

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2021-2022 Regular Session

SB 1111 (Archuleta)
Version: April 5, 2022
Hearing Date: April 19, 2022
Fiscal: Yes
Urgency: No
AWM

SUBJECT

Trash receptacles and storage containers: reflective markings

DIGEST

This bill provides that, starting January 1, 2025, manufacturers of large trash receptacles and storage containers larger than three feet in length and four feet in height that are placed in the road for pickup will be required to mark their bins with reflective markings, as specified; that, starting January 1, 2026, owners of the same types of bins will be required to mark their bins with the same specified reflectors; and that, starting January 1, 2025, owners of the same types of bins will be required to label their bins with their name and telephone number. The bill provides that failure to comply with the requirements is an infraction unless the owner of the bin is a local entity.

EXECUTIVE SUMMARY

Under current law, there is no requirement that large trash receptacles that are placed in the street for pickup have reflectors or other means by which they can be seen in the dark. The absence of nighttime safety markings can be a safety hazard for motorists, cyclists, and pedestrians who might not see the receptacles until it is too late.

This bill is intended to reduce the risks associated with large, unmarked bins on the roadside at night by requiring a person who sells, or provides for compensation, a trash receptacle or storage container designed to be placed on the side of the road or curb to be emptied, which is larger than three feet in length and four feet in height (collectively, bins), to mark the bin with a reflector on each side, beginning on January 1, 2025. Owners of bins purchased before the marking requirement takes effect have until January 1, 2026, to add reflectors to their bins. The bill 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; the author has agreed to an amendment to clarify this requirement. 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. Local government entities that fail to comply may be sued for compliance in a mandamus action.

This bill is sponsored by the author and supported by 3M and the California Waste Haulers Council. There is no known opposition. This bill passed out of the Senate Transportation Committee with a vote of 13-1.

PROPOSED CHANGES TO THE LAW

Existing state law:

- 1) Requires motortrucks, semitrailers, and buses 80 or more inches in width to be equipped with an amber reflector on each side at the front and a red reflector on each side at the rear, and if the vehicle is 30 or more feet in length, the vehicle must be equipped with an amber reflector on each side at the approximate midpoint of the vehicle. (Veh. Code, § 24068.)
 - a) Vehicles with a gross vehicle weight rating of over 10,000 may alternatively comply with reflector-marking requirements set forth in federal regulations; they must also be equipped with the federally mandated conspicuity system consisting of retroreflective sheeting, reflex reflectors, or a combination thereof. (Veh. Code, §§ 244611; *see* 49 C.F.R. 571.108.)
- 2) Requires truck tractors and certain vehicles 80 or more inches in width to be equipped with at least three red emergency reflectors, maintained in good working condition, to be used when the vehicle is disabled on the roadway during darkness, in configurations contingent upon the distance of the vehicle from the road. (Veh. Code, § 25300.)
- 3) Requires electrically motorized boards operated upon a highway during darkness to be equipped with, among other things, a red reflector on the rear that is visible from a distance of 500 feet, and a white or yellow reflector on each side that is visible from a distance of 200 feet. (Veh. Code, § 21293.)
- 4) Requires utility or public utility vehicles operated during darkness to have a warning light, which may consist of a reflector, not more than 50 feet in advance of the vehicle and not more than 50 feet to the rear, or farther as specified when the speed limit on the highway is in excess of 25 miles per hour. (Veh. Code, § 25301.)
- 5) Generally provides that reflectors on the front of a vehicle shall be white or yellow, and generally prohibits the use of red reflectorizing material on the front of a vehicle. (Veh. Code, §§ 25500, 25950.)

- 6) Authorizes a writ of mandate to be issued by any court to compel the performance of a legal duty imposed on a public body. (Code Civ. Proc., § 1085(a); *James v. State of California* (2014) 229 Cal.App.4th 130, 136.)

This bill:

- 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 shall mark the trash receptacle or storage container with a reflector on each side, beginning January 1, 2025.
 - a) The required reflector markings must 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.
 - b) 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.
 - c) 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.
- 2) 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. The requirements for the reflectors are the same as in 1)(a) and (b).
- 3) 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.
- 4) Provides that a manufacturer or owner, other than a local government entity, who violates 1)-3) shall be guilty of an infraction punishable by a fine, as follows:
 - a) \$100 for the first infraction.
 - b) \$500 for the second infraction.
 - c) \$1,000 for the third and any subsequent infractions.

COMMENTS

1. Author's comment

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.

