

**Introduced by Senator Torlakson**

February 22, 2002

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An act to amend Sections 407.5 and 467 of, to add Section 313 to, and to add Article 6 (commencing with Section 21280) to Chapter 1 of Division 11 of, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1918, as introduced, Torlakson. Vehicles: electric personal assistive mobility devices.

(1) Existing law regulates the use and operation of vehicles, including 2-wheeled, electric propelled devices such as scooters. Under existing law, among other requirements, a motorized scooter is required to be equipped with a specified type of braking system and, if operated on a highway in darkness, with specified lamps for visibility.

This bill would establish regulations regarding the use of electric personal assistive mobility devices. The term "electric personal assistive mobility device" or "EPAMD" would be defined as a self-balancing, nontandem, 2-wheeled device, that can turn in place, designed to transport only one person at a maximum speed of less than 20 miles per hour, as specified. This bill would also specify that "pedestrian" includes a user of an electric personal assistive mobility device. An electric personal assistive mobility device would be required, among other things, to be equipped with front, rear, and side reflectors, a system that enables the driver to bring the device to a controlled stop, and lamps for nighttime visibility. This bill would also provide that local authorities may adopt ordinances with respect to the time, place, and manner of operation of electric personal assistive mobility devices. The bill also makes findings regarding the advantages of electric personal assistive mobility devices in promoting



productivity, minimizing environmental impacts, and facilitating better use of public ways. Because a violation of these provisions would be a crime, the bill would impose a state-mandated program.

(2) 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. State-mandated local program: yes.

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

1 SECTION 1. Section 313 is added to the Vehicle Code, to  
2 read:

3 313. The term “electric personal assistive mobility device” or  
4 “EPAMD” means a self-balancing, nontandem two-wheeled  
5 device, that can turn in place, designed to transport only one  
6 person, with an electric propulsion system averaging less than 750  
7 watts (1 horsepower), the maximum speed of which, when  
8 powered solely by a propulsion system on a paved level surface,  
9 is less than 20 miles per hour.

10 SEC. 2. Section 467 of the Vehicle Code is amended to read:

11 467. (a) A “pedestrian” is any person who is afoot or who is  
12 using ~~a~~ *any of the following*:

13 (1) A means of conveyance propelled by human power other  
14 than a bicycle.

15 (2) *An electric personal assistive mobility device as defined in*  
16 *Section 313.*

17 (b) “Pedestrian” includes any person who is operating a  
18 self-propelled wheelchair, invalid tricycle, or motorized  
19 quadricycle and, by reason of physical disability, is otherwise  
20 unable to move about as a pedestrian, as specified in subdivision  
21 (a).

22 SEC. 3. Section 407.5 of the Vehicle Code is amended to read:

23 407.5. (a) A “motorized scooter” is any two-wheeled device  
24 that has handlebars, is designed to be stood or sat upon by the  
25 operator, and is powered by an electric motor that is capable of  
26 propelling the device with or without human propulsion. For



1 purposes of this section, *an electric personal assistive mobility*  
2 *device, as defined in Section 313*, a motorcycle, as defined in  
3 Section 400, a motor-driven cycle, as defined in Section 405, a  
4 motorized bicycle or moped, as defined in Section 406, or a toy,  
5 as defined in Section 108550 of the Health and Safety Code, is not  
6 a motorized scooter.

7 (b) A device meeting the definition in subdivision (a) that is  
8 powered by a source other than electrical power is also a motorized  
9 scooter.

10 (c) (1) Every manufacturer of motorized scooters shall  
11 provide a disclosure to buyers that advises buyers that their  
12 existing insurance policies may not provide coverage for these  
13 scooters and that they should contact their insurance company or  
14 insurance agent to determine if coverage is provided.

15 (2) The disclosure required under paragraph (1) shall meet both  
16 of the following requirements:

17 (A) The disclosure shall be printed in not less than 14-point  
18 boldface type on a single sheet of paper that contains no  
19 information other than the disclosure.

20 (B) The disclosure shall include the following language in  
21 capital letters:

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23 “YOUR INSURANCE POLICIES MAY NOT PROVIDE  
24 COVERAGE FOR ACCIDENTS INVOLVING THE USE OF  
25 THIS SCOOTER. TO DETERMINE IF COVERAGE IS  
26 PROVIDED, YOU SHOULD CONTACT YOUR  
27 INSURANCE COMPANY OR AGENT.”

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29 SEC. 4. Article 6 (commencing with Section 21280) is added  
30 to Chapter 1 of Division 11 of the Vehicle Code, to read:

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32 Article 6. Electric Personal Assistive Mobility Devices

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34 21280. (a) The Legislature finds and declares the following:

35 (1) This state has severe traffic congestion and air pollution  
36 problems, particularly in its cities, and finding ways to reduce  
37 these problems is of paramount importance.

38 (2) Electric personal assistive mobility devices that meet the  
39 definition contained in Section 313 operate solely on electricity



1 and employ advances in technology to safely integrate the user in  
2 pedestrian transportation.

3 (3) Electric personal assistive mobility devices would enable  
4 California businesses, public officials, and individuals to travel  
5 farther and carry more without the use of traditional vehicles,  
6 thereby promoting gains in productivity, minimizing  
7 environmental impacts, and facilitating better use of public ways.

8 (b) The Legislature is adding this article as part of its program  
9 to promote the use of no-emission transportation.

10 21280.5. For purposes of this article, an electric personal  
11 assistive mobility device is defined in Section 313.

12 21281. Every electric personal assistive mobility device, or  
13 EPAMD, shall be equipped with the following safety mechanisms:

14 (a) Front, rear, and side reflectors.

15 (b) A system that enables the operator to bring the device to a  
16 controlled stop.

17 (c) If the EPAMD is operated between one-half hour after  
18 sunset and one-half hour before sunrise, a lamp emitting a white  
19 light that, while the EPAMD is in motion, illuminates the area in  
20 front of the operator and is visible from a distance of 300 feet in  
21 front of the EPAMD.

22 21282. For the purpose of assuring the safety of pedestrians  
23 and others using sidewalks and bike paths, a city, county, or city  
24 and county may, by ordinance, regulate the time, place, and  
25 manner of the operation of electrical personal assistive mobility  
26 devices.

27 SEC. 5. No reimbursement is required by this act pursuant to  
28 Section 6 of Article XIII B of the California Constitution because  
29 the only costs that may be incurred by a local agency or school  
30 district will be incurred because this act creates a new crime or  
31 infraction, eliminates a crime or infraction, or changes the penalty  
32 for a crime or infraction, within the meaning of Section 17556 of  
33 the Government Code, or changes the definition of a crime within  
34 the meaning of Section 6 of Article XIII B of the California  
35 Constitution.

