

Questions about motorcycle laws

What happens if my bike alarm is triggered and I'm not around to stop it?

According to Section 22651.5 (a), a peace officer can remove a vehicle if he or she is unable to locate you 45 minutes from the time of arrival at the vehicle's location (and if the alarm's still wailing at that point).

Can I ride my motorcycle in the bike lane?

According to Section 21209 you can't drive a motor vehicle in a bike lane except 1) to park where parking is permitted, 2) to enter or leave the roadway, or 3) to prepare for a turn within a distance of 200 feet from the intersection.

Can I listen to music through headphones while I ride?

As long as you're not covering *both* ears with a headset, you're okay. You could try to convince the police officer that only *one* ear was being covered by headphones under your helmet, but good luck. Both ears with ear plugs is ok as of Jan 1, 2004. Section 27400 addresses the covering of ears.

Is lane-splitting legal?

Here's the text (verbatim) from the CHP's site: "Lane splitting by motorcycles is permissible under California law but must done in a safe and prudent manner." The text used to also include "The motorcycle should be traveling no more than 10 mph faster than surrounding traffic (without exceeding the speed limit) and not come close enough to that traffic to cause a collision." but has since been removed. Perhaps they wanted to give cops more latitude to interpret what they thought was safe so they removed it.

Lane splitting on surface streets is probably not addressed in city or county laws so I would do this with caution, as individual cops will decide whether or not they like what they see. I split lanes on surface streets if I don't see any cops, but I stop immediately if I spot one.

Can I lane-split to the front of a metered onramp?

In the magazine "Friction Zone," a reader asked "Is it legal to lane split to a metering light? In some areas there are two to three lanes when taking the onramp to the freeway. I normally lane split right up to the limit line, come to a complete stop, and proceed at the same time (but at a lower speed) as the car I share the lane with and move in behind him. Am I doing anything wrong?"

The answer from Sergeant Price: "Splitting traffic is not specifically addressed in the California Vehicle Code. However, nothing prevents two vehicles from sharing the same traffic lane until it becomes unsafe. Therefore, you can split traffic on an onramp to advance to the front. However, once at the front of the line, there are usually regulatory signs that limit the number of vehicles allowed to enter the freeway on each successive green light. Usually these signs state "One vehicle per green each lane" or "Two (or three) vehicles per green each lane."

"In the first scenario, this means if there are two metered lanes for traffic, then only one vehicle from each lane may enter the freeway when the light turns green. A motorcycle sharing a lane with another vehicle is in violation of the posted provisions of the sign.

"In the second scenario a motorcyclist would not be in violation of the provisions of the sign since he would be sharing the lane with another vehicle and more than one is allowed for each lane. Be sure to read the signs in your area."

What are my license requirements if I'm from another state or country?

Depends on if you're a resident or not. Section 516 points out that "resident" means any person who intends to live or be located in this state on more than a temporary or transient basis. Presence in the state for six months or more in any 12-month period suggests residency. If you're a resident, you'll have to jump through the legal hoops with the rest of the Californians to get a license. If you're not a resident, then you are merely subject to the same driving laws as residents are.

Section 12502 (a) states that a nonresident over the age of 18 years having in his or her immediate possession a valid driver's license issued by a foreign jurisdiction of which he or she is a resident may operate a motor vehicle in this state without obtaining a driver's license. I imagine that if you're licensed to ride a motorcycle in your home state or country, you're cleared to do it as a visitor in California.

If you want more information (of which there is much), search the California Vehicle Code using the keyword "resident."

What color lights can I have on my bike?

Section 25950 limits the colors of the lights and reflectors on vehicles to white, yellow, amber and red. Exceptions are made for certain vehicles such as law enforcement vehicles. Green is also acceptable on running boards and door-mounted courtesy lamps (if you have these on your bike, you might just own the biggest bike ever made).

Can I put flashing lights on my bike?

In general, flashing lights are not allowed unless you're indicating a turn or lane change, warning of a traffic hazard, or driving a vehicle with a special purpose. Here are a few exceptions: Section 25251.5 (a) and (b) allow a flashing amber light to be used to indicate deceleration. Subdivision (c) allows any stop lamp to be equipped so as to flash not more than four times within the first four seconds after applying the brakes. Section 25251.2 allows for modulating headlamps. (See Section 25251 of the California Vehicle Code for complete details on flashing lights.)

Can I park in a location where there is only one stall line to the left or right of me?