2. This bill requires large trash receptacles and storage containers to be marked with reflectors and with the owner's contact information

Objects on the road at night – even large ones – are hard to see. In recognition of this fact, current law establishes lighting and reflector requirements for vehicles and equipment on a roadway at night to make them visible so as to avoid collisions.¹

Current law does not, however, impose nighttime lighting or reflector requirements for a particular category of objects on the roadway: trash receptacles and storage containers (together, bins). These bins can be very large and very heavy, and – as recounted by the author – can lead to tragedy when collided with by an unsuspecting person.

This bill imposes reflector requirements for very large bins that are intended to be placed on the roadway or curb of the roadway. To fall into the bill's requirements, a bin must be longer than three feet in length and taller than four feet in height; according to the author, these specifications ensure that the bill will not apply to the standard plastic bins kept at individuals' homes, and will instead apply only to the large commercial or multi-unit bins owned by local governments or commercial entities.

The bill imposes its reflector requirement in two phases. First, beginning January 1, 2025, manufacturers who sell or provide bins for compensation must have all of their bins marked with reflectors. This requirement applies to all newly manufactured bins as well as any bins owned by the manufacturer as of that date. Second, beginning January 1, 2026, all other owners of bins must have all of their bins marked with reflectors. This graduated implementation is intended to give manufacturers and owners time to comply without leaving too many old bins on the road without reflectors.

The bill provides detailed specifications about the type of reflectors that must be used and where they must be placed. The reflectors must be fluorescent yellow and made of

¹ See, e.g., Veh. Code, §§ 21293, 24068, 25300, 25301, 25500, 25950; 49 C.F.R. 571.108.

high-performance retroreflective sheeting of American Society for Testing and Materials D4956-13 Type X. The reflectors must be applied in strips at least six inches wide and four feet long placed over each corner of the bin where two vertical sides meet, i.e., all the upright corners. The bill's specifications appear sufficiently clear to give adequate instruction to the persons required to mark their bins.

In addition to the reflector requirements, the bill requires the owner of a bin who sells or provides for compensation a bin intended to be placed on the roadway or curb to clearly mark the bin with their name and current telephone number. This requirement is intended to give passers-by or law enforcement the owner's information in case the bin does not meet the reflector requirements. These requirements will take effect on January 1, 2025. As discussed below in Part 3, the author has agreed to a minor amendment to clarify the owner's obligation.

Finally, the bill makes violation of either the reflector or contact information requirements an infraction punishable by a fine, except for where the owner or manufacturer is a local government entity. The fine structure is graduated: \$100 for the first violation, \$500 for the second violation, and \$1,000 for the third and subsequent violations. Local governments are exempted from the infraction because sovereign immunity prevents them from such liability;² in the case that a local government entity fails to properly mark its bins, the remedy would be an action for a writ of mandate to compel compliance.³

3. Amendments

To clarify that any owner of a bin that meets the bill's dimensions and placement requirements must add their name and contact information to the bin, the author has agreed to the below amendment:

Amendment

On page 3, in line 24, strike out "who sells or provides for compensation" and insert "of"

4. Arguments in support

According to bill supporter California Waste Haulers Council:

As an organization, the CWHC has always readily supported thoughtful measures affecting their industry that are promotive of public safety. SB 1111 is one such measure. Requiring reflectors on receptacles or containers of a certain

² See Gov. Code, § 815.

³ See Code Civ. Proc., § 1085(a); e.g., *James v. State of California* (2014) 229 Cal.App.4th 130, 136.

dimension that are designed to be placed on the roadway or at the curb will make the containers more conspicuous and visible to those using the roadway at night. This lessens, in our view, the possibility of accidents or collisions involving these receptacles and containers.

While the equipment deployed by our members tends to already satisfy the requirements of SB 1111, we suspect there are others who provide storage container or waste and recycling services using containers that do not have reflectors. Their presence at or on the roadway presents a potential hazard to the public. This bill will encourage all who provide these services to operate more safely.

SUPPORT

3M

California Waste Haulers Council

OPPOSITION

None known

RELATED LEGISLATION

Pending Legislation: None known.

Prior Legislation:

SB 741 (Archuleta, 2021) would have required the seller or provider of a roadside trash and storage containers 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; it was similar to SB 1111 (Archuleta, 2022), but contained fewer specifics. SB 741 died in the Senate Transportation Committee.

SB 1353 (Archuleta, 2020) would have imposed substantially the same requirement of reflectors on trash receptacles as SB 741. SB 1353 was held in the Senate Transportation Committee due to COVID-19.

PRIOR VOTES:

Senate Transportation Committee (Ayes 13, Noes 1)
