

ASSEMBLY BILL

No. 604

**Introduced by Assembly Member Olsen
(Coauthors: Assembly Members Baker, Calderon, Cristina Garcia,
Linder, Melendez, Mark Stone, and Waldron)**

February 24, 2015

An act to amend Section 21968 of, to add Section 313.5 to, and to add Article 7 (commencing with Section 21290) to Chapter 1 of Division 11 of, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 604, as introduced, Olsen. Electrically motorized skateboards.

Existing law regulates the operation of bicycles, motorized scooters, and electric personal assistive mobility devices, as defined.

This bill would define the term “electrically motorized skateboard” and would provide that those devices are subject to the provisions of law applicable to a driver of a vehicle, except as specified. By making the operation of an electrically motorized skateboard subject to existing laws, the violation of which are offenses, this bill would expand the scope of existing crimes, and impose a state-mandated local program.

The bill would make it an infraction for a person to operate an electrically motorized skateboard upon a highway while under the influence of an alcoholic beverage or any drug, or under the combined influence of an alcoholic beverage and any drug. The bill would, subject to restrictions, authorize the operation of electrically motorized skateboards on highways, bikeways, and sidewalks, would require an operator under 18 years of age to wear a helmet, and would require an operator to be at least 12 years of age in order to operate an electrically motorized skateboard on a highway or bikeway. The bill would prohibit

the operation of an electrically motorized skateboard at a speed in excess of 20 miles per hour. The bill would require specified braking and lighting equipment for the operation of an electrically motorized skateboard. A violation of these provisions would be an infraction under existing law. By creating a new infraction and expanding the scope of existing crimes, this bill would impose a state-mandated local program.

Existing law makes it a crime to operate a motorized skateboard on any sidewalk, roadway, or any other part of a highway or on any bikeway, bicycle path or trail, equestrian trail, or hiking or recreational trail.

This bill would provide that an electrically motorized skateboard is not a motorized skateboard for those purposes.

The bill would state findings and declarations of the Legislature relative to electrically motorized skateboards.

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 313.5 is added to the Vehicle Code, to
2 read:

3 313.5. (a) An “electrically motorized skateboard” is any
4 four-wheeled device that has a floorboard designed to be stood
5 upon when riding that is not greater than 60 inches deep and 18
6 inches wide, is designed to transport only one person, and has an
7 electric propulsion system averaging less than 1000 watts, the
8 maximum speed of which, when powered solely by a propulsion
9 system on a paved level surface, is no more than 20 miles per hour.
10 The device may be designed to also be powered by human
11 propulsion.

12 (b) An electrically motorized skateboard does not include an
13 electric personal assistive mobility device, as defined in Section
14 313, a motorcycle, as defined in Section 400, a motor-driven cycle,
15 as defined in Section 405, a motorized bicycle or moped, as defined
16 in Section 406, or a motorized scooter, as defined in Section 407.5.

1 SEC. 2. Article 7 (commencing with Section 21290) is added
2 to Chapter 1 of Division 11 of the Vehicle Code, to read:

3
4 Article 7. Operation of Electrically Motorized Skateboards

5
6 21290. (a) The Legislature finds and declares all of the
7 following:

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

11 (2) Reducing the millions of single passenger automobile trips
12 of five miles or less that Californians take each year will
13 significantly reduce the pollution caused by fuel emissions and
14 aggravated by automobile congestion.

15 (3) Electrically motorized skateboards enable California
16 businesses, public officials, and individuals to travel farther and
17 carry more without the use of traditional vehicles, thereby
18 promoting gains in productivity, minimizing environmental
19 impacts, and facilitating better use of public ways.

20 (b) The Legislature is enacting this article as part of its program
21 to promote the use of zero-emission transportation.

22 21292. For purposes of this article, an electrically motorized
23 skateboard is defined in Section 313.5.

24 21294. A person operating an electrically motorized skateboard
25 upon a highway has all the rights and is subject to all the provisions
26 applicable to the driver of a vehicle by this division, including, but
27 not limited to, provisions concerning driving under the influence
28 of alcoholic beverages or drugs, and by Division 10 (commencing
29 with Section 20000), Division 17 (commencing with Section
30 40000.1), and Division 18 (commencing with Section 42000),
31 except those provisions which, by their very nature, can have no
32 application.

