

ASSEMBLY BILL

No. 2272

Introduced by Assembly Member Fuentes

February 21, 2008

An act to amend Sections 400 and 21714 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2272, as introduced, Fuentes. Vehicles: motorcycles.

(1) Existing law defines the word “motorcycle” for purposes of the Vehicle Code as a motor vehicle that, among other things, weighs less than 1,500 pounds or, if electrically powered, weighs less than 2,500 pounds and has a maximum speed of 45 miles per hour.

This bill would delete the weight limitation from the definition of “motorcycle” and would delete the separate definition for electrically powered motorcycles. Because this definitional change would expand the number of motor vehicles that would be classified as motorcycles, this bill would expand the scope of crimes governing the operation of motorcycles, thereby imposing a state-mandated local program.

(2) Existing law prohibits a driver of a fully enclosed 3-wheeled motor vehicle from operating the vehicle in a lane established as an exclusive or preferential use lane for high-occupancy vehicles.

This bill would delete that restriction.

(3) 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 400 of the Vehicle Code is amended to
2 read:

3 400. (a) A “motorcycle” is ~~any~~ a motor vehicle having a seat
4 or saddle for the use of the rider, designed to travel on not more
5 than three wheels in contact with the ground, ~~and weighing less~~
6 ~~than 1,500 pounds.~~

7 (b) A motor vehicle that has four wheels in contact with the
8 ground, two of which are a functional part of a sidecar, is a
9 motorcycle if the vehicle otherwise comes within the definition of
10 subdivision (a).

11 ~~(c) A motor vehicle that is electrically powered, has a maximum~~
12 ~~speed of 45 miles per hour, and weighs less than 2,500 pounds, is~~
13 ~~a motorcycle if the vehicle otherwise comes within the definition~~
14 ~~of subdivision (a).~~

15 ~~(d)~~

16 (c) A farm tractor is not a motorcycle.

17 ~~(e)~~

18 (d) A three-wheeled motor vehicle that otherwise meets the
19 requirements of subdivision (a), has a partially or completely
20 enclosed seating area for the driver and passenger, is used by local
21 public agencies for the enforcement of parking control provisions,
22 and is operated at slow speeds on public streets, is not a motorcycle.
23 However, a motor vehicle described in this subdivision shall
24 comply with the applicable sections of this code imposing
25 equipment installation requirements on motorcycles.

26 SEC. 2. Section 21714 of the Vehicle Code is amended to read:

27 21714. The driver of a vehicle described in subdivision (f) of
28 Section 27803 shall ~~not do either of the following:~~

29 ~~(a) Operate the vehicle in any lane established under Section~~
30 ~~21655.5 as an exclusive or preferential use lane for high-occupancy~~
31 ~~vehicles.~~

32 ~~(b) Operate~~ operate the vehicle in either of the following areas:

33 ~~(1) The area on;~~

34 (a) On, or immediately adjacent to, the striping or other markers
35 designating adjacent traffic lanes.

1 ~~(2) The area between~~
2 **(b) Between** two or more vehicles that are traveling in adjacent
3 traffic lanes.

4 SEC. 3. No reimbursement is required by this act pursuant to
5 Section 6 of Article XIII B of the California Constitution because
6 the only costs that may be incurred by a local agency or school
7 district will be incurred because this act creates a new crime or
8 infraction, eliminates a crime or infraction, or changes the penalty
9 for a crime or infraction, within the meaning of Section 17556 of
10 the Government Code, or changes the definition of a crime within
11 the meaning of Section 6 of Article XIII B of the California
12 Constitution.

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