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AMENDED IN SENATE AUGUST 25, 2000
AMENDED IN SENATE AUGUST 14, 2000
AMENDED IN SENATE JUNE 20, 2000
AMENDED IN ASSEMBLY MAY 26, 2000
AMENDED IN ASSEMBLY MAY 1, 2000
AMENDED IN ASSEMBLY APRIL 13, 2000
AMENDED IN ASSEMBLY APRIL 4, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 2522

Introduced by Assembly Member Shelley
(Coauthor: Assembly Member Honda)
(Coauthors: Senators Johnston, Karnette, McPherson, Ortiz,
and Vasconcellos)

February 24, 2000

An act to amend ~~Section 51220~~ of *add Section 51220.4* to the Education Code, to add Article 4 (commencing with Section ~~894.5~~ 894.6) to Chapter 8 of Division 1 of the Streets and Highways Code, and to amend Sections 1666, ~~11113, 11219,~~ 21455.6, 21950, 21956, and 42001 of, and to add Sections *11113.3, 11219.3,* 21949, 21950.5, 21970, 21971, 42001.17, and 42001.18 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2522, as amended, Shelley. Vehicles: pedestrians: bicyclists.

(1) Existing law, the California Bicycle Transportation Act, declares that it is the intent of the Legislature to establish a bicycle transportation system to, among other things, achieve the functional commuting needs of the public.

The bill would establish the Pedestrian Safety Account in the State Transportation Fund to be available, upon appropriation, for allocation by the Department of Transportation to local governmental agencies approved for grants to undertake pedestrian safety improvement projects, including projects designed to improve facilities for pedestrians and bicyclists in areas where need has been demonstrated by high pedestrian injuries or fatalities.

(2) Existing law requires the driver of a vehicle to 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 specified.

This bill would prohibit any person from unnecessarily stopping a vehicle in a manner that causes the vehicle to block a marked or unmarked crosswalk or sidewalk. The bill would thereby create a new crime and impose a state-mandated local program. The bill would also impose specified fines for certain violations that result in bodily injury to anyone other than the driver.

The bill would require the department to include at least one question in each test of an applicant's knowledge and understanding of the provisions of the Vehicle Code, as administered by the department, to verify that the applicant has read and understands the rights of pedestrians.

The bill would impose a mandatory penalty of \$100 for a first conviction of violating a specified provision that prohibits the driver of a vehicle from overtaking and passing a vehicle that has stopped at a marked or unmarked crosswalk to permit a pedestrian to cross the roadway.

This bill would prohibit the removal of existing marked crosswalks without giving the public proper notice and opportunity to be heard, thereby imposing a state-mandated local program.



(3) Existing law authorizes the use of automated enforcement systems at official traffic control signals and requires any city using the systems to provide warning notices prior to issuing citations.

This bill would provide that the authorization to use automated enforcement systems does not include the use of photo radar for speed enforcement purposes by any jurisdiction.

(4) Existing law requires the Director of Motor Vehicles to prescribe rules and regulations for driving schools and for traffic violator schools regarding, among other things, the conduct of courses of education including the curriculum.

This bill would require the curriculum in those schools to include the rights and duties of motorists as they pertain to pedestrians and the rights and duties of pedestrians as they pertain to traffic laws and traffic safety.

(5) Existing law requires the adopted course of study for grades 7 to 12, inclusive, to include, among other courses, automobile driver education.

This bill would require the automobile driver education component to include the rights and the duties of a motorist as they pertain to pedestrians and the rights and duties of pedestrians as they relate to traffic laws and traffic safety. Because this would increase the level of service required of school districts, the bill would impose a state-mandated local program.

(6) *The Budget Act of 2000 (Ch. 52, Stats. 2000) made available \$8,000,000 that was appropriated for a competitive grant program to fund local pedestrian safety and intersection traffic control measures pursuant to enabling legislation enacted during the 1999–2000 Regular Session.*

This bill would transfer those funds to the Pedestrian Safety Account described above.

