

Assembly Bill No. 153

CHAPTER 453

An act to repeal and add Section 400 of the Vehicle Code, relating to vehicles.

[Approved by Governor September 12, 1996. Filed
with Secretary of State September 13, 1996.]

LEGISLATIVE COUNSEL'S DIGEST

AB 153, Ducheny. Vehicles: motorcycles.

Existing law provides that, until January 1, 1997, the definition of "motorcycle," for purposes of the Vehicle Code, does not include certain motor vehicles that are enclosed and are used by public agencies for the enforcement of parking violations. That law also provides that it shall become inoperative if the Director of Transportation receives notice of a determination by the National Highway Traffic Safety Administration that the implementation of that provision would subject California to a transfer of funds pursuant to a specified provision of federal law. That law also provides that the director shall submit the notice of determination to the Secretary of State and that the law shall be repealed upon receipt of that notice.

This bill would delete the January 1, 1997, repeal date and the provisions relating to the notice of determination under federal law, which law is no longer in effect with respect to motorcycles.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares that a vehicle described in subdivision (e) of Section 400 of the Vehicle Code, as added by this act, is a parking control vehicle that is operated under unique conditions by local agencies for the enforcement of parking provisions. The Legislature further finds and declares that the exemption from the definition of "motorcycle" provided for that vehicle in that subdivision (e) is established at the request of local parking control agencies and, therefore, any costs or liabilities arising from that exemption shall be borne by the affected local jurisdiction, and not the state.

SEC. 2. Section 400 of the Vehicle Code, as amended by Section 2 of Chapter 675 of the Statutes of 1994, is repealed.

SEC. 3. Section 400 of the Vehicle Code, as added by Section 3 of Chapter 584 of the Statutes of 1993, is repealed.

SEC. 4. Section 400 is added to the Vehicle Code, to read:

400. (a) A "motorcycle" is any motor vehicle having a seat or saddle for the use of the rider, designed to travel on not more than



three wheels in contact with the ground, and weighing less than 1,500 pounds.

(b) A motor vehicle that has four wheels in contact with the ground, two of which are a functional part of a sidecar, is a motorcycle if the vehicle otherwise comes within the definition of subdivision (a).

(c) A motor vehicle that is electrically powered, has a maximum speed of 45 miles per hour, and weighs less than 2,500 pounds, is a motorcycle if the vehicle otherwise comes within the definition of subdivision (a).

(d) A farm tractor is not a motorcycle.

(e) A three-wheeled motor vehicle that otherwise meets the requirements of subdivision (a), has a partially or completely enclosed seating area for the driver and passenger, is used by local public agencies for the enforcement of parking control provisions, and is operated at slow speeds on public streets, is not a motorcycle. However, a motor vehicle described in this subdivision shall comply with the applicable sections of this code imposing equipment installation requirements on motorcycles.

