

AMENDED IN SENATE JUNE 15, 2015

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, 12804.9, 21113, 21207.5, and 24016 of, and 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~~: a “*motorized bicycle*.” 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 every electric bicycle manufacturer to certify that it complies with specified equipment and manufacturing requirements. The bill would also require an electric bicycle to operate in a manner so that the electric motor disengages or stops functioning when brakes are applied, or in a manner so that the release or activation of a switch or other mechanism disengages or stops the electric motor from functioning.* ~~The~~

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 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 prohibit a person from tampering with or modifying an electric bicycle to change its speed capability, unless he or she appropriately replaces the classification label. The bill would specify that a person operating an electric bicycle is not subject to financial responsibility, driver’s license, registration, or license plate requirements. 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
13 providing assistance when the bicycle reaches the speed of 20
14 miles per hour.

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

20 (b) A person riding an electric bicycle, as defined in this section,
21 is subject to Article 4 (commencing with Section 21200) ~~of this~~
22 ~~code.~~ *of Chapter 1 of Division 11.*

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

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

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

37 (b) Every manufacturer of a motorized bicycle or moped, as
38 defined in this section, shall provide a disclosure to buyers that

1 advises buyers that their existing insurance policies may not
2 provide coverage for these bicycles and that they should contact
3 their insurance company or insurance agent to determine if
4 coverage is provided. The disclosure shall meet both of the
5 following requirements:

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

9 (2) The disclosure shall include the following language in capital
10 letters:

11
12 “YOUR INSURANCE POLICIES MAY NOT PROVIDE
13 COVERAGE FOR ACCIDENTS INVOLVING THE USE OF
14 THIS BICYCLE. TO DETERMINE IF COVERAGE IS
15 PROVIDED YOU SHOULD CONTACT YOUR INSURANCE
16 COMPANY OR AGENT.”

17
18 SEC. 3. Section 12804.9 of the Vehicle Code is amended to
19 read:

20 12804.9. (a) (1) The examination shall include all of the
21 following:

22 (A) A test of the applicant’s knowledge and understanding of
23 the provisions of this code governing the operation of vehicles
24 upon the highways.

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

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

30 (D) An actual demonstration of the applicant’s ability to exercise
31 ordinary and reasonable control in operating a motor vehicle by
32 driving it under the supervision of an examining officer. The
33 applicant shall submit to an examination appropriate to the type
34 of motor vehicle or combination of vehicles he or she desires a
35 license to drive, except that the department may waive the driving
36 test part of the examination for any applicant who submits a license
37 issued by another state, territory, or possession of the United States,
38 the District of Columbia, or the Commonwealth of Puerto Rico if
39 the department verifies through any acknowledged national driver
40 record data source that there are no stops, holds, or other

1 impediments to its issuance. The examining officer may request
2 to see evidence of financial responsibility for the vehicle prior to
3 supervising the demonstration of the applicant’s ability to operate
4 the vehicle. The examining officer may refuse to examine an
5 applicant who is unable to provide proof of financial responsibility
6 for the vehicle, unless proof of financial responsibility is not
7 required by this code.

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

13 (2) (A) Before a class A or class B driver’s license, or class C
14 driver’s license with a commercial endorsement, may be issued
15 or renewed, the applicant shall have in his or her driver record a
16 valid report of a medical examination of the applicant given not
17 more than two years prior to the date of the application by a health
18 care professional. As used in this paragraph, “health care
19 professional” means a person who is licensed, certified, or
20 registered in accordance with applicable state laws and regulations
21 to practice medicine and perform physical examinations in the
22 United States. Health care professionals are doctors of medicine,
23 doctors of osteopathy, physician assistants, and registered advanced
24 practice nurses, or doctors of chiropractic who are clinically
25 competent to perform the medical examination presently required
26 of motor carrier drivers by the United States Department of
27 Transportation. The report shall be on a form approved by the
28 department. In establishing the requirements, consideration may
29 be given to the standards presently required of motor carrier drivers
30 by the Federal Motor Carrier Safety Administration.

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

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

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

5 (1) Class A includes the following:

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

10 (B) A vehicle towing more than one vehicle.

11 (C) A trailer bus.

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

13 (2) Class B includes the following:

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

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

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

21 (D) A farm labor vehicle.

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

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

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

29 (3) Class C includes the following:

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

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

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

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

39 (E) A house car of 40 feet in length or less or a vehicle towing
40 another vehicle with a gross vehicle weight rating of 10,000 pounds

1 or less, including when a tow dolly is used. A person driving a
2 vehicle may not tow another vehicle in violation of Section 21715.

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

7 (ii) A two-axle vehicle weighing 4,000 pounds or more unladen
8 when towing a fifth-wheel travel trailer exceeding 10,000 pounds,
9 but not exceeding 15,000 pounds, gross vehicle weight rating,
10 when the towing of the trailer is not for compensation, and if the
11 person has passed a specialized written examination provided by
12 the department relating to the knowledge of this code and other
13 safety aspects governing the towing of recreational vehicles upon
14 the highway.

