be cited as the Louis Friend Memorial Act.

**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.



## SB-1472 Vehicular manslaughter: speeding and reckless driving. (2021-2022)

SHARE THIS:



Date Published: 09/28/2022 02:00 PM

### Senate Bill No. 1472

#### CHAPTER 626

An act to amend Section 192 of the Penal Code, relating to crimes.

[ Approved by Governor September 27, 2022. Filed with Secretary of State  
September 27, 2022. ]

#### LEGISLATIVE COUNSEL'S DIGEST

SB 1472, Stern. Vehicular manslaughter: speeding and reckless driving.

Existing law prohibits a person from driving a vehicle upon a highway at a speed greater than 100 miles per hour, and provides that upon a subsequent conviction of that offense within a certain number of years, the person shall be punished by a fine and the Department of Motor Vehicles shall suspend their privilege to operate a vehicle, as specified. Under existing law, a person who drives a vehicle upon a highway or in an offstreet parking facility in willful or wanton disregard for the safety of persons or property is guilty of reckless driving, which is punishable by imprisonment in the county jail or by the payment of a fine, or both imprisonment and a fine, as specified.

Existing law defines the crime of vehicular manslaughter as the unlawful killing of a human being without malice while driving a vehicle under specified circumstances, including in the commission of an unlawful act, not amounting to felony, with or without gross negligence, and provides that vehicular manslaughter is punishable as a misdemeanor or a felony.

This bill would specify a list of circumstances that may, based on the totality of the circumstances, constitute gross negligence for manslaughter, including, among other circumstances, when a person has participated in a sideshow or has sped over 100 miles per hour. By expanding the definition of a crime, the 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.** This act shall be known, and may be cited, as Ryan's Law.

**SEC. 2.** The Legislature finds and declares all of the following:

(a) Ensuring our local streets and highways are protected from reckless drivers and excessive speeding is of the highest priority.

(b) Last year, the United States Department of Transportation's National Highway Traffic Safety Administration issued findings that showed while Americans drove less in 2020 due to the pandemic, an estimated 39,000 people died in motor vehicle traffic crashes, which is the largest number of fatalities since 2007, and represents an increase of about 7.2 percent compared to the 36,096 fatalities reported in 2019.

(c) In 2020, the State of California reported around 3,723 motor vehicle deaths, a slight increase from the year before.

(d) In 2021, traffic collisions killed 294 individuals in the City of Los Angeles, a 24-percent increase from 2020.

(e) In 2021, traffic accidents in the City of Los Angeles involving serious injury to pedestrians was up by 45 percent and serious injury to bicyclists was up by 34 percent from 2020.

(f) Exacerbating these fatalities and serious injuries is the prevalence of street racing and sideshows. According to the Department of the California Highway Patrol, in 2021, they responded to almost 6,000 of those events, issuing 2,500 citations statewide, making 87 arrests, and recovering 17 firearms.

(g) Recent increases in local street and highway fatalities, serious injuries, and the dangers of street racing is resulting in an epidemic of reckless driving and disregard for public safety.

(h) Law enforcement at the state and local level must be provided increased funding, additional resources, and effective statutory changes to maximize their efforts in combating reckless speeding and street racing.

**SEC. 3.** Section 192 of the Penal Code is amended to read:

**192.** Manslaughter is the unlawful killing of a human being without malice. It is of three kinds:

(a) Voluntary—upon a sudden quarrel or heat of passion.

(b) Involuntary—in the commission of an unlawful act, not amounting to a felony; or in the commission of a lawful act which might produce death, in an unlawful manner, or without due caution and circumspection. This subdivision shall not apply to acts committed in the driving of a vehicle.

(c) Vehicular—

(1) Except as provided in subdivision (a) of Section 191.5, driving a vehicle in the commission of an unlawful act, not amounting to a felony, and with gross negligence; or driving a vehicle in the commission of a lawful act which might produce death, in an unlawful manner, and with gross negligence.

