

Date of Hearing: July 5, 2023

ASSEMBLY COMMITTEE ON TRANSPORTATION

Laura Friedman, Chair

SB 806 (Archuleta) – As Amended April 27, 2023

**SENATE VOTE:** 40-0

**SUBJECT:** Trash receptacles and storage containers: reflective markings: enforcement

**SUMMARY:** Authorizes the Attorney General, or the district attorney or city attorney to enforce the law requiring reflectors and contact information to be placed on trash receptacles and establishes the Accident Prevention and Road Safety Fund within the State Treasury where all collected fines are to be deposited and available upon appropriation by the Legislature.

**EXISTING LAW:**

- 1) Requires that 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 to mark the trash receptacle or storage container with a reflector on each side beginning January 1, 2025. (Health and Safety Code (HSC) Section 26275)
- 2) Requires the reflector markings to include a strip of reflective tape that is at least six inches wide and four inches long placed vertically over each corner of the container where two vertical sides of the container meet. The reflective tape must be fluorescent yellow and made of high-performance retroreflective sheeting of American Society for Testing and Materials (ASTM) D4956-13 Type IX. The requirement applies to any trash receptacle or storage container marketed for sale on and after January 1, 2025, as well as any receptacle or container manufactured previously but still under the ownership of the manufacturer. (HSC 26275)
- 3) Requires an owner, other than the 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, beginning January 1, 2026. (HSC Section 26275)
- 4) Requires that an owner of a trash receptacle or storage container who sells or provides it for compensation 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, beginning January 1, 2025. (HSC Section 26275)
- 5) Provides that a manufacturer or owner, other than a local government entity, who violates the above provisions is guilty of an infraction punishable by a fine, as follows:
  - a) \$100 for the first infraction;
  - b) \$500 for the second infraction; and,
  - c) \$1,000 for the third and any subsequent infractions. (HSC Section 26275)

**FISCAL EFFECT:** According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, negligible state costs.

**COMMENTS:** Objects on the road at night—even large ones—are hard to see. In recognition of this, current law establishes lighting and reflector requirements for vehicles and equipment on the roadway at night to make them visible, so as to avoid collisions.

Starting in 2025, trash receptacles and storage containers will be required to be marked with reflectors on each side. These bins can be very large and very heavy, and can lead to tragedy when collided with by an unsuspecting person. The absence of nighttime safety markings on large trash receptacles that are placed in the street for pickup can be a safety hazard for motorists, cyclists, and pedestrians who might not see the receptacles until it is too late.

Owners of bins purchased before the marking requirement takes effect have until January 1, 2026, to add reflectors to their bins. The law also requires bin owners, beginning January 1, 2025, to mark their bins with their name and telephone number so as to ensure that they can be contacted in the case of violations.

A violation of the reflector and labeling requirements is an infraction, unless the owner or seller is a local government entity, punishable by an escalating fine: \$100 for the first violation, \$500 for the second violation, and \$1,000 for the third and any subsequent violations.

In 2002, long time staffer and environmental advocate, Rick Best was killed after colliding with an unmarked dumpster late at night. This bill seeks to add technical changes to existing law, in order to help prevent collisions with vehicles, bikers, joggers, skaters and others.

This bill makes minor changes to existing law. It creates the Accident Prevention and Road Safety Fund in the State Treasury, and authorizes the Attorney General, or the district attorney or city attorney to enforce the law requiring certain markings to be placed on trash receptacles, including reflectors and certain contact information.

*Work to be done.* While there is no registered opposition to the bill in print as of the date of this analysis, the author's office is working with a variety of stakeholders on the specifications of reflective tape. There have been concerns raised regarding the specifications of the reflective tape (American Society for Testing and Materials (ASTM) D4956-13 Type IX). The author may wish to make the following amendments:

**SECTION 1.** Section 26275 of the Health and Safety Code is amended to read:

**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)(1) Subject to paragraphs (2) and (3), a trash receptacle or storage container subject to subdivision (a) shall have at least eight strips of reflective tape, each a minimum of two inches wide and two feet long. One tape strip shall be applied horizontally to each of the top and bottom portions of the four corners where the vertical walls of the trash receptacle or storage container meet, and be oriented so that approximately 12 inches of each tape strip is visible on each of the two outside walls to which it is applied. The reflective tape shall be fluorescent yellow and be made of high-performance retroreflective sheeting of American Society for Testing and Materials D4956-13 Type V, VIII, IX, or XI.**

**(2) If reflective tape cannot be applied to a trash receptacle or storage container in the manner prescribed in paragraph (1) because of the design or a physical characteristic of the trash receptacle or storage container, the reflective tape shall be placed as close to the top and bottom of the trash receptacle as possible or on the center of the two smaller outside facing walls of the trash receptacle or storage container.**

**(3) A trash receptacle or storage container subject to subdivision (a) shall not be required to comply with the requirements in paragraph (1) if reflective tape was applied to the trash receptacle or storage container before July 1, 2023 and if the reflective tape is made of high-performance retroreflective sheeting of American Society for Testing and Materials D4956-13 Type V, VIII, IX or XI.**

(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 **if not corrected within 14 days of notice**, five hundred dollars (\$500) for the second violation of this section **if not corrected within 14 days of notice**, and one thousand dollars (\$1,000) for the third violation **if not corrected within 14 days of notice**, or any subsequent violation, of this section. The fines shall be deposited into the Accident Prevention and Road Safety Fund, which is hereby created in the State Treasury. Moneys in the fund are available upon appropriation by the Legislature.

*According to the author, "The Best Safety Act, named after long time legislative staff and lobbyist Roderick "Rick" Best who sadly passed away after a traffic accident with an unmarked dumpster, is a necessary safety measure that will protect the lives of everyone on our roadways. This commonsense bill will require large trash receptacles placed on roads or curbs that are virtually invisible on a dark night to have reflective markings on both sides. Making our roads safer for all will save lives and prevent serious injuries."*

*In support*, 3m writes, “SB 806 is another important step California can take to improve roadway safety. We commend you for this effort and we are grateful for your efforts to honor a valued member of the Capitol family, Rock Best, as well as your commitment to keeping motorists safe.”

*Previous legislation.* SB 1111 (Archuleta), Chapter 244, Statutes of 2022 requires manufacturers and owners of trash receptacles and storage containers of specified dimensions be marked with a reflector on each side and contact information, respectively and as specified.

SB 741 (Archuleta of 2021) would have required the seller or provider of a roadside trash and storage container larger than three feet and taller than four feet to mark the container with a reflector on each side and imposed a civil penalty for failure to do so. This bill died in the Senate Transportation Committee.

SB 1353 (Archuleta of 2020) would have imposed substantially the same requirement of reflectors on trash receptacles as SB 741. This bill died in the Senate Transportation Committee.

#### **REGISTERED SUPPORT / OPPOSITION:**

##### **Support**

3m

##### **Opposition**

None on file

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