(7) 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other



procedures for claims whose statewide costs exceed \$1,000,000.

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. State-mandated local program: yes.

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

1 SECTION 1. This act shall be known and may be cited
2 as the Pedestrian Safety Act of 2000.

3 SEC. 2. The Legislature hereby finds and declares all
4 of the following:

5 (a) Pedestrians account for more than 20 percent of all
6 traffic fatalities in California.

7 (b) Pedestrian fatalities are the second leading cause
8 of accidental death for California children five to twelve
9 years of age.

10 (c) Nearly 5,000 pedestrians are injured every year on
11 California's streets and highways.

12 (d) Pedestrian safety projects currently receive less
13 than one percent of all transportation funding in
14 California.

15 (e) It is in the best interest of the people of the State
16 of California that the Legislature adopt policies that
17 address pedestrian safety and recognize the priority of
18 pedestrian safety projects in overall transportation
19 spending.

20 ~~SEC. 3. Section 51220 of the Education Code is~~
21 ~~amended to read:~~

22 ~~51220. The adopted course of study for grades 7 to 12,~~
23 ~~inclusive, shall offer courses in the following areas of~~
24 ~~study:~~



1 (a) English, including knowledge of and appreciation
2 for literature, language, and composition, and the skills of
3 reading, listening, and speaking.

4 (b) Social sciences, drawing upon the disciplines of
5 anthropology, economics, geography, history, political
6 science, psychology, and sociology, designed to fit the
7 maturity of the pupils. Instruction shall provide a
8 foundation for understanding the history, resources,
9 development, and government of California and the
10 United States of America; instruction in our American
11 legal system, the operation of the juvenile and adult
12 criminal justice systems, and the rights and duties of
13 citizens under the criminal and civil law and the State and
14 Federal Constitutions; the development of the American
15 economic system, including the role of the entrepreneur
16 and labor; the relations of persons to their human and
17 natural environment; eastern and western cultures and
18 civilizations; human rights issues, with particular
19 attention to the study of the inhumanity of genocide,
20 slavery, and the Holocaust, and contemporary issues.

21 (c) Foreign language or languages, beginning not
22 later than grade 7, designed to develop a facility for
23 understanding, speaking, reading, and writing the
24 particular language.

25 (d) Physical education, with emphasis given to
26 physical activities that are conducive to health and to
27 vigor of body and mind.

28 (e) Science, including the physical and biological
29 aspects, with emphasis on basic concepts, theories, and
30 processes of scientific investigation and on the place of
31 humans in ecological systems, and with appropriate
32 applications of the interrelation and interdependence of
33 the sciences.

34 (f) Mathematics, including instruction designed to
35 develop mathematical understandings, operational skills,
36 and insight into problem-solving procedures.

37 (g) Visual and performing arts, including art, music, or
38 drama, with emphasis upon development of aesthetic
39 appreciation and the skills of creative expression.



1 ~~(h) Applied arts, including instruction in the areas of~~
2 ~~consumer and homemaking education, industrial arts,~~
3 ~~general business education, or general agriculture.~~

4 ~~(i) Vocational technical education designed and~~
5 ~~conducted for the purpose of preparing youth for gainful~~
6 ~~employment in the occupations and in the numbers that~~
7 ~~are appropriate to the personnel needs of the state and~~
8 ~~the community served and relevant to the career desires~~
9 ~~and needs of the pupils.~~

10 ~~(j) Automobile driver education, designed to develop~~
11 ~~a knowledge of the provisions of the Vehicle Code and~~
12 ~~other laws of this state relating to the operation of motor~~
13 ~~vehicles, a proper acceptance of personal responsibility in~~
14 ~~traffic, a true appreciation of the causes, seriousness and~~
15 ~~consequences of traffic accidents, and to develop the~~
16 ~~knowledge and attitudes necessary for the safe operation~~
17 ~~of motor vehicles. A course in automobile driver~~
18 ~~education shall include, but is not limited to, education in~~
19 ~~the safe operation of motorcycles and education~~
20 ~~regarding the rights and duties of a motorist as they~~
21 ~~pertain to pedestrians and the rights and duties of~~
22 ~~pedestrians as they relate to traffic laws and traffic safety.~~

