

AMENDED IN ASSEMBLY APRIL 29, 2015

AMENDED IN ASSEMBLY APRIL 22, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1096

Introduced by Assembly Member Chiu
(Principal coauthor: Assembly Member Harper)

February 27, 2015

An act to amend Sections 406, 12804.9 and 21207.5 of, to add Sections 312.5 and 21213 to, and to repeal Section 24016 of, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1096, as amended, Chiu. Vehicles: electric bicycles.

Existing law defines a “motorized bicycle” or a “moped” as a 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 motor, as specified.

Existing law also defines a “motorized bicycle” as a device that has fully operative pedals for propulsion by human power and has an electric motor that meets specified requirements. Existing law requires a motorized bicycle, as described by this definition, to comply with specified equipment and manufacturing requirements. Existing law also imposes specified requirements relating to the operation of bicycles. A violation of the Vehicle Code is a crime.

This bill would delete the latter definition of “motorized bicycle” and related requirements. The bill would define an “electric bicycle” as a bicycle with fully operable pedals and an electric motor of less than

750 watts, and would create 3 classes of electric bicycles, as specified. The bill would require manufacturers or distributors of electric bicycles to affix a label to each electric bicycle that describes its classification number, top assisted speed, and motor wattage. The bill would require a person riding an electric bicycle to comply with the above-described requirements relating to the operation of bicycles. The bill would prohibit persons under ~~14~~ 16 years of age from operating a class 3 electric bicycle. The bill would also require persons operating, or riding upon, a class 3 electric bicycle to wear a helmet, as specified. The bill would prohibit the operation of a class 3 electric bicycle on specified paths, lanes, or trails, unless that operation is authorized by a local ordinance. The bill would also authorize a local authority or governing body to prohibit, by ordinance, the operation of class 1 or class 2 electric bicycles on specified paths or trails. The bill would also make conforming changes.

Because the bill would create new requirements regarding electric bicycles, the violation of which would be a crime, the bill would impose a state-mandated local program.

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 312.5 is added to the Vehicle Code, to
- 2 read:
- 3 312.5. (a) An “electric bicycle” is a bicycle equipped with
- 4 fully operable pedals and an electric motor of less than 750 watts.
- 5 (1) A “class 1 electric bicycle,” or “low-speed pedal-assisted
- 6 electric bicycle,” is a bicycle equipped with a motor that provides
- 7 assistance only when the rider is pedaling, and that ceases to
- 8 provide assistance when the bicycle reaches the speed of 20 miles
- 9 per hour.
- 10 (2) A “class 2 electric bicycle,” or “low-speed throttle-assisted
- 11 electric bicycle,” is a bicycle equipped with a motor that may be
- 12 used exclusively to propel the bicycle, and that is not capable of

1 providing assistance when the bicycle reaches the speed of 20
2 miles per hour.

3 (3) A “class 3 electric bicycle,” or “speed pedal-assisted electric
4 bicycle,” is a bicycle equipped with a motor that provides
5 assistance only when the rider is pedaling, and that ceases to
6 provide assistance when the bicycle reaches the speed of 28 miles
7 per hour, and equipped with a speedometer.

8 (b) A person riding an electric bicycle, as defined in this section,
9 is subject to Article 4 (commencing with Section 21200) of this
10 code.

11 (c) On and after January 1, 2017, manufacturers and distributors
12 of electric bicycles shall apply a label that is permanently affixed,
13 in a prominent location, to each electric bicycle. The label shall
14 contain the classification number, top assisted speed, and motor
15 wattage of the electric bicycle, and shall be printed in Arial font
16 in at least 9-point type.

17 SEC. 2. Section 406 of the Vehicle Code is amended to read:

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

25 (b) Every manufacturer of a motorized bicycle or moped, as
26 defined in this section, shall provide a disclosure to buyers that
27 advises buyers that their existing insurance policies may not
28 provide coverage for these bicycles and that they should contact
29 their insurance company or insurance agent to determine if
30 coverage is provided. The disclosure shall meet both of the
31 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
39 THIS BICYCLE. TO DETERMINE IF COVERAGE IS

1 PROVIDED YOU SHOULD CONTACT YOUR INSURANCE
2 COMPANY OR AGENT.”

3 SEC. 3. Section 12804.9 of the Vehicle Code is amended to
4 read:

5 12804.9. (a) (1) The examination shall include all of the
6 following:

7 (A) A test of the applicant’s knowledge and understanding of
8 the provisions of this code governing the operation of vehicles
9 upon the highways.

