

AMENDED IN SENATE AUGUST 21, 1995

AMENDED IN SENATE JULY 28, 1995

AMENDED IN SENATE JULY 18, 1995

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 Sections 406 and 12804.9 of, and to add Section 24016 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

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

(1) Existing law defines "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 prohibit any person from

operating the motorized bicycle 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, *and for the manufacturer to provide a specified disclosure to buyers relating to insurance coverage for operation of certain of those motorized bicycles.*

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, the bill would impose a state-mandated local program by creating a new crime.

(2) Existing law requires a class M2 driver's license for the operation of any 2-wheel motor-driven cycle, including, but not limited to, a motorized bicycle or moped, or any bicycle with an attached motor.

This bill would, instead, require a class M1 driver's license for the operation of any motor-driven cycle and a class M2 driver's license for the operation of a motorized bicycle or moped, or any bicycle with an attached motor, except a motorized bicycle, as defined by the bill. Because a violation of the provision requiring a class M1 driver's license for the operation of a motor-driven cycle would be an infraction under existing law, the bill would impose a state-mandated local program by creating a new crime.

(3) This bill would incorporate additional changes in Section 12804.9 of the Vehicle Code, proposed by SB 726, to become operative only if SB 726 and this bill are chaptered and become effective on January 1, 1996, and this bill is chaptered last.

(4) 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 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 (4) *Every manufacturer of motorized bicycles, as*
22 *defined in this subdivision, shall provide a disclosure to*
23 *buyers that advises buyers that their existing insurance*
24 *policies may not provide coverage for these bicycles and*
25 *that they should contact their insurance company or*
26 *insurance agent to determine if coverage is provided.*

27 (c) *The disclosure required under paragraph (4) of*
28 *subdivision (b) shall meet both of the following*
29 *requirements:*

30 (1) *The disclosure shall be printed in not less than*
31 *14-point boldface type on a single sheet of paper that*
32 *contains no information other than the disclosure.*

33 (2) *The disclosure shall include the following language*
34 *in capital letters:*

35 “YOUR INSURANCE POLICIES MAY NOT
36 PROVIDE COVERAGE FOR ACCIDENTS
37 INVOLVING THE USE OF THIS BICYCLE. TO
38 DETERMINE IF COVERAGE IS PROVIDED YOU



1 *SHOULD CONTACT YOUR INSURANCE COMPANY*
2 *OR AGENT.”*

3 SEC. 2. Section 12804.9 of the Vehicle Code is
4 amended to read:

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

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

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

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

17 (D) An actual demonstration of the applicant’s ability
18 to exercise ordinary and reasonable control in operating
19 a motor vehicle by driving it under the supervision of an
20 examining officer. The applicant shall submit to an
21 examination appropriate to the type of motor vehicle or
22 combination of vehicles he or she desires a license to
23 drive, except that the department may waive the driving
24 test part of the examination of any applicant who holds a
25 valid license issued by another state, territory, or
26 possession of the United States, the District of Columbia,
27 or the Commonwealth of Puerto Rico. The examining
28 officer may request to see evidence of financial
29 responsibility for the vehicle prior to supervising the
30 demonstration of the applicant’s ability to operate the
31 vehicle. The examining officer may refuse to examine an
32 applicant who is unable to provide proof of financial
33 responsibility for the vehicle, unless proof of financial
34 responsibility is not required by this code.

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



1 (2) The examination for a class A or class B license
2 under subdivision (b) shall also include a report of a
3 medical examination of the applicant given not more
4 than two years prior to the date of the application by a
5 health care professional. As used in this subdivision,
6 “health care professional” means a person who is
7 licensed, certified, or registered in accordance with
8 applicable state laws and regulations to perform physical
9 examinations and includes, but is not limited to, doctors
10 of medicine, doctors of osteopathy, physician assistants,
11 advanced practice nurses, and doctors of chiropractic.
12 The report shall be on a form approved by the
13 department, the Federal Highway Administration, or the
14 Federal Aviation Administration. In establishing the
15 requirements, consideration may be given to the
16 standards presently required of motor carrier drivers by
17 the Federal Highway Administration.

18 (3) Any physical defect of the applicant, which, in the
19 opinion of the department, is compensated for to ensure
20 safe driving ability, shall not prevent the issuance of a
21 license to the applicant.

22 (b) Beginning on January 1, 1989, in accordance with
23 the following classifications, any applicant for a driver’s
24 license shall be required to submit to an examination
25 appropriate to the type of motor vehicle or combination
26 of vehicles the applicant desires a license to drive:

27 (1) Class A includes the following:

28 (A) Any combination of vehicles, if any vehicle being
29 towed has a gross vehicle weight rating of more than
30 10,000 pounds.