23 ~~(k) Other studies as may be prescribed by the~~
24 ~~governing board.~~

25 *SEC. 3. (a) Notwithstanding Provision 4 of Item*
26 *2660-101-0042 of Section 2.00 of the Budget Act of 2000*
27 *(Ch. 52, Stats. 2000), the amount appropriated pursuant*
28 *to that provision shall be transferred to the Pedestrian*
29 *Safety Account in the State Transportation Fund.*

30 *(b) The enactment of this act constitutes*
31 *implementation of Provision 4 of Item 2660-101-0042 of*
32 *Section 2.00 of the Budget Act of 2000 within the meaning*
33 *of that provision.*

34 *SEC. 3.1. Section 51220.4 is added to the Education*
35 *Code, to read:*

36 *51220.4. For purposes of subdivision (j) of Section*
37 *51220, a course in automobile driver education shall*
38 *include, but is not limited to, education regarding the*
39 *rights and duties of a motorist as those rights and duties*
40 *pertain to pedestrians and the rights and duties of*



1 *pedestrians as those rights and duties pertain to traffic*
2 *laws and traffic safety.*

3 SEC. 3.2. Article 4 (commencing with Section ~~894.5~~
4 ~~894.6~~) is added to Chapter 8 of Division 1 of the Streets
5 and Highways Code, to read:

6

7 Article 4. California Pedestrian Safety Account

8

9 ~~894.5.~~

10 ~~894.6.~~ The Pedestrian Safety Account is hereby
11 established in the State Transportation Fund for
12 expenditure by the department, upon appropriation, for
13 the purposes of funding grants awarded pursuant to
14 Section ~~894.6~~ ~~894.7~~.

15 ~~894.6.~~

16 ~~894.7.~~ (a) The department shall make grants
17 available to local governmental agencies based on the
18 results of a statewide competition that requires
19 submission of proposals for funding and rates those
20 proposals on all of the following factors:

21 (1) Needs of the applicant as demonstrated by a high
22 rate of pedestrian injuries or fatalities.

23 (2) Potential of the proposal for reducing pedestrian
24 injuries and fatalities.

25 (3) Potential of the proposal for encouraging
26 increased walking.

27 (b) Priority for grants shall be given to applicants with
28 the highest pedestrian injury and fatality rates.

29 (c) Eligible projects may include, but are not limited
30 to, traffic calming measures, intersection safety
31 improvements, traffic signal timing, ~~and~~ crosswalk
32 construction or improvements, *and any traffic safety or*
33 *enforcement program authorized by law.*

34 (d) A grant recipient shall engage in public education
35 efforts to encourage pedestrian safety and awareness that
36 may include a pedestrian safety program.

37 (e) The department shall award the grants as
38 expeditiously as possible.

39 ~~894.7.~~



1 894.8. The department, in cooperation with county
2 and city governments, the Department of the California
3 Highway Patrol, and relevant stakeholders, shall adopt
4 the necessary guidelines for implementing this article.

5 SEC. 4. Section 1666 of the Vehicle Code is amended
6 to read:

7 1666. The department shall do all of the following:

8 (a) Include at least one question in each test of an
9 applicant’s knowledge and understanding of the
10 provisions of this code, as administered pursuant to
11 Section 12804 or 12814, to verify that the applicant has
12 read and understands the table of blood alcohol
13 concentration published in the Driver’s Handbook made
14 available pursuant to subdivision (b) of Section 1656. In
15 order to minimize costs, the question or questions shall be
16 initially included at the earliest opportunity when the test
17 is otherwise revised or reprinted.