10 (B) A test of the applicant’s ability to read and understand
11 simple English used in highway traffic and directional signs.

12 (C) A test of the applicant’s understanding of traffic signs and
13 signals, including the bikeway signs, markers, and traffic control
14 devices established by the Department of Transportation.

15 (D) An actual demonstration of the applicant’s ability to exercise
16 ordinary and reasonable control in operating a motor vehicle by
17 driving it under the supervision of an examining officer. The
18 applicant shall submit to an examination appropriate to the type
19 of motor vehicle or combination of vehicles he or she desires a
20 license to drive, except that the department may waive the driving
21 test part of the examination for any applicant who submits a license
22 issued by another state, territory, or possession of the United States,
23 the District of Columbia, or the Commonwealth of Puerto Rico if
24 the department verifies through any acknowledged national driver
25 record data source that there are no stops, holds, or other
26 impediments to its issuance. The examining officer may request
27 to see evidence of financial responsibility for the vehicle prior to
28 supervising the demonstration of the applicant’s ability to operate
29 the vehicle. The examining officer may refuse to examine an
30 applicant who is unable to provide proof of financial responsibility
31 for the vehicle, unless proof of financial responsibility is not
32 required by this code.

33 (E) A test of the hearing and eyesight of the applicant, and of
34 other matters that may be necessary to determine the applicant’s
35 mental and physical fitness to operate a motor vehicle upon the
36 highways, and whether any grounds exist for refusal of a license
37 under this code.

38 (2) (A) Before a class A or class B driver’s license, or class C
39 driver’s license with a commercial endorsement, may be issued
40 or renewed, the applicant shall have in his or her driver record a

valid report of a medical examination of the applicant given not more than two years prior to the date of the application by a health care professional. As used in this paragraph, “health care professional” means a person who is licensed, certified, or registered in accordance with applicable state laws and regulations to practice medicine and perform physical examinations in the United States. Health care professionals are doctors of medicine, doctors of osteopathy, physician assistants, and registered advanced practice nurses, or doctors of chiropractic who are clinically competent to perform the medical examination presently required of motor carrier drivers by the United States Department of Transportation. The report shall be on a form approved by the department. In establishing the requirements, consideration may be given to the standards presently required of motor carrier drivers by the Federal Motor Carrier Safety Administration.

(B) The department may accept a federal waiver of one or more physical qualification standards if the waiver is accompanied by a report of a nonqualifying medical examination for a class A or class B driver’s license, or class C driver’s license with a commercial endorsement, pursuant to Section 391.41(a)(3)(ii) of Subpart E of Part 391 of Title 49 of the Code of Federal Regulations.

(3) A physical defect of the applicant that, in the opinion of the department, is compensated for to ensure safe driving ability, shall not prevent the issuance of a license to the applicant.

(b) In accordance with the following classifications, an applicant for a driver’s license shall be required to submit to an examination appropriate to the type of motor vehicle or combination of vehicles the applicant desires a license to drive:

(1) Class A includes the following:

(A) Except as provided in subparagraph (H) of paragraph (3), a combination of vehicles, if a vehicle being towed has a gross vehicle weight rating or gross vehicle weight of more than 10,000 pounds.

(B) A vehicle towing more than one vehicle.

(C) A trailer bus.

(D) The operation of all vehicles under class B and class C.

(2) Class B includes the following:

(A) Except as provided in subparagraph (H) of paragraph (3), a single vehicle with a gross vehicle weight rating or gross vehicle weight of more than 26,000 pounds.

(B) A single vehicle with three or more axles, except any three-axle vehicle weighing less than 6,000 pounds.

(C) A bus with a gross vehicle weight rating or gross vehicle weight of more than 26,000 pounds, except a trailer bus.

(D) A farm labor vehicle.

(E) A single vehicle with three or more axles or a gross vehicle weight rating or gross vehicle weight of more than 26,000 pounds towing another vehicle with a gross vehicle weight rating or gross vehicle weight of 10,000 pounds or less.

(F) A house car over 40 feet in length, excluding safety devices and safety bumpers.

(G) The operation of all vehicles covered under class C.