Other than stall lines for handicapped individuals, there is no talk about stall lines in the California Vehicle Code. This is something that's most likely handled by individual counties. In the case of San Diego County, Article 10, Section 72.150 indicates the following for angle parking: "...the Road Commissioner shall indicate at what angle vehicles should be parked by placing parallel white lines on the surface of the roadway. On such portions of such highways a person shall not stop, stand, or park any vehicle except between, at the angle indicated by, and parallel to both such adjacent white lines with the nearest wheel not more than one foot from the curb or edge of the roadway."

As a San Diegan, I can verify that the folks in them cute little carts are ready and willing to slap a ticket on your bike for angle parking in a spot that doesn't have a white line on both sides. Damned if you do, damned if you don't: If you take up an entire parking stall, car drivers (especially in places where parking is a precious commodity) give you grief about it. If you cut drivers some slack by parking in out-of-the-way places, odds are you'll get slapped with a ticket.

Can I park on the sidewalk?

Motorcycles are considered vehicles by the California Vehicle Code and are subject to the same rules and regulations of any car, so motorcycles cannot park on any sidewalk that is public land. In cities like San Francisco where parking is a problem, enforcement of this law may be lax (as evidenced by a lot of scooters and motorcycles on the sidewalk).

Can I share a metered parking spot?

According to Sergeant Price in "Friction Zone": "As for parking at a meter, a motorcycle's rear tire or fender must touch the curb; and yes, you must pay for the parking space you are using. If you share the space with another car, you could be subject to citation." Technically, it sounds like two bikes sharing a metered stall would be subject to citation if all vehicles are treated equally.

Can my pet be a passenger?

According to 23117 (a), no person driving a motor vehicle can transport an animal unless that animal is secured in a manner which will prevent it from being thrown, falling or jumping from the vehicle. The good news is your dog doesn't need a helmet. The bad news is you're going to have to duct tape it to the seat.

What's the youngest passenger I can carry?

I didn't find a specific age requirement, but by virtue of the fact that every passenger on a motorcycle must keep his or her feet on the footrests indicates that a child would at least require legs long enough to reach the pegs (Section 27800).

What if an owner has raised the footpegs so a child can reach them? Well, there's always Section 21712 (b) which states that "No person shall ride on any vehicle or upon any portion thereof not designed or intended for the use of passengers." I suppose you can mount footpegs just about anywhere, but it can be argued that wherever you put them, its new location wasn't designed for the use of passengers. Could be the equivalent of sewing your own set of seatbelts in your car.

Can I smoke while I ride?

Section 23111 points out that no person in any vehicle may throw or discharge any lighted or nonlighted cigarette, cigar, match, or any flaming or glowing substance. The mere fact that the ash is coming off a cigarette and freely drifting into the great wide open could get the smoker a ticket. (Why would I ask this question? Because I often see riders with open face helmets smoking, and it is a peculiar sight indeed.)

Can I wear tinted visors after sunset?

There are those occasions when the sun has set and we're still on the road wearing a tinted visor. Section 26708 addresses shading and tinting devices on *windows*, but there is nothing prohibiting the wearing of tinted visors after sunset. Same thing goes for sunglasses.

Can the highway patrol write me a ticket on city streets and can city cops write me a ticket on the freeway?

I posed this question to San Diego motorcyclists and the answer - backed by experience - is "yes." Any law enforcement official can write you up for a moving violation anywhere they darn well please. There is no freeway vs. city streets jurisdiction. So the next time you see San Diego's finest toodling down the freeway, don't blow by them thinking only the highway patrol has the legal right to ask you, "Son (or in my case the surprised *Miss?*), do you know why I pulled you over?"

Is doing a wheelie illegal?

I found no laws indicating that all wheels of a vehicle must remain in contact with the ground. However, you might get tagged for reckless driving, even though reckless driving is something done in "willful or wanton disregard for the safety of persons or property." If you're really good at doing wheelies, it doesn't seem any more reckless than using one hand to steer the bike...but ultimately, cops are allowed to use their discretion and if they want to cite you, they'll find a way. (See section 23103 for the complete wording on reckless driving.)

Story from a reader (Chris Fitzsimmons): "I received a citation from a city cop about 5 years ago. The comments on the ticket said I raised my front tire from the ground. He got me for exhibition of speed. Because this is a misdemeanor and I did not want to lose my firearm permit (for my job at the time) I got an attorney. My attorney advised me to admit it and give the judge a sob story about the possibility of losing my job. The judge, in his good graces, reduced my charge to an infraction 'unsafe start' (whatever the hell that means)."

What can I legally toss out my vehicle window?

Yes, this isn't a motorcycle thing, but it's weird enough to mention. The only items sanctioned in the California Vehicle Code as those which can be legally discharged from a vehicle is *clear water* and *feathers from live birds*. Hey, don't dead birds lose their feathers, too?