33 21296. (a) Notwithstanding Section 21294, it is unlawful for
34 a person to operate an electrically motorized skateboard upon a
35 highway while under the influence of an alcoholic beverage or any
36 drug, or under the combined influence of an alcoholic beverage
37 and any drug.

38 (b) A person arrested for a violation of this section may request
39 to have a chemical test made of the person's blood or breath for
40 the purpose of determining the alcoholic or drug content of that

1 person's blood pursuant to subdivision (d) of Section 23612, and,
2 if so requested, the arresting officer shall have the test performed.

3 (c) A conviction of a violation of this section shall be punished
4 by a fine of not more than two hundred fifty dollars (\$250).

5 21298. Notwithstanding any other law, an electrically
6 motorized skateboard may be operated on a bikeway, unless the
7 local authority or the governing body of a local agency having
8 jurisdiction over that bikeway prohibits that operation by ordinance.

9 21300. (a) Whenever a Class II or Class IV bikeway has been
10 established on a roadway, a person operating an electrically
11 motorized skateboard upon the roadway shall ride within the
12 bikeway, except that the person may move out of the bikeway
13 under any of the following situations:

14 (1) When overtaking and passing another vehicle or pedestrian
15 within the bikeway or when about to enter the bikeway if the
16 overtaking and passing cannot be done safely within the bikeway.

17 (2) When preparing for a left turn, the operator shall stop and
18 dismount as close as practicable to the right-hand curb or right
19 edge of the roadway and complete the turn by crossing the roadway
20 on foot, subject to the restrictions placed on pedestrians in Chapter
21 5 (commencing with Section 21949).

22 (3) When reasonably necessary to leave the bikeway to avoid
23 debris or other hazardous conditions.

24 (4) When approaching a place where a right turn is authorized.

25 (b) A person operating an electrically motorized skateboard
26 shall not leave a bicycle lane until the movement can be made with
27 reasonable safety, and then only after giving an appropriate signal
28 in the manner provided in Chapter 6 (commencing with Section
29 22100) if a vehicle may be affected by the movement.

30 21302. (a) Except as provided in subdivision (b), a person
31 operating an electrically motorized skateboard upon a highway at
32 a speed less than the normal speed of traffic moving in the same
33 direction at that time shall ride as close as practicable to the
34 right-hand curb or right edge of the roadway, except under the
35 following situations:

36 (1) When overtaking and passing another vehicle proceeding
37 in the same direction.

38 (2) When preparing for a left turn, the operator shall stop and
39 dismount as close as practicable to the right-hand curb or right
40 edge of the roadway and complete the turn by crossing the roadway

1 on foot, subject to the restrictions placed on pedestrians in Chapter
2 5 (commencing with Section 21949).

3 (3) (A) When reasonably necessary to avoid conditions,
4 including, but not limited to, fixed or moving objects, vehicles,
5 bicycles, pedestrians, animals, surface hazards, or substandard
6 width lanes, which make it unsafe to continue along the right-hand
7 curb or right edge of the roadway, subject to Section 21656.

8 (B) For the purposes of paragraph (1), a “substandard width
9 lane” is a lane that is too narrow for an electrically motorized
10 skateboard and another vehicle to travel safely side by side within
11 the lane.

12 (b) A person operating an electrically motorized skateboard
13 upon a highway that carries traffic in one direction only and has
14 two or more marked traffic lanes may operate the electrically
15 motorized skateboard as near the left-hand curb or left edge of that
16 roadway as practicable. However, when preparing for a right turn,
17 the operator shall stop and dismount as close as practicable to the
18 left-hand curb or left edge of the highway and complete the turn
19 by crossing the roadway on foot, subject to the restrictions placed
20 on pedestrians in Chapter 5 (commencing with Section 21949).

21 21304. The operator of an electrically motorized skateboard
22 shall not do any of the following:

23 (a) Operate an electrically motorized skateboard unless it is
24 equipped with a brake or braking function that will enable the
25 operator to make a braked wheel skid on dry, level, clean pavement.

26 (b) Operate an electrically motorized skateboard on a highway
27 with a speed limit in excess of 25 miles per hour unless the
28 electrically motorized skateboard is operated within a Class II or
29 Class IV bikeway.

