

AMENDED IN ASSEMBLY APRIL 30, 2014

AMENDED IN ASSEMBLY APRIL 22, 2014

AMENDED IN ASSEMBLY MARCH 19, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2173

Introduced by Assembly Member Bradford

February 20, 2014

~~An act to amend Sections 406, 21207.5, and 24016 of the Vehicle Code, relating to vehicles. An act to amend Section 406 of the Vehicle Code, relating to vehicles.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2173, as amended, Bradford. ~~Vehicles: electric bicycles. Vehicles: motorized bicycles.~~

Existing law prohibits the operation of a motorized bicycle on a highway unless the owner applies for a license plate and attaches it to the bicycle, as specified. Existing law also requires a specified driver's license or endorsement to operate a motorized bicycle or a moped, except as specified. For purposes of these provisions, existing law defines a "motorized bicycle" or "moped" in one case as any 2-wheeled or 3-wheeled device having fully operative pedals for propulsion by human power, or having no pedals if powered solely by electrical energy, and an automatic transmission and a motor that produces less than 2 gross brake horsepower and is capable of propelling the device at a maximum speed of not more than 30 miles per hour on level ground.

This bill would redefine a "motorized bicycle" or "moped" by increasing the maximum gross brake horsepower that its motor produces to less than 4.

Existing law defines a “motorized bicycle” or “moped” as any 2-wheeled or 3-wheeled device having fully operative pedals for propulsion by human power, or having no pedals if powered solely by electrical energy, and an automatic transmission and a motor that produces less than 2 gross brake horsepower and is capable of propelling the device at a maximum speed of not more than 30 miles per hour on level ground. Existing law provides a 2nd definition of “motorized bicycle” as a device that has fully operative pedals for propulsion by human power and has an electric motor that meets specified requirements, including that it has a power output of not more than 1,000 watts, is incapable of propelling the device at a speed of more than 20 miles per hour on ground level, and is incapable of further increasing the speed of the device when human power is used to propel the motorized bicycle faster than 20 miles per hour, and requires it to meet other specified criteria.

This bill would redefine the “motorized bicycle” or “moped” by increasing the gross brake horsepower the motor can produce to less than 4. The bill would also redefine the 2nd type of “motorized bicycle” by, among other things, renaming it a “low-speed electric bicycle,” stating that it can have either 2 or 3 wheels, lowering the maximum power output to 750 watts, and requiring that it weigh no more than 80 pounds. The bill, except as provided, would exempt a low-speed electric bicycle from the provision prohibiting the operation of a motorized bicycle on a bicycle path or trail, bikeway, bicycle lane established as provided, equestrian trail, or hiking or recreational trail. The bill would also make conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: no.
 State-mandated local program: no.

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

- 1 SECTION 1. Section 406 of the Vehicle Code is amended to
- 2 read:
- 3 406. (a) A “motorized bicycle” or “moped” is ~~any a~~
- 4 two-wheeled or three-wheeled device having fully operative pedals
- 5 for propulsion by human power, or having no pedals if powered
- 6 solely by electrical energy, and an automatic transmission and a
- 7 motor ~~which that~~ produces less than ~~2 4~~ gross brake horsepower
- 8 and is capable of propelling the device at a maximum speed of not
- 9 more than 30 miles per hour on level ground.

1 (b) A “motorized bicycle” is also a device that has fully
2 operative pedals for propulsion by human power and has an electric
3 motor that meets all of the following requirements:

4 (1) Has a power output of not more than 1,000 watts.

5 (2) Is incapable of propelling the device at a speed of more than
6 20 miles per hour on ground level.

7 (3) Is incapable of further increasing the speed of the device
8 when human power is used to propel the motorized bicycle faster
9 than 20 miles per hour.

10 (4) Every manufacturer of motorized bicycles, as defined in this
11 subdivision, shall provide a disclosure to buyers that advises buyers
12 that their existing insurance policies may not provide coverage for
13 these bicycles and that they should contact their insurance company
14 or insurance agent to determine if coverage is provided.

15 (c) The disclosure required under paragraph (4) of subdivision
16 (b) shall meet both of the following requirements:

17 (1) 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 (2) The disclosure shall include the following language in capital
21 letters:

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

27 ~~SECTION 1. Section 406 of the Vehicle Code is amended to~~
28 ~~read:~~

29 ~~406. (a) A “motorized bicycle” or “moped” is any two-wheeled~~
30 ~~or three-wheeled device having fully operative pedals for~~
31 ~~propulsion by human power, or having no pedals if powered solely~~
32 ~~by electrical energy, and an automatic transmission and a motor~~
33 ~~that produces less than 4 gross brake horsepower and is capable~~
34 ~~of propelling the device at a maximum speed of not more than 30~~
35 ~~miles per hour on level ground.~~

36 ~~(b) A “low-speed electric bicycle” is a two-wheeled or~~
37 ~~three-wheeled device that has fully operative pedals for propulsion~~
38 ~~by human power and has an electric motor that meets all of the~~
39 ~~following requirements:~~