(3) Class C includes the following:

(A) A two-axle vehicle with a gross vehicle weight rating or gross vehicle weight of 26,000 pounds or less, including when the vehicle is towing a trailer or semitrailer with a gross vehicle weight rating or gross vehicle weight of 10,000 pounds or less.

(B) Notwithstanding subparagraph (A), a two-axle vehicle weighing 4,000 pounds or more unladen when towing a trailer coach not exceeding 9,000 pounds gross.

(C) A house car of 40 feet in length or less.

(D) A three-axle vehicle weighing 6,000 pounds gross or less.

(E) A house car of 40 feet in length or less or a vehicle towing another vehicle with a gross vehicle weight rating of 10,000 pounds or less, including when a tow dolly is used. A person driving a vehicle may not tow another vehicle in violation of Section 21715.

(F) (i) A two-axle vehicle weighing 4,000 pounds or more unladen when towing either a trailer coach or a fifth-wheel travel trailer not exceeding 10,000 pounds gross vehicle weight rating, when the towing of the trailer is not for compensation.

(ii) A two-axle vehicle weighing 4,000 pounds or more unladen when towing a fifth-wheel travel trailer exceeding 10,000 pounds, but not exceeding 15,000 pounds, gross vehicle weight rating, when the towing of the trailer is not for compensation, and if the person has passed a specialized written examination provided by the department relating to the knowledge of this code and other

1 safety aspects governing the towing of recreational vehicles upon
2 the highway.

3 The authority to operate combinations of vehicles under this
4 subparagraph may be granted by endorsement on a class C license
5 upon completion of that written examination.

6 (G) A vehicle or combination of vehicles with a gross
7 combination weight rating or a gross vehicle weight rating, as
8 those terms are defined in subdivisions (j) and (k), respectively,
9 of Section 15210, of 26,000 pounds or less, if all of the following
10 conditions are met:

11 (i) Is operated by a farmer, an employee of a farmer, or an
12 instructor credentialed in agriculture as part of an instructional
13 program in agriculture at the high school, community college, or
14 university level.

15 (ii) Is used exclusively in the conduct of agricultural operations.

16 (iii) Is not used in the capacity of a for-hire carrier or for
17 compensation.

18 (H) Firefighting equipment, provided that the equipment is
19 operated by a person who holds a firefighter endorsement pursuant
20 to Section 12804.11.

21 (I) A motorized scooter.

22 (J) A bus with a gross vehicle weight rating or gross vehicle
23 weight of 26,000 pounds or less, except a trailer bus.

24 (K) Class C does not include a two-wheel motorcycle or a
25 two-wheel motor-driven cycle.

26 (4) Class M1. A two-wheel motorcycle or a motor-driven cycle.
27 Authority to operate a vehicle included in a class M1 license may
28 be granted by endorsement on a class A, B, or C license upon
29 completion of an appropriate examination.

30 (5) (A) Class M2 includes the following:

31 (i) A motorized bicycle or moped, or a bicycle with an attached
32 motor.

33 (ii) A motorized scooter.

34 (B) Authority to operate vehicles included in class M2 may be
35 granted by endorsement on a class A, B, or C license upon
36 completion of an appropriate examination, except that no
37 endorsement is required for a motorized scooter. Persons holding
38 a class M1 license or endorsement may operate vehicles included
39 in class M2 without further examination.

(c) A driver's license or driver certificate is not valid for operating a commercial motor vehicle, as defined in subdivision (b) of Section 15210, any other motor vehicle defined in paragraph (1) or (2) of subdivision (b), or any other vehicle requiring a driver to hold any driver certificate or any driver's license endorsement under Section 15275, unless a medical certificate approved by the department that has been issued within two years of the date of the operation of that vehicle and a copy of the medical examination report from which the certificate was issued is on file with the department. Otherwise, the license is valid only for operating class C vehicles that are not commercial vehicles, as defined in subdivision (b) of Section 15210, and for operating class M1 or M2 vehicles, if so endorsed, that are not commercial vehicles, as defined in subdivision (b) of Section 15210.

(d) A license or driver certificate issued prior to the enactment of Chapter 7 (commencing with Section 15200) is valid to operate the class or type of vehicles specified under the law in existence prior to that enactment until the license or certificate expires or is otherwise suspended, revoked, or canceled. Upon application for renewal or replacement of a driver's license, endorsement, or certificate required to operate a commercial motor vehicle, a valid medical certificate on a form approved by the department shall be submitted to the department.