(2) Driving a vehicle in the commission of an unlawful act, not amounting to a felony, but without gross negligence; or driving a vehicle in the commission of a lawful act which might produce death, in an unlawful manner, but without gross negligence.

(3) Driving a vehicle in connection with a violation of paragraph (3) of subdivision (a) of Section 550, where the vehicular collision or vehicular accident was knowingly caused for financial gain and proximately resulted in the death of any person. This paragraph does not prevent prosecution of a defendant for the crime of murder.

(d) This section shall not be construed as making any homicide in the driving of a vehicle punishable that is not a proximate result of the commission of an unlawful act, not amounting to a felony, or of the commission of a lawful act which might produce death, in an unlawful manner.

(e) (1) "Gross negligence," as used in this section, does not prohibit or preclude a charge of murder under Section 188 upon facts exhibiting wantonness and a conscious disregard for life to support a finding of implied malice, or upon facts showing malice, consistent with the holding of the California Supreme Court in *People v. Watson* (1981) 30 Cal.3d 290.

(2) "Gross negligence," as used in this section, may include, based on the totality of the circumstances, any of the following:

(A) Participating in a sideshow pursuant to subparagraph (A) of subparagraph (2) of subdivision (i) of Section 23109 of the Vehicle Code.

(B) An exhibition of speed pursuant to subdivision (a) of Section 23109 of the Vehicle Code.

(C) Speeding over 100 miles per hour.

(f) (1) For purposes of determining sudden quarrel or heat of passion pursuant to subdivision (a), the provocation was not objectively reasonable if it resulted from the discovery of, knowledge about, or potential disclosure of the victim's actual or perceived gender, gender identity, gender expression, or sexual orientation, including under circumstances in which the victim made an unwanted nonforcible romantic or sexual advance towards the defendant, or if the defendant and victim dated or had a romantic or sexual relationship. Nothing in this section shall preclude the jury from considering all relevant facts to determine whether the defendant was in fact provoked for purposes of establishing subjective provocation.

(2) For purposes of this subdivision, "gender" includes a person's gender identity and gender-related appearance and behavior regardless of whether that appearance or behavior is associated with the person's gender as determined at birth.

**SEC. 4.** 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.



**SEC. 6.** Section 21760 of the Vehicle Code is amended to read:

**21760.** (a) This section shall be known and may be cited as the Three Feet for Safety Act.

(b) The driver of a motor vehicle overtaking and passing a bicycle that is proceeding in the same direction on a highway shall pass in compliance with the requirements of this article applicable to overtaking and passing a vehicle, and shall do so at a safe distance that does not interfere with the safe operation of the overtaken bicycle, having due regard for the size and speed of the motor vehicle and the bicycle, traffic conditions, weather, visibility, and the surface and width of the highway.

(c) A driver of a motor vehicle shall not overtake or pass a bicycle proceeding in the same direction on a highway at a distance of less than three feet between any part of the motor vehicle and any part of the bicycle or its operator. *The driver of a motor vehicle overtaking or passing a bicycle that is proceeding in the same direction and in the same lane of travel shall, if another lane of traffic proceeding in the same direction is available, make a lane change into another available lane with due regard for safety and traffic conditions, if practicable and not prohibited by law, before overtaking or passing the bicycle.*

(d) If the driver of a motor vehicle is unable to comply with subdivision (c), due to traffic or roadway conditions, the driver shall slow to a speed that is reasonable and prudent, and may pass only when doing so would not endanger the safety of the operator of the bicycle, taking into account the size and speed of the motor vehicle and bicycle, traffic conditions, weather, visibility, and surface and width of the highway.

(e) (1) A violation of subdivision (b), (c), or (d) is an infraction punishable by a fine of thirty-five dollars (\$35).

(2) If a collision occurs between a motor vehicle and a bicycle causing bodily injury to the operator of the bicycle, and the driver of the motor vehicle is found to be in violation of subdivision (b), (c), or (d), a two-hundred-twenty-dollar (\$220) fine shall be imposed on that driver.