30 (c) Operate an electrically motorized skateboard without wearing
31 a properly fitted and fastened bicycle helmet that meets the
32 standards described in Section 21212, if the operator is under 18
33 years of age.

34 (d) Operate an electrically motorized skateboard with any
35 passengers in addition to the operator.

36 (e) Operate an electrically motorized skateboard upon a sidewalk
37 at a speed in excess of five miles per hour or the pace of pedestrian
38 traffic, whichever is slower, except as may be necessary to enter
39 or leave adjacent property.

1 (f) Leave or park an electrically motorized skateboard on any
2 sidewalk, in any position, so that there is not an adequate path for
3 pedestrian traffic.

4 (g) Attach the electrically motorized skateboard or operator,
5 while on the roadway, by any means, to any other vehicle on the
6 roadway.

7 (h) Operate an electrically motorized skateboard on a highway
8 or bikeway if the operator is under 12 years of age.

9 (i) Operate an electrically motorized skateboard at a speed in
10 excess of 20 miles per hour.

11 21306. An electrically motorized skateboard operated upon a
12 highway or bikeway during darkness shall be equipped with the
13 following:

14 (a) A lamp or lamp combination, emitting a white light, attached
15 to either the electrically motorized skateboard or the operator and
16 visible from a distance of 300 feet in front and from the sides of
17 the electrically motorized skateboard.

18 (b) Either a red reflector, or reflectorized material meeting the
19 requirements of Section 25500, attached to the operator, or a lamp
20 or lamp combination, emitting red light attached to the electrically
21 motorized skateboard, and visible from a distance of 500 feet to
22 the rear when directly in front of lawful upper beams of headlamps
23 on a motor vehicle.

24 21308. (a) A person operating an electrically motorized
25 skateboard is not subject to the provisions of this code relating to
26 financial responsibility, registration, and license plate requirements,
27 and, for those purposes, an electrically motorized skateboard is
28 not a motor vehicle.

29 (b) An electrically motorized skateboard is exempt from the
30 equipment requirements in Division 12 (commencing with Section
31 24000), except for Sections 24003 and 27400, Article 4
32 (commencing with Section 27450) of Chapter 5 of Division 12,
33 and Section 27602.

34 (c) Notwithstanding subdivision (b), an electrically motorized
35 skateboard may be equipped with equipment authorized by
36 Division 12 (commencing with Section 24000).

37 (d) An electrically motorized skateboard equipped with lighting
38 equipment that is authorized by Division 12 (commencing with
39 Section 24000) shall meet the lighting requirements in Article 1

1 (commencing with Section 24250) of Chapter 2 of Division 12 for
2 that equipment.

3 21310. This article does not prevent a local authority, by
4 ordinance, from regulating the registration of electrically motorized
5 skateboards and the parking and operation of electrically motorized
6 skateboards on pedestrian or bicycle facilities and local streets and
7 highways, if that regulation is not in conflict with this code.

8 21312. If the operator of an electrically motorized skateboard
9 is injured or causes injury to another person or property, arising
10 out of the operator's failure to adhere to the limitations and
11 restrictions included in this article, the local government authority
12 having jurisdiction over the street where the injury occurred shall
13 be immune from liability for the injury, except as otherwise
14 provided by law.

15 SEC. 3. Section 21968 of the Vehicle Code is amended to read:

16 21968. ~~No~~ ~~(a)~~ A motorized skateboard ~~may~~ *shall not* be
17 propelled on any sidewalk, roadway, or any other part of a highway
18 or on any bikeway, bicycle path or trail, equestrian trail, or hiking
19 or recreational trail.

20 *(b) For purposes of this section, an electrically motorized*
21 *skateboard, as defined in Section 313.5, is not a motorized*
22 *skateboard.*

23 SEC. 4. No reimbursement is required by this act pursuant to
24 Section 6 of Article XIII B of the California Constitution because
25 the only costs that may be incurred by a local agency or school
26 district will be incurred because this act creates a new crime or
27 infraction, eliminates a crime or infraction, or changes the penalty
28 for a crime or infraction, within the meaning of Section 17556 of
29 the Government Code, or changes the definition of a crime within
30 the meaning of Section 6 of Article XIII B of the California
31 Constitution.