(e) The department may accept a certificate of driving skill that is issued by an employer, authorized by the department to issue a certificate under Section 15250, of the applicant, in lieu of a driving test, on class A or B applications, if the applicant has first qualified for a class C license and has met the other examination requirements for the license for which he or she is applying. The certificate may be submitted as evidence of the applicant's skill in the operation of the types of equipment covered by the license for which he or she is applying.

(f) The department may accept a certificate of competence in lieu of a driving test on class M1 or M2 applications, when the certificate is issued by a law enforcement agency for its officers who operate class M1 or M2 vehicles in their duties, if the applicant has met the other examination requirements for the license for which he or she is applying.

(g) The department may accept a certificate of satisfactory completion of a novice motorcyclist training program approved

1 by the commissioner pursuant to Section 2932 in lieu of a driving
2 test on class M1 or M2 applications, if the applicant has met the
3 other examination requirements for the license for which he or she
4 is applying. The department shall review and approve the written
5 and driving test used by a program to determine whether the
6 program may issue a certificate of completion.

7 (h) Notwithstanding subdivision (b), a person holding a valid
8 California driver's license of any class may operate a short-term
9 rental motorized bicycle without taking any special examination
10 for the operation of a motorized bicycle, and without having a
11 class M2 endorsement on that license. As used in this subdivision,
12 "short-term" means 48 hours or less.

13 (i) A person under the age of 21 years shall not be issued a class
14 M1 or M2 license or endorsement unless he or she provides
15 evidence satisfactory to the department of completion of a
16 motorcycle safety training program that is operated pursuant to
17 Article 2 (commencing with Section 2930) of Chapter 5 of Division
18 2.

19 (j) A driver of a vanpool vehicle may operate with a class C
20 license but shall possess evidence of a medical examination
21 required for a class B license when operating vanpool vehicles. In
22 order to be eligible to drive the vanpool vehicle, the driver shall
23 keep in the vanpool vehicle a statement, signed under penalty of
24 perjury, that he or she has not been convicted of reckless driving,
25 drunk driving, or a hit-and-run offense in the last five years.

26 SEC. 4. Section 21207.5 of the Vehicle Code is amended to
27 read:

28 21207.5. (a) Notwithstanding Sections 21207 and 23127 of
29 this code, or any other law, a motorized bicycle or class 3 electric
30 bicycle shall not be operated on a bicycle path or trail, bikeway,
31 bicycle lane established pursuant to Section 21207, equestrian
32 trail, or hiking or recreational trail, unless it is within or adjacent
33 to a roadway or unless the local authority or the governing body
34 of a public agency having jurisdiction over the path or trail permits,
35 by ordinance, that operation.

36 (b) The local authority or governing body of a public agency
37 having jurisdiction over a bicycle path or trail, equestrian trail, or
38 hiking or recreational trail, may prohibit, by ordinance, the
39 operation of a class 1 or class 2 electric bicycle on that path or
40 trail.

1 SEC. 5. Section 21213 is added to the Vehicle Code, to read:
2 21213. (a) A person under ~~14~~ 16 years of age shall not operate
3 a class 3 electric bicycle.

4 (b) A person shall not operate a class 3 electric bicycle, or ride
5 upon a class 3 electric bicycle as a passenger, upon a street,
6 bikeway, as defined in Section 890.4 of the Streets and Highways
7 Code, or any other public bicycle path or trail, unless that person
8 is wearing a properly fitted and fastened bicycle helmet that meets
9 the standards of either the American Society for Testing and
10 Materials (ASTM) or the United States Consumer Product Safety
11 Commission (CPSC), or standards subsequently established by
12 those entities. This helmet requirement also applies to a person
13 who rides upon a class 3 electric bicycle while in a restraining seat
14 that is attached to the bicycle or in a trailer towed by the bicycle.

15 SEC. 6. Section 24016 of the Vehicle Code is repealed.

16 SEC. 7. No reimbursement is required by this act pursuant to
17 Section 6 of Article XIII B of the California Constitution because
18 the only costs that may be incurred by a local agency or school
19 district will be incurred because this act creates a new crime or
20 infraction, eliminates a crime or infraction, or changes the penalty
21 for a crime or infraction, within the meaning of Section 17556 of
22 the Government Code, or changes the definition of a crime within
23 the meaning of Section 6 of Article XIII B of the California
24 Constitution.