31 (B) Any vehicle towing more than one vehicle.

32 (C) Any trailer bus.

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

35 (2) Class B includes the following:

36 (A) Any single vehicle with a gross vehicle weight
37 rating of more than 26,000 pounds.

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



- 1 (C) Any bus except a trailer bus.
- 2 (D) Any farm labor vehicle.
- 3 (E) Any single vehicle with three or more axles or a
- 4 gross vehicle weight rating of more than 26,000 pounds
- 5 towing another vehicle with a gross vehicle weight rating
- 6 of 10,000 pounds or less.
- 7 (F) The operation of all vehicles covered under class
- 8 C.
- 9 (3) Class C includes the following:
- 10 (A) Any two-axle vehicle with a gross vehicle weight
- 11 rating of 26,000 pounds or less, including when the vehicle
- 12 is towing a trailer or semitrailer with a gross vehicle
- 13 weight rating of 10,000 pounds or less.
- 14 (B) Notwithstanding subparagraph (A), any two-axle
- 15 vehicle weighing 4,000 pounds or more unladen when
- 16 towing a trailer coach not exceeding 9,000 pounds gross.
- 17 (C) Any housecar.
- 18 (D) Any three-axle vehicle weighing 6,000 pounds or
- 19 less gross.
- 20 (E) Any housecar or vehicle towing another vehicle
- 21 with a gross vehicle weight rating of 10,000 pounds or less,
- 22 including when a tow dolly is used. No vehicle shall tow
- 23 another vehicle in violation of Section 21715.
- 24 (F) (i) Any two-axle vehicle weighing 4,000 pounds
- 25 or more unladen when towing either a trailer coach or a
- 26 fifth-wheel travel trailer not exceeding 10,000 pounds
- 27 gross vehicle weight rating, when the towing of the trailer
- 28 is not for compensation.
- 29 (ii) Any two-axle vehicle weighing 4,000 pounds or
- 30 more unladen when towing a fifth-wheel travel trailer
- 31 exceeding 10,000 pounds, but not exceeding 15,000
- 32 pounds, gross vehicle weight rating, when the towing of
- 33 the trailer is not for compensation, and if the person has
- 34 passed a specialized written examination provided by the
- 35 department relating to the knowledge of this code and
- 36 other safety aspects governing the towing of recreational
- 37 vehicles upon the highway. The authority to operate
- 38 combinations of vehicles under this subparagraph shall be
- 39 granted by endorsement on a class C license upon
- 40 completion of that written examination.



1 (G) Class C does not include any two-wheel
2 motorcycle or any two-wheel motor-driven cycle.

3 (4) Class M1. Any two-wheel motorcycle or
4 motor-driven cycle. Authority to operate vehicles
5 included in a class M1 license may be granted by
6 endorsement on a class A, B, or C license upon completion
7 of an appropriate examination.

8 (5) Class M2. Any motorized bicycle or moped, or any
9 bicycle with an attached motor, except a motorized
10 bicycle described in subdivision (b) of Section 406.
11 Authority to operate vehicles included in class M2 may be
12 granted by endorsement on a class A, B, or C license upon
13 completion of an appropriate examination. Persons
14 holding a class M1 license or endorsement may operate
15 vehicles included in class M2 without further
16 examination.

17 (c) No driver's license or driver certificate shall be
18 valid for operating any commercial motor vehicle, as
19 defined in subdivision (b) of Section 15210, any other
20 motor vehicle defined in paragraph (1) or (2) of
21 subdivision (b), or any other vehicle requiring a driver to
22 hold any driver certificate or any driver's license
23 endorsement under Section 15275, unless a medical
24 certificate approved by the department, the Federal
25 Highway Administration, or the Federal Aviation
26 Administration, which has been issued within two years
27 of the date of the operation of that vehicle, is within the
28 licensee's immediate possession, and a copy of the
29 medical examination report from which the certificate
30 was issued is on file with the department. Otherwise the
31 license shall be valid only for operating class C vehicles
32 which are not commercial vehicles, as defined in
33 subdivision (b) of Section 15210, and for operating class
34 M1 or M2 vehicles, if so endorsed, which are not
35 commercial vehicles, as defined in subdivision (b) of
36 Section 15210.

37 (d) A license or driver certificate issued prior to the
38 enactment of Chapter 7 (commencing with Section
39 15200) shall be valid to operate the class or type of
40 vehicles specified under the law in existence prior to that



1 enactment until the license or certificate expires or is
2 otherwise suspended, revoked, or canceled.