40 ~~(1) Has a power output of not more than 750 watts (1 hp).~~

1 ~~(2) Is incapable of propelling the device at a speed of more than~~
2 ~~20 miles per hour on a paved level surface, when powered solely~~
3 ~~by a motor when ridden by an operator who weighs 170 pounds.~~

4 ~~(3) Is incapable of further increasing the speed of the device~~
5 ~~when human power is used to propel the device faster than 20~~
6 ~~miles per hour.~~

7 ~~(4) Has a weight of not more than 80 pounds.~~

8 ~~(5) Every manufacturer of low-speed electric bicycles, as defined~~
9 ~~in this subdivision, shall provide a disclosure to buyers that advises~~
10 ~~buyers that their existing insurance policies may not provide~~
11 ~~coverage for these bicycles and that they should contact their~~
12 ~~insurance company or insurance agent to determine if coverage is~~
13 ~~provided.~~

14 ~~(e) The disclosure required under paragraph (5) of subdivision~~
15 ~~(b) shall meet both of the following requirements:~~

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

19 ~~(2) The disclosure shall include the following language in capital~~
20 ~~letters:~~

21
22 ~~“YOUR INSURANCE POLICIES MAY NOT PROVIDE~~
23 ~~COVERAGE FOR ACCIDENTS INVOLVING THE USE OF~~
24 ~~THIS BICYCLE. TO DETERMINE IF COVERAGE IS~~
25 ~~PROVIDED YOU SHOULD CONTACT YOUR INSURANCE~~
26 ~~COMPANY OR AGENT.”~~

27
28 ~~SEC. 2. Section 21207.5 of the Vehicle Code is amended to~~
29 ~~read:~~

30 ~~21207.5. (a) Except as provided in subdivision (b), and~~
31 ~~notwithstanding Sections 21207 and 23127 or any other law, a~~
32 ~~motorized bicycle shall not be operated on a bicycle path or trail,~~
33 ~~bikeway, bicycle lane established pursuant to Section 21207,~~
34 ~~equestrian trail, or hiking or recreational trail, unless it is within~~
35 ~~or adjacent to a roadway or unless the local authority or the~~
36 ~~governing body of a public agency having jurisdiction over that~~
37 ~~path or trail permits, by ordinance, that operation.~~

38 ~~(b) (1) Except as provided in paragraph (2), the prohibition on~~
39 ~~a motorized bicycle being operated on a bicycle path or trail,~~
40 ~~bikeway, bicycle lane established pursuant to Section 21207,~~

1 equestrian trail, or hiking or recreational trail, pursuant to
2 subdivision (a), does not apply to a low-speed electric bicycle as
3 defined in subdivision (b) of Section 406.

4 (2) The local authority or the governing body of a public agency
5 having jurisdiction over a bicycle path or trail, bikeway, bicycle
6 lane established pursuant to Section 21207, equestrian trail, or
7 hiking or recreational trail, by ordinance, may prohibit the
8 operation of a low-speed electric bicycle, as defined in subdivision
9 (b) of Section 406, on that path, trail, bikeway, or lane.

10 SEC. 3. Section 24016 of the Vehicle Code is amended to read:
11 24016. (a) A low-speed electric bicycle described in
12 subdivision (b) of Section 406 shall meet the following criteria:

13 (1) Comply with the equipment and manufacturing requirements
14 for bicycles adopted by the Consumer Product Safety Commission
15 (16 C.F.R. 1512.1, et seq.) or the requirements adopted by the
16 National Highway Traffic Safety Administration (49 C.F.R. 571.1,
17 et seq.) in accordance with the National Traffic and Motor Vehicle
18 Safety Act of 1966 (15 U.S.C. Sec. 1381, et seq.) for motor driven
19 eyes.

20 (2) Operate in a manner so that the electric motor is disengaged
21 or ceases to function when the brakes are applied, or operate in a
22 manner such that the motor is engaged through a switch or
23 mechanism that, when released, will cause the electric motor to
24 disengage or cease to function.

25 (b) All of the following apply to a low-speed electric bicycle
26 described in subdivision (b) of Section 406:

27 (1) A person shall not operate a low-speed electric bicycle unless
28 the person is wearing a properly fitted and fastened bicycle helmet
29 that meets the standards described in Section 21212.

30 (2) A person operating a low-speed electric bicycle is subject
31 to Sections 21200 and 21200.5.

32 (3) A person operating a low-speed electric bicycle is not subject
33 to the provisions of this code relating to financial responsibility,
34 driver's licenses, registration, and license plate requirements, and
35 a low-speed electric bicycle is not a motor vehicle.

36 (4) A low-speed electric bicycle shall only be operated by a
37 person 16 years of age or older.

38 (5) Every manufacturer of a low-speed electric bicycle shall
39 certify that it complies with the equipment and manufacturing

- 1 requirements for bicycles adopted by the Consumer Product Safety
- 2 Commission (16 C.F.R. 1512.1, et seq.):
- 3 (e) ~~A person shall not tamper with or modify a low-speed~~
- 4 ~~electric bicycle described in subdivision (b) of Section 406 so as~~
- 5 ~~to increase the speed capability of the bicycle.~~

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