

**ASSEMBLY BILL**

**No. 875**

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**Introduced by Assembly Member Harper  
(Coauthors: Assembly Members Jones, Steinorth, and Waldron)**

February 26, 2015

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An act to amend Sections 406, 21207.5, and 24016 of the Vehicle Code, relating to low-speed electric bicycles.

LEGISLATIVE COUNSEL'S DIGEST

AB 875, as introduced, Harper. Low-speed electric bicycles.

Existing law defines a motorized bicycle in one case 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.

This bill would redefine this 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 would exempt a low-speed electric bicycle from the prohibition on 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 a two-wheeled  
4 or three-wheeled device having fully operative pedals for  
5 propulsion by human power, or having no pedals if powered solely  
6 by electrical energy, and an automatic transmission and a motor  
7 that produces less than 4 gross brake horsepower and is capable  
8 of propelling the device at a maximum speed of not more than 30  
9 miles per hour on level ground.

10 (b) A ~~“motorized~~ “*low-speed electric bicycle*” is ~~also~~ a  
11 *two-wheeled or three-wheeled* device that has fully operative pedals  
12 for propulsion by human power and has an electric motor that  
13 meets all of the following requirements:

14 (1) Has a power output of not more than ~~1,000 watts~~; *750 watts*  
15 (*1 hp*).

16 (2) Is incapable of propelling the device at a speed of more than  
17 20 miles per hour on ~~ground level~~; *a paved level surface, when*  
18 *ridden by an operator who weighs 170 pounds*.

19 (3) Is incapable of further increasing the speed of the device  
20 when human power is used to propel the ~~motorized bicycle~~ *device*  
21 faster than 20 miles per hour.

22 (4) *Has a weight of not more than 80 pounds.*

23 ~~(4)~~

24 (5) Every manufacturer of ~~motorized~~ *low-speed electric* bicycles,  
25 as defined in this subdivision, shall provide a disclosure to buyers  
26 that advises buyers that their existing insurance policies may not  
27 provide coverage for these bicycles ~~and~~, *and* that they should  
28 contact their insurance company or insurance agent to determine  
29 if coverage is provided.

30 (c) The disclosure required under paragraph ~~(4)~~ (5) of  
31 subdivision (b) shall meet both of the following requirements:

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

35 (2) The disclosure shall include the following language in capital  
36 letters:

37 “YOUR INSURANCE POLICIES MAY NOT PROVIDE  
38 COVERAGE FOR ACCIDENTS INVOLVING THE USE OF

1 THIS BICYCLE. TO DETERMINE IF COVERAGE IS  
2 PROVIDED YOU SHOULD CONTACT YOUR INSURANCE  
3 COMPANY OR AGENT.”

4 SEC. 2. Section 21207.5 of the Vehicle Code is amended to  
5 read:

6 21207.5. Notwithstanding Sections 21207 and 23127 ~~of this~~  
7 ~~code~~, or any other provision of law, ~~no~~ a motorized bicycle ~~may~~,  
8 *other than a low-speed electric bicycle as defined in subdivision*  
9 *(b) of Section 406, shall not be operated on a bicycle path or trail,*  
10 *bikeway, bicycle lane established pursuant to Section 21207,*  
11 *equestrian trail, or hiking or recreational trail, unless it is within*  
12 *or adjacent to a roadway or unless the local authority or the*  
13 *governing body of a public agency having jurisdiction over ~~such~~*  
14 *that path or trail permits, by ordinance, ~~such that~~ operation.*

15 SEC. 3. Section 24016 of the Vehicle Code is amended to read:

16 24016. (a) A ~~motorized~~ *low-speed electric* bicycle described  
17 in subdivision (b) of Section 406 shall meet the following criteria:

18 (1) Comply with the equipment and manufacturing requirements  
19 for bicycles adopted by the Consumer Product Safety Commission  
20 (16 C.F.R. 1512.1, et seq.) or the requirements adopted by the  
21 National Highway Traffic Safety Administration (49 C.F.R. 571.1,  
22 et seq.) in accordance with the National Traffic and Motor Vehicle  
23 Safety Act of 1966 (15 U.S.C. Sec. 1381, et seq.) for motor driven  
24 cycles.

25 (2) Operate in a manner so that the electric motor is disengaged  
26 or ceases to function when the brakes are applied, or operate in a  
27 manner such that the motor is engaged through a switch or  
28 mechanism that, when released, will cause the electric motor to  
29 disengage or cease to function.

30 (b) All of the following apply to a ~~motorized~~ *low-speed electric*  
31 bicycle described in subdivision (b) of Section 406:

32 (1) ~~No~~ A person shall *not* operate a ~~motorized~~ *low-speed electric*  
33 bicycle unless the person is wearing a properly fitted and fastened  
34 bicycle helmet that meets the standards described in Section 21212.

35 (2) A person operating a ~~motorized~~ *low-speed electric* bicycle  
36 is subject to Sections 21200 and 21200.5.

37 (3) A person operating a ~~motorized~~ *low-speed electric* bicycle  
38 is not subject to the provisions of this code relating to financial  
39 responsibility, driver’s licenses, registration, and license plate

1 requirements, and a ~~motorized~~ *low-speed electric* bicycle is not a  
2 motor vehicle.

3 (4) A ~~motorized~~ *low-speed electric* bicycle shall only be  
4 operated by a person 16 years of age or older.

5 (5) Every manufacturer of a ~~motorized~~ *low-speed electric* bicycle  
6 shall certify that it complies with the equipment and manufacturing  
7 requirements for bicycles adopted by the Consumer Product Safety  
8 Commission (16 C.F.R. 1512.1, et seq.).

9 (c) ~~No~~ A person shall *not* tamper with or modify a ~~motorized~~  
10 *low-speed electric* bicycle described in subdivision (b) of Section  
11 406 so as to increase the speed capability of the bicycle.