18 (b) Include with each driver’s license or certificate of
19 renewal and each vehicle registration renewal mailed by
20 the department, information that shows with reasonable
21 certainty the amount of alcohol consumption necessary
22 for a person to reach a 0.08 percent blood alcohol
23 concentration by weight.

24 (c) Include at least one question in each test of an
25 applicant’s knowledge and understanding of the
26 provisions of this code as administered pursuant to
27 Section 12804 or 12814, to verify that the applicant has
28 read and understands the rights of pedestrians. In order
29 to minimize costs, the question or questions shall be
30 initially included at the earliest opportunity when the test
31 is otherwise revised or reprinted.

32 ~~SEC. 5. Section 11113 of the Vehicle Code is amended~~
33 ~~to read:~~

34 ~~11113. The director may prescribe rules and~~
35 ~~regulations for driving schools regarding the conduct of~~
36 ~~courses of driver education and driver training, including~~
37 ~~curriculum, facilities, and equipment. The rules and~~
38 ~~regulations regarding curriculum shall require~~
39 ~~information relating to the dangers involved in~~
40 ~~consuming alcohol or drugs in connection with the~~



1 operation of a motor vehicle. The rules and regulations
2 regarding the curriculum shall include, but are not
3 limited to, the rights and duties of a motorist as they
4 pertain to pedestrians and the rights and duties of a
5 pedestrian as they relate to traffic laws and traffic safety.
6 The director may also prescribe rules and regulations for
7 the conduct of driving instructor training courses
8 required by Sections 11102.5 and 11104, including
9 curriculum, facilities, and equipment. The department
10 shall monitor instruction given by driving schools.

11 *SEC. 5. Section 11113.3 is added to the Vehicle Code,*
12 *to read:*

13 *11113.3. The rules and regulations adopted pursuant*
14 *to Section 11113 regarding the curriculum shall include,*
15 *but are not limited to, the rights and duties of a motorist*
16 *as they relate to traffic laws and traffic safety.*

17 *SEC. 5.5. Section 11219.3 is added to the Vehicle*
18 *Code, to read:*

19 *11219.3. The curriculum prescribed pursuant to*
20 *Section 11219 shall include, but is not limited to, the rights*
21 *and duties of a motorist as they pertain to pedestrians and*
22 *the rights and duties of a pedestrian as they relate to*
23 *traffic laws and traffic safety.*

24 *SEC. 5.5. Section 11219 of the Vehicle Code is*
25 *amended to read:*

26 11219. The director may prescribe rules and
27 regulations for traffic violator schools regarding the
28 conduct of courses of education including curriculum,
29 facilities, and equipment. The curriculum shall include,
30 but is not limited to, the rights and duties of a motorist as
31 they pertain to pedestrians and the rights and duties of a
32 pedestrian as they relate to traffic laws and traffic safety.
33 The director may also prescribe rules and regulations for
34 the conduct of instructor training courses.

35 *SEC. 6. Section 21949 is added to the Vehicle Code, to*
36 *read:*

37 21949. (a) The Legislature hereby finds and declares
38 that it is the policy of the State of California that safe and
39 convenient pedestrian travel and access, whether by foot,



1 wheelchair, walker, or stroller, be provided to the
2 residents of the state.

3 (b) In accordance with the policy declared under
4 subdivision (a), it is the intent of the Legislature that all
5 levels of government in the state, particularly the
6 Department of Transportation, ~~do everything feasible~~
7 *work* to provide convenient and safe passage for
8 pedestrians on and across all streets and highways,
9 increase levels of walking and pedestrian travel, and
10 reduce pedestrian fatalities and injuries.

11 SEC. 7. Section 21455.6 of the Vehicle Code is
12 amended to read:

13 21455.6. (a) A city council or county board of
14 supervisors shall conduct a public hearing on the
15 proposed use of automated enforcement systems
16 authorized pursuant to Section 21455.5 prior to that city
17 or county entering into a contract for the use of those
18 systems.

19 (b) The authorization in Section 21455.5 to use
20 automated enforcement systems does not authorize the
21 use of photo radar for speed enforcement purposes by any
22 jurisdiction.

