

Senate Bill No. 1918

CHAPTER 979

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

[Approved by Governor September 26, 2002. Filed
with Secretary of State September 27, 2002.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1918, 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 12.5 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, lamps for nighttime visibility, and a sound emitting device. 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, as specified, and that state agencies may limit or prohibit the time, place, and manner of their use on state property. 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. The bill would provide that its provisions shall not become operative until March 1, 2003, and shall remain in effect only until January 1, 2008, and as of that date are repealed. Because a violation of these provisions would be a crime, the bill would impose a state-mandated local 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.

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

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

313. (a) The term “electric personal assistive mobility device” or “EPAMD” means a self-balancing, nontandem two-wheeled device, that can turn in place, designed to transport only one person, with an electric propulsion system averaging less than 750 watts (1 horsepower), the maximum speed of which, when powered solely by a propulsion system on a paved level surface, is less than 12.5 miles per hour.

(b) This section shall become operative on March 1, 2003, and remain in effect only until January 1, 2008, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2008, deletes or extends that date.

SEC. 2. Section 407.5 of the Vehicle Code is amended to read:

407.5. (a) A “motorized scooter” is any two-wheeled device that has handlebars, is designed to be stood or sat upon by the operator, and is powered by an electric motor that is capable of propelling the device with or without human propulsion. For purposes of this section, an electric personal assistive mobility device, as defined in Section 313, a motorcycle, as defined in Section 400, a motor-driven cycle, as defined in Section 405, a motorized bicycle or moped, as defined in Section 406, or a toy, as defined in Section 108550 of the Health and Safety Code, is not a motorized scooter.

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

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

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

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



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

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

(d) The amendments made by this section shall become operative on March 1, 2003, and this section shall remain in effect only until January 1, 2008, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2008, deletes or extends that date.

SEC. 3. Section 407.5 is added to the Vehicle Code, to read:

407.5. (a) A “motorized scooter” is any two-wheeled device that has handlebars, is designed to be stood or sat upon by the operator, and is powered by an electric motor that is capable of propelling the device with or without human propulsion. For purposes of this section, a motorcycle, as defined in Section 400, a motor-driven cycle, as defined in Section 405, a motorized bicycle or moped, as defined in Section 406, or a toy, as defined in Section 108550 of the Health and Safety Code, is not a motorized scooter.

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

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

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

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

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

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



(d) This section shall become operative on January 1, 2008.

SEC. 4. Section 467 of the Vehicle Code is amended to read:

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

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

(2) An electric personnel assistive mobility device as defined in Section 313.

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

(c) The amendments made by this section shall become operative on March 1, 2003, and this section shall remain in effect only until January 1, 2008, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2008, deletes or extends that date.

SEC. 5. Section 467 is added to the Vehicle Code, to read:

467. (a) A “pedestrian” is any person who is afoot or who is using a means of conveyance propelled by human power other than a bicycle.

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

(c) This section shall become operative on January 1, 2008.

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

Article 6. Electric Personal Assistive Mobility Devices

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

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

(2) Electric personal assistive mobility devices that meet the definition contained in Section 313 operate solely on electricity and employ advances in technology to safely integrate the user in pedestrian transportation.

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



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

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

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

(a) Front, rear, and side reflectors.

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

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

(d) A sound emitting device that can be activated from time to time by the operator, as appropriate, to alert nearby persons.

21282. Notwithstanding Section 21966, for the purpose of assuring the safety of pedestrians, including seniors, persons with disabilities, and others using sidewalks, bike paths, pathways, trails, bike lanes, streets, roads, and highways, a city, county, or city and county may, by ordinance, regulate the time, place, and manner of the operation of electric personal assistive mobility devices as defined in Section 313, and their use as a pedestrian pursuant to paragraph (2) of subdivision (a) of Section 467, including limiting, prohibiting entirely in the local jurisdiction, or prohibiting use in specified areas as determined to be appropriate by local entities. State agencies may limit or prohibit the time, place, and manner of use on state property.

21283. This article shall become operative on March 1, 2003, and shall remain in effect only until January 1, 2008, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2008, deletes or extends that date.

SEC. 7. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

