

AMENDED IN SENATE JUNE 24, 2015

AMENDED IN ASSEMBLY APRIL 20, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

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 Sections 21113, 21967, and 21968 of, and 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 amended, Olsen. Electrically motorized skateboards.

Existing law regulates the operation of bicycles, motorized scooters, and electric personal assistive mobility devices, as defined. *Existing law makes a violation of these provisions punishable as an infraction.*

This bill would define the term “electrically motorized skateboard.” *The bill would prohibit the operation of 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 require the operator of an electrically motorized skateboard who is under 18 years of age to wear a helmet while operating an electrically motorized skateboard. The bill would require an operator to be at least 14 years of age in order to operate an electrically motorized skateboard. Because a violation of these provisions would be punishable as an infraction, this bill would impose a state-mandated local program.*

Existing law authorizes transit development boards and public agencies, including, but not limited to, the Regents of the University of California and the Trustees of the California State University, to adopt ordinances, rules, or regulations, respectively, to restrict, or specify the conditions for, the use of bicycles, motorized bicycles, skateboards, and roller skates on property under the control of, or any portion of property used by, the board, or on public property under the jurisdiction of the agency, respectively.

This bill would additionally authorize those boards and agencies to adopt ordinances, rules, and regulations, respectively, for the use of electrically motorized skateboards.

Existing law authorizes local authorities to adopt rules and regulations by ordinance or resolution prohibiting or restricting persons from riding or propelling skateboards on highways, sidewalks, or roadways.

This bill would additionally authorize local authorities to adopt rules and regulations by ordinance or resolution prohibiting or restricting persons from riding or propelling electrically motorized skateboards on highways, sidewalks, or roadways.

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 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: ~~no~~-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

1 inches wide, is designed to transport only one person, and has an
2 electric propulsion system averaging less than ~~1000~~ 1,000 watts,
3 the maximum speed of which, when powered solely by a
4 propulsion system on a paved level surface, is no more than 20
5 miles per hour. The device may be designed to also be powered
6 by human propulsion.

7 (b) An electrically motorized skateboard does not include an
8 electric personal assistive mobility device, as defined in Section
9 313, a motorcycle, as defined in Section 400, a motor-driven cycle,
10 as defined in Section 405, a motorized bicycle or moped, as defined
11 in Section 406, or a motorized scooter, as defined in Section 407.5.

12 SEC. 2. Section 21113 of the Vehicle Code is amended to read:

13 21113. (a) A person shall not drive a vehicle or animal, or
14 stop, park, or leave standing a vehicle or animal, whether attended
15 or unattended, upon the driveways, paths, parking facilities, or the
16 grounds of any public school, state university, state college, unit
17 of the state park system, county park, municipal airport, rapid
18 transit district, transit development board, transit district, public
19 transportation agency, county transportation commission created
20 pursuant to Section 130050 of the Public Utilities Code, joint
21 powers agency operating or managing a commuter rail system, or
22 any property under the direct control of the legislative body of a
23 municipality, or a state, county, or hospital district institution or
24 building, or an educational institution exempted, in whole or in
25 part, from taxation, or any harbor improvement district or harbor
26 district formed pursuant to Part 2 (commencing with Section 5800)
27 or Part 3 (commencing with Section 6000) of Division 8 of the
28 Harbors and Navigation Code, a district organized pursuant to Part
29 3 (commencing with Section 27000) of Division 16 of the Streets
30 and Highways Code, or state grounds served by the Department
31 of the California Highway Patrol, or any property under the
32 possession or control of a housing authority formed pursuant to
33 Article 2 (commencing with Section 34240) of Chapter 1 of Part
34 2 of Division 24 of the Health and Safety Code, except with the
35 permission of, and upon and subject to any condition or regulation
36 that may be imposed by, the legislative body of the municipality,
37 or the governing board or officer of the public school, state
38 university, state college, county park, municipal airport, rapid
39 transit district, transit development board, transit district, public
40 transportation agency, county transportation commission, joint

1 powers agency operating or managing a commuter rail system, or
2 state, county, or hospital district institution or building, or
3 educational institution, or harbor district, or a district organized
4 pursuant to Part 3 (commencing with Section 27000) of Division
5 16 of the Streets and Highways Code, or housing authority, or the
6 Director of Parks and Recreation regarding units of the state park
7 system or the state agency with jurisdiction over the grounds served
8 by the Department of the California Highway Patrol.

9 (b) A governing board, legislative body, or officer shall erect
10 or place appropriate signs giving notice of any special conditions
11 or regulations that are imposed under this section and the governing
12 board, legislative body, or officer shall also prepare and keep
13 available at the principal administrative office of the governing
14 board, legislative body, or officer, for examination by all interested
15 persons, a written statement of all those special conditions and
16 regulations adopted pursuant to this section.