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

18 (G) A vehicle or combination of vehicles with a gross
19 combination weight rating or a gross vehicle weight rating, as
20 those terms are defined in subdivisions (j) and (k), respectively,
21 of Section 15210, of 26,000 pounds or less, if all of the following
22 conditions are met:

23 (i) Is operated by a farmer, an employee of a farmer, or an
24 instructor credentialed in agriculture as part of an instructional
25 program in agriculture at the high school, community college, or
26 university level.

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

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

30 (H) Firefighting equipment, provided that the equipment is
31 operated by a person who holds a firefighter endorsement pursuant
32 to Section 12804.11.

33 (I) A motorized scooter.

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

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

38 (4) Class M1. A two-wheel motorcycle or a motor-driven cycle.
39 Authority to operate a vehicle included in a class M1 license may

1 be granted by endorsement on a class A, B, or C license upon
2 completion of an appropriate examination.

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

4 (i) A motorized bicycle or moped, or a bicycle with an attached
5 ~~motor~~ *motor, except an electric bicycle as described in subdivision*
6 *(a) of Section 312.5.*

7 (ii) A motorized scooter.

8 (B) Authority to operate vehicles included in class M2 may be
9 granted by endorsement on a class A, B, or C license upon
10 completion of an appropriate examination, except that no
11 endorsement is required for a motorized scooter. Persons holding
12 a class M1 license or endorsement may operate vehicles included
13 in class M2 without further examination.

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

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

37 (e) The department may accept a certificate of driving skill that
38 is issued by an employer, authorized by the department to issue a
39 certificate under Section 15250, of the applicant, in lieu of a driving
40 test, on class A or B applications, if the applicant has first qualified

1 for a class C license and has met the other examination
2 requirements for the license for which he or she is applying. The
3 certificate may be submitted as evidence of the applicant’s skill
4 in the operation of the types of equipment covered by the license
5 for which he or she is applying.

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

12 (g) The department may accept a certificate of satisfactory
13 completion of a novice motorcyclist training program approved
14 by the commissioner pursuant to Section 2932 in lieu of a driving
15 test on class M1 or M2 applications, if the applicant has met the
16 other examination requirements for the license for which he or she
17 is applying. The department shall review and approve the written
18 and driving test used by a program to determine whether the
19 program may issue a certificate of completion.

20 (h) Notwithstanding subdivision (b), a person holding a valid
21 California driver’s license of any class may operate a short-term
22 rental motorized bicycle without taking any special examination
23 for the operation of a motorized bicycle, and without having a
24 class M2 endorsement on that license. As used in this subdivision,
25 “short-term” means 48 hours or less.

26 (i) A person under the age of 21 years shall not be issued a class
27 M1 or M2 license or endorsement unless he or she provides
28 evidence satisfactory to the department of completion of a
29 motorcycle safety training program that is operated pursuant to
30 Article 2 (commencing with Section 2930) of Chapter 5 of Division
31 2.

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

39 *SEC. 4. Section 21113 of the Vehicle Code is amended to read:*

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

37 (b) A governing board, legislative body, or officer shall erect
38 or place appropriate signs giving notice of any special conditions
39 or regulations that are imposed under this section and the governing
40 board, legislative body, or officer shall also prepare and keep

1 available at the principal administrative office of the governing
2 board, legislative body, or officer, for examination by all interested
3 persons, a written statement of all those special conditions and
4 regulations adopted pursuant to this section.

5 (c) When a governing board, legislative body, or officer permits
6 public traffic upon the driveways, paths, parking facilities, or
7 grounds under their control then, except for those conditions
8 imposed or regulations enacted by the governing board, legislative
9 body, or officer applicable to the traffic, all the provisions of this
10 code relating to traffic upon the highways shall be applicable to
11 the traffic upon the driveways, paths, parking facilities, or grounds.

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

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

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

26 (e) With respect to the permitted use of vehicles or animals on
27 property under the direct control of the legislative body of a
28 municipality, no change in the use of vehicles or animals on the
29 property, that had been permitted on January 1, 1976, shall be
30 effective unless and until the legislative body, at a meeting open
31 to the general public, determines that the use of vehicles or animals
32 on the property should be prohibited or regulated.

33 (f) A transit development board may adopt ordinances, rules,
34 or regulations to restrict, or specify the conditions for, the use of
35 bicycles, motorized bicycles, *electric bicycles*, skateboards, and
36 roller skates on property under the control of, or any portion of
37 property used by, the board.

38 (g) A public agency, including, but not limited to, the Regents
39 of the University of California and the Trustees of the California
40 State University, may adopt rules or regulations to restrict, or

1 specify the conditions for, the use of bicycles, motorized bicycles,
2 *electric bicycles*, skateboards, and roller skates on public property
3 under the jurisdiction of that agency.

4 (h) “Housing authority,” for the purposes of this section, means
5 a housing authority located within a county with a population of
6 over six million people, and any other housing authority that
7 complies with the requirements of this section.

8 (i) “Public transportation agency,” for purposes of this section,
9 means a public agency that provides public transportation as
10 defined in paragraph (1) of subdivision (f) of Section 1 of Article
11 XIX A of the California Constitution.