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

25 21950. (a) The driver of a vehicle shall yield the
26 right-of-way to a pedestrian crossing the roadway within
27 any marked crosswalk or within any unmarked crosswalk
28 at an intersection, except as otherwise provided in this
29 chapter.

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

37 (c) The driver of a vehicle approaching a pedestrian
38 within any marked or unmarked crosswalk shall exercise
39 all due care and shall reduce the speed of the vehicle or
40 take any other action relating to the operation of the



1 vehicle as necessary to safeguard the safety of the
2 pedestrian.

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

7 SEC. 9. Section 21950.5 is added to the Vehicle Code,
8 to read:

9 21950.5. (a) An existing marked crosswalk may not
10 be removed unless notice and opportunity to be heard is
11 provided to the public not less than 30 days prior to the
12 scheduled date of removal. In addition to any other public
13 notice requirements, the notice of proposed removal shall
14 be posted at the crosswalk identified for removal.

15 (b) The notice required by subdivision (a) shall
16 include, but is not limited to, notification to the public of
17 both of the following:

18 (1) That the public may provide input relating to the
19 scheduled removal.

20 (2) The form and method of providing the input
21 authorized by paragraph (1).

22 SEC. 10. Section 21956 of the Vehicle Code is
23 amended to read:

24 21956. (a) No pedestrian may walk upon any
25 roadway outside of a business or residence district
26 otherwise than close to his or her left-hand edge of the
27 roadway.

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

33 SEC. 11. Section 21970 is added to the Vehicle Code,
34 to read:

35 21970. (a) No person may stop a vehicle
36 unnecessarily in a manner that causes the vehicle to block
37 a marked or unmarked crosswalk or sidewalk.

38 (b) Subdivision (a) does not preclude the driver of a
39 vehicle facing a steady circular red light from turning



1 right or turning left from a one-way street onto a one-way
2 street pursuant to subdivision (b) of Section 21453.

3 SEC. 12. Section 21971 is added to the Vehicle Code,
4 to read:

5 21971. Notwithstanding any other provision of law,
6 any person who violates subdivision (a) or (b) of Section
7 21451, subdivision (b) of Section 21453, subdivision (a) of
8 Section 21950, or Section 21952, and causes the bodily
9 injury of anyone other than the driver is guilty of an
10 infraction punishable under Section 42001.18.

11 SEC. 13. Section 42001 of the Vehicle Code is
12 amended to read:

13 42001. (a) Except as provided in Section 42000.5,
14 42001.1, 42001.2, 42001.3, 42001.5, 42001.7, 42001.8, 42001.9,
15 42001.11, 42001.12, 42001.14, 42001.15, 42001.16, or
16 subdivision (a) of 42001.17, or Section 42001.18, or
17 subdivision (b) or (c) of this section, or Article 2
18 (commencing with Section 42030), every person
19 convicted of an infraction for a violation of this code or of
20 any local ordinance adopted pursuant to this code shall be
21 punished as follows:

22 (1) By a fine not exceeding one hundred dollars
23 (\$100).

24 (2) For a second infraction occurring within one year
25 of a prior infraction which resulted in a conviction, a fine
26 not exceeding two hundred dollars (\$200).

27 (3) For a third or any subsequent infraction occurring
28 within one year of two or more prior infractions which
29 resulted in convictions, a fine not exceeding two hundred
30 fifty dollars (\$250).

31 (b) Every person convicted of a misdemeanor
32 violation of Section 2800, 2801, or 2803, insofar as they
33 affect failure to stop and submit to inspection of
34 equipment or for an unsafe condition endangering any
35 person, shall be punished as follows:

36 (1) By a fine not exceeding fifty dollars (\$50) or
37 imprisonment in the county jail not exceeding five days.

38 (2) For a second conviction within a period of one
39 year, a fine not exceeding one hundred dollars (\$100) or



1 imprisonment in the county jail not exceeding 10 days, or
2 both that fine and imprisonment.