17 (c) When a governing board, legislative body, or officer permits
18 public traffic upon the driveways, paths, parking facilities, or
19 grounds under their control then, except for those conditions
20 imposed or regulations enacted by the governing board, legislative
21 body, or officer applicable to the traffic, all the provisions of this
22 code relating to traffic upon the highways shall be applicable to
23 the traffic upon the driveways, paths, parking facilities, or grounds.

24 (d) A public transportation agency that imposes any condition
25 or regulation upon a person who parks or leaves standing a vehicle,
26 pursuant to subdivision (a), is authorized to do either of the
27 following:

28 (1) Enforce that condition or regulation in the manner provided
29 in Article 3 (commencing with Section 40200) of Chapter 1 of
30 Division 17 of this code. The public transportation agency shall
31 be considered the issuing agency for that purpose.

32 (2) Designate regularly employed and salaried employees, who
33 are engaged in directing traffic or enforcing parking laws and
34 regulations, for the purpose of removing any vehicle in the same
35 manner as a city, county, or jurisdiction of a state agency pursuant
36 to Chapter 10 (commencing with Section 22650) of Division 11
37 of this code.

38 (e) With respect to the permitted use of vehicles or animals on
39 property under the direct control of the legislative body of a
40 municipality, no change in the use of vehicles or animals on the

1 property, that had been permitted on January 1, 1976, shall be
2 effective unless and until the legislative body, at a meeting open
3 to the general public, determines that the use of vehicles or animals
4 on the property should be prohibited or regulated.

5 (f) A transit development board may adopt ordinances, rules,
6 or regulations to restrict, or specify the conditions for, the use of
7 bicycles, motorized bicycles, skateboards, electrically motorized
8 skateboards, and roller skates on property under the control of, or
9 any portion of property used by, the board.

10 (g) A public agency, including, but not limited to, the Regents
11 of the University of California and the Trustees of the California
12 State University, may adopt rules or regulations to restrict, or
13 specify the conditions for, the use of bicycles, motorized bicycles,
14 skateboards, electrically motorized skateboards, and roller skates
15 on public property under the jurisdiction of that agency.

16 (h) "Housing authority," for the purposes of this section, means
17 a housing authority located within a county with a population of
18 over six million people, and any other housing authority that
19 complies with the requirements of this section.

20 (i) "Public transportation agency," for purposes of this section,
21 means a public agency that provides public transportation as
22 defined in paragraph (1) of subdivision (f) of Section 1 of Article
23 XIX A of the California Constitution.

24 *SEC. 3. Article 7 (commencing with Section 21290) is added*
25 *to Chapter 1 of Division 11 of the Vehicle Code, to read:*

26
27 *Article 7. Operation of Electrically Motorized Skateboards*

28
29 *21290. For purposes of this article, an "electrically motorized*
30 *skateboard" is defined in Section 313.5.*

31 *21292. An electrically motorized skateboard shall be operated*
32 *only by a person who is 14 years of age or older.*

33 *21294. An electrically motorized skateboard may be operated*
34 *by a person under 18 years of age only if the operator is wearing*
35 *a properly fitted and fastened bicycle helmet that meets the*
36 *standards described in Section 21212.*

37 *21296. (a) It is unlawful for a person to operate an electrically*
38 *motorized skateboard upon a highway while under the influence*
39 *of an alcoholic beverage or any drug, or under the combined*
40 *influence of an alcoholic beverage and any drug.*

1 **(b)** *A person arrested for a violation of this section may request*
 2 *to have a chemical test made of the person’s blood or breath for*
 3 *the purpose of determining the alcoholic or drug content of that*
 4 *person’s blood pursuant to subdivision (d) of Section 23612, and,*
 5 *if so requested, the arresting officer shall have the test performed.*

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

8 ~~SEC. 3.~~

9 **SEC. 4.** Section 21967 of the Vehicle Code is amended to read:
 10 21967. Except as provided in Section 21968, a local authority
 11 may adopt rules and regulations by ordinance or resolution
 12 prohibiting or restricting persons from riding or propelling
 13 skateboards, or electrically motorized skateboards, on highways,
 14 sidewalks, or roadways.

15 ~~SEC. 4.~~

16 **SEC. 5.** Section 21968 of the Vehicle Code is amended to read:

17 21968. (a) A motorized skateboard shall not be propelled on
 18 any sidewalk, roadway, or any other part of a highway or on any
 19 bikeway, bicycle path or trail, equestrian trail, or hiking or
 20 recreational trail.

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

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