12 ~~SEC. 4.~~

13 SEC. 5. Section 21207.5 of the Vehicle Code is amended to
14 read:

15 21207.5. (a) Notwithstanding Sections 21207 and 23127 of
16 this code, or any other law, a motorized bicycle or class 3 electric
17 bicycle shall not be operated on a bicycle path or trail, bikeway,
18 bicycle lane established pursuant to Section 21207, equestrian
19 trail, or hiking or recreational trail, unless it is within or adjacent
20 to a roadway or unless the local authority or the governing body
21 of a public agency having jurisdiction over the path or trail permits,
22 by ordinance, that operation.

23 (b) The local authority or governing body of a public agency
24 having jurisdiction over a bicycle path or trail, equestrian trail, or
25 hiking or recreational trail, may prohibit, by ordinance, the
26 operation of a class 1 or class 2 electric bicycle on that path or
27 trail.

28 ~~SEC. 5.~~

29 SEC. 6. Section 21213 is added to the Vehicle Code, to read:

30 21213. (a) A person under 16 years of age shall not operate a
31 class 3 electric bicycle.

32 (b) A person shall not operate a class 3 electric bicycle, or ride
33 upon a class 3 electric bicycle as a passenger, upon a street,
34 bikeway, as defined in Section 890.4 of the Streets and Highways
35 Code, or any other public bicycle path or trail, unless that person
36 is wearing a properly fitted and fastened bicycle helmet that meets
37 the standards of either the American Society for Testing and
38 Materials (ASTM) or the United States Consumer Product Safety
39 Commission (CPSC), or standards subsequently established by
40 those entities. This helmet requirement also applies to a person

1 who rides upon a class 3 electric bicycle while in a restraining seat
2 that is attached to the bicycle or in a trailer towed by the bicycle.

3 ~~SEC. 6. Section 24016 of the Vehicle Code is repealed.~~

4 *SEC. 7. Section 24016 of the Vehicle Code is amended to read:*

5 24016. (a) ~~A motorized~~ *An electric* bicycle described in
6 ~~subdivision (b) of Section 406~~ *subdivision (a) of Section 312.5*
7 shall meet the following criteria:

8 (1) Comply with the equipment and manufacturing requirements
9 for bicycles adopted by the *United States* Consumer Product Safety
10 Commission (16 C.F.R. 1512.1, et seq.) ~~or the requirements~~
11 ~~adopted by the National Highway Traffic Safety Administration~~
12 ~~(49 C.F.R. 571.1, et seq.) in accordance with the National Traffic~~
13 ~~and Motor Vehicle Safety Act of 1966 (15 U.S.C. Sec. 1381, et~~
14 ~~seq.) for motor driven cycles.~~

15 (2) Operate in a manner so that the electric motor is disengaged
16 or ceases to function when the brakes are applied, or operate in a
17 manner such that the motor is engaged through a switch or
18 mechanism that, when released *or activated*, will cause the electric
19 motor to disengage or cease to function.

20 ~~(b) All of the following apply to a motorized bicycle described~~
21 ~~in subdivision (b) of Section 406:~~

22 ~~(1) No person shall operate a motorized bicycle unless the person~~
23 ~~is wearing a properly fitted and fastened bicycle helmet that meets~~
24 ~~the standards described in Section 21212.~~

25 ~~(2) A person operating a motorized bicycle is subject to Sections~~
26 ~~21200 and 21200.5.~~

27 ~~(3)~~

28 ~~(b) A person operating a motorized~~ *an electric* bicycle is not
29 subject to the provisions of this code relating to financial
30 responsibility, driver's licenses, registration, and license plate
31 requirements, and ~~a motorized~~ *an electric* bicycle is not a motor
32 vehicle.

33 ~~(4) A motorized bicycle shall only be operated by a person 16~~
34 ~~years of age or older.~~

35 ~~(5)~~

36 ~~(c) Every manufacturer of a motorized~~ *an electric* bicycle shall
37 certify that it complies with the equipment and manufacturing
38 requirements for bicycles adopted by the *United States* Consumer
39 Product Safety Commission (16 C.F.R. 1512.1, et seq.).

40 ~~(e) No~~

1 (d) A person shall *not* tamper with or modify ~~a motorized an~~
 2 ~~electric bicycle described in subdivision (b) of Section 406~~
 3 ~~subdivision (a) of Section 312.5~~ so as to ~~increase~~ *change* the speed
 4 capability of the ~~bicycle.~~ *bicycle, unless he or she appropriately*
 5 *replaces the label indicating the classification required in*
 6 *subdivision (c) of Section 312.5.*

7 ~~SEC. 7.~~

8 *SEC. 8.* No reimbursement is required by this act pursuant to
 9 Section 6 of Article XIII B of the California Constitution because
 10 the only costs that may be incurred by a local agency or school
 11 district will be incurred because this act creates a new crime or
 12 infraction, eliminates a crime or infraction, or changes the penalty
 13 for a crime or infraction, within the meaning of Section 17556 of
 14 the Government Code, or changes the definition of a crime within
 15 the meaning of Section 6 of Article XIII B of the California
 16 Constitution.