

AMENDED IN SENATE JULY 13, 1995

AMENDED IN SENATE JUNE 15, 1995

AMENDED IN ASSEMBLY MAY 16, 1995

AMENDED IN ASSEMBLY MAY 3, 1995

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 1501

Introduced by Assembly Member Bordonaro
(Coauthor: Senator Mountjoy)

February 24, 1995

An act to amend Section ~~231~~ 406 of, and to add Section 24016 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1501, as amended, Bordonaro. ~~Bicycles~~ *Motorized bicycles*: electric motor: definition.

(1) Existing law defines "~~bicycle~~"—"motorized bicycle" for purposes of provisions relating to vehicles.

This bill would, additionally, define 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. The bill would ~~require~~ *prohibit* any person ~~driving these bicycles to operate from operating~~ the *motorized bicycle* ~~while wearing~~ *unless a person wears* a properly fitted and fastened bicycle helmet *and would require that the motorized bicycle be operated in accordance with specified requirements*. The bill would require these

bicycles to comply with certain federal equipment and manufacturing requirements and to operate in a specified manner in regard to braking.

The bill would prohibit any person from tampering with or modifying these motorized bicycles so as to increase their speed capabilities. Because existing law makes it a crime to violate the Vehicle Code, this bill would impose a state-mandated local program by creating a new crime.

(2) 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 231 of the Vehicle Code is~~
2 ~~amended to read:~~
3 ~~231. (a) A bicycle is a device upon which any person~~
4 ~~may ride, propelled exclusively by human power through~~
5 ~~a belt, chain, or gears, and having one or more wheels.~~
6 ~~(b) (1) A bicycle is also a device that has fully~~
7 ~~operative pedals for propulsion by human power and has~~
8 ~~an electric motor that meets all of the following~~
9 ~~requirements:~~
10 ~~(A) Has a power output of not more than 1,000 watts.~~
11 ~~(B) Is incapable of propelling the bicycle at a speed of~~
12 ~~more than 20 miles per hour on level ground.~~
13 ~~(C) Is incapable of further increasing the speed of the~~
14 ~~bicycle when human power is used to propel the bicycle~~
15 ~~faster than 20 miles per hour.~~
16 ~~(2) No person riding a bicycle described in this~~
17 ~~subdivision shall operate the bicycle unless the person is~~
18 ~~wearing a properly fitted and fastened bicycle helmet~~
19 ~~that meets the standards described in Section 21212.~~
20 ~~(c) Persons riding bicycles are subject to Sections~~
21 ~~21200 and 21200.5.~~



1 SECTION 1. Section 406 of the Vehicle Code is
2 amended to read:

3 406. (a) A “motorized bicycle” or “moped” is any
4 two-wheeled or three-wheeled device having fully
5 operative pedals for propulsion by human power, or
6 having no pedals if powered solely by electrical energy,
7 and an automatic transmission and a motor which
8 produces less than 2 gross brake horsepower and is
9 capable of propelling the device at a maximum speed of
10 not more than 30 miles per hour on level ground.

11 (b) A “motorized bicycle” is also a device that has fully
12 operative pedals for propulsion by human power and has
13 an electric motor that meets all of the following
14 requirements:

15 (1) Has a power output of not more than 1,000 watts.

16 (2) Is incapable of propelling the device at a speed of
17 more than 20 miles per hour on ground level.

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

21 SEC. 2. Section 24016 is added to the Vehicle Code, to
22 read:

23 24016. ~~A~~ (a) A motorized bicycle described in
24 subdivision (b) of Section ~~231~~ 406 shall meet the following
25 criteria:

26 ~~(a)~~

27 (1) Comply with the equipment and manufacturing
28 requirements for bicycles adopted by the Consumer
29 Product Safety Commission (16 C.F.R. ~~1512.1, et seq.~~).

30 ~~(b)~~ ~~1512.1, et seq.)~~ or the requirements adopted by the
31 National Highway Traffic Safety Administration (49
32 C.F.R. 571.1, et seq.) in accordance with the National
33 Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C.
34 Sec. 1381, et seq.) for motor driven cycles.

35 (2) Operate in a manner so that the electric motor is
36 disengaged or ceases to function when the brakes are
37 applied.

38 (b) All of the following apply to a motorized bicycle
39 described in subdivision (b) of Section 406:



1 (1) No person shall operate a motorized bicycle unless
2 the person is wearing a properly fitted and fastened
3 bicycle helmet that meets the standards described in
4 Section 21212.

5 (2) A person operating a motorized bicycle is subject
6 to Sections 21200 and 21200.5.

7 (3) A person operating a motorized bicycle is not
8 subject to the provisions of this code relating to financial
9 responsibility, driver's licenses, registration, and license
10 plate requirements, and a motorized bicycle is not a
11 motor vehicle.

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

14 (5) Every manufacturer of a motorized bicycle shall
15 certify that it complies with the equipment and
16 manufacturing requirements for bicycles adopted by the
17 Consumer Product Safety Commission (16 C.F.R. 1512.1,
18 et seq.).

19 (c) No person shall tamper with or modify a motorized
20 bicycle described in subdivision (b) of Section 406 so as
21 to increase the speed capability of the bicycle.

22 SEC. 3. No reimbursement is required by this act
23 pursuant to Section 6 of Article XIII B of the California
24 Constitution because the only costs that may be incurred
25 by a local agency or school district will be incurred
26 because this act creates a new crime or infraction,
27 eliminates a crime or infraction, or changes the penalty
28 for a crime or infraction, within the meaning of Section
29 17556 of the Government Code, or changes the definition
30 of a crime within the meaning of Section 6 of Article
31 XIII B of the California Constitution.

32 Notwithstanding Section 17580 of the Government
33 Code, unless otherwise specified, the provisions of this act
34 shall become operative on the same date that the act
35 takes effect pursuant to the California Constitution.

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