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

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

21 (g) The department may accept a certificate of
22 satisfactory completion of a novice motorcyclist training
23 program approved by the commissioner pursuant to
24 Section 2932 in lieu of a driving test on class M1 or M2
25 applications, if the applicant has met the other
26 examination requirements for the license for which he or
27 she is applying. The department shall review and approve
28 the written and driving test used by a program to
29 determine whether the program may issue a certificate
30 of completion.

31 (h) Notwithstanding subdivision (b), any person
32 holding a valid California driver's license of any class may
33 operate a short-term rental motorized bicycle without
34 taking any special examination for the operation of a
35 motorized bicycle, and without having a class M2
36 endorsement on that license. As used in this paragraph,
37 "short-term" means 48 hours or less.

38 (i) No person under the age of 21 years shall be issued
39 a class M1 or M2 license or endorsement unless he or she
40 provides evidence satisfactory to the department of



1 completion of a motorcycle safety training program that
2 is operated pursuant to Article 2 (commencing with
3 Section 2930) of Chapter 5 of Division 2.

4 (j) Drivers of vanpool vehicles may operate with class
5 C licenses but shall possess evidence of a medical
6 examination required for a class B license when operating
7 vanpool vehicles. In order to be eligible to drive the
8 vanpool vehicle, the driver shall keep in the vanpool
9 vehicle a statement, signed under penalty of perjury, that
10 he or she has not been convicted of reckless driving,
11 drunk driving, or a hit and run offense in the last five
12 years.

13 (k) During the implementation of this section, from
14 January 1, 1989, through December 31, 1992, provisions of
15 this code pertaining to persons holding class 1, 2, 3, or 4
16 licenses pursuant to Section 12804, shall apply to persons
17 holding class A, B, C, M1, or M2 licenses pursuant to this
18 section, to the extent that class A, B, C, M1, or M2 vehicles
19 under this section fall within the definition of class 1, 2, 3,
20 or 4 vehicles under Section 12804.

21 (l) A class M license issued between January 1, 1989,
22 and December 31, 1992, shall permit the holder to operate
23 any motorcycle, motor-driven cycle, or motorized bicycle
24 until the expiration of the license.

25 SEC. 2.5. Section 12804.9 of the Vehicle Code is
26 amended to read:

27 12804.9. (a) (1) The examination shall include all of
28 the following:

29 (A) A test of the applicant's knowledge and
30 understanding of the provisions of this code governing
31 the operation of vehicles upon the highways.

32 (B) A test of the applicant's ability to read and
33 understand simple English used in highway traffic and
34 directional signs.

35 (C) A test of the applicant's understanding of traffic
36 signs and signals, including the bikeway signs, markers,
37 and traffic control devices established by the Department
38 of Transportation.

39 (D) An actual demonstration of the applicant's ability
40 to exercise ordinary and reasonable control in operating



1 a motor vehicle by driving it under the supervision of an
2 examining officer. The applicant shall submit to an
3 examination appropriate to the type of motor vehicle or
4 combination of vehicles he or she desires a license to
5 drive, except that the department may waive the driving
6 test part of the examination of any applicant who holds a
7 valid license issued by another state, territory, or
8 possession of the United States, the District of Columbia,
9 or the Commonwealth of Puerto Rico. The examining
10 officer may request to see evidence of financial
11 responsibility for the vehicle prior to supervising the
12 demonstration of the applicant's ability to operate the
13 vehicle. The examining officer may refuse to examine an
14 applicant who is unable to provide proof of financial
15 responsibility for the vehicle, unless proof of financial
16 responsibility is not required by this code.

17 (E) A test of the hearing and eyesight of the applicant,
18 and of other matters that may be necessary to determine
19 the applicant's mental and physical fitness to operate a
20 motor vehicle upon the highways, and whether any
21 ground exists for refusal of a license under this code.

22 (2) The examination for a class A or class B license
23 under subdivision (b) shall also include a report of a
24 medical examination of the applicant given not more
25 than two years prior to the date of the application by a
26 health care professional. As used in this subdivision,
27 "health care professional" means a person who is
28 licensed, certified, or registered in accordance with
29 applicable state laws and regulations to practice medicine
30 and perform physical examinations in the United States
31 of America. Health care professionals are doctors of
32 medicine, doctors of osteopathy, physician assistants, and
33 advanced practice nurses, or doctors of chiropractic who
34 are clinically competent to perform the medical
35 examination presently required of motor carrier drivers
36 by the Federal Highway Administration. The report shall
37 be on a form approved by the department, the Federal
38 Highway Administration, or the Federal Aviation
39 