3 (3) For a third or any subsequent conviction within a
4 period of one year, a fine not exceeding five hundred
5 dollars (\$500) or imprisonment in the county jail not
6 exceeding six months, or both that fine and
7 imprisonment.

8 (c) A pedestrian convicted of an infraction for a
9 violation of this code or any local ordinance adopted
10 pursuant to this code shall be punished by a fine not
11 exceeding fifty dollars (\$50).

12 (d) Notwithstanding any other provision of law, any
13 local public entity that employs peace officers, as
14 designated under Chapter 4.5 (commencing with Section
15 830) of Title 3 of Part 2 of the Penal Code, the California
16 State University, and the University of California may, by
17 ordinance or resolution, establish a schedule of fines
18 applicable to infractions committed by bicyclists within
19 its jurisdiction. Any fine, including all penalty assessments
20 and court costs, established pursuant to this subdivision
21 shall not exceed the maximum fine, including penalty
22 assessment and court costs, otherwise authorized by this
23 code for that violation. If a bicycle fine schedule is
24 adopted, it shall be used by the courts having jurisdiction
25 over the area within which the ordinance or resolution is
26 applicable instead of the fines, including penalty
27 assessments and court costs, otherwise applicable under
28 this code.

29 SEC. 14. Section 42001.17 is added to the Vehicle
30 Code, to read:

31 42001.17. Notwithstanding any other provision of law,
32 every person convicted of an infraction for a violation of
33 Section 21951 shall be punished as follows:

34 (a) For the first infraction, by a fine of one hundred
35 dollars (\$100).

36 (b) For a second infraction for a violation of Section
37 21951 occurring within one year of a prior infraction of
38 violating of that section that resulted in a conviction, by
39 a fine not exceeding two hundred dollars (\$200), as



1 provided in paragraph (2) of subdivision (a) of Section
2 42001.

3 (c) For a third or any subsequent infraction for a
4 violation of Section 21951 occurring within one year of
5 two or more prior infractions of violating that section that
6 resulted in convictions, by a fine not exceeding two
7 hundred fifty dollars (\$250), as provided in paragraph (3)
8 of subdivision (a) of Section 42001.

9 SEC. 15. Section 42001.18 is added to the Vehicle
10 Code, to read:

11 42001.18. Notwithstanding any other provision of law,
12 every person convicted of an infraction for a violation of
13 Section 21971 shall be punished as follows:

14 (a) For the first infraction, by a fine of two hundred
15 twenty dollars (\$220).

16 (b) For a second infraction for a violation of Section
17 21971 occurring within one year of a prior violation of that
18 section that resulted in a conviction, by a fine of three
19 hundred twenty dollars (\$320).

20 (c) For a third or any subsequent infraction for a
21 violation of Section 21971 occurring within one year of
22 two or more prior infractions of violating that section that
23 resulted in convictions by a fine of three hundred seventy
24 dollars (\$370).

25 SEC. 16. No reimbursement is required by this act
26 pursuant to Section 6 of Article XIII B of the California
27 Constitution for certain costs that may be incurred by a
28 local agency or school district because in that regard this
29 act creates a new crime or infraction, eliminates a crime
30 or infraction, or changes the penalty for a crime or
31 infraction, within the meaning of Section 17556 of the
32 Government Code, or changes the definition of a crime
33 within the meaning of Section 6 of Article XIII B of the
34 California Constitution.

35 However, notwithstanding Section 17610 of the
36 Government Code, if the Commission on State Mandates
37 determines that this act contains other costs mandated by
38 the state, reimbursement to local agencies and school
39 districts for those costs shall be made pursuant to Part 7
40 (commencing with Section 17500) of Division 4 of Title



1 2 of the Government Code. If the statewide cost of the
2 claim for reimbursement does not exceed one million
3 dollars (\$1,000,000), reimbursement shall be made from
4 the State Mandates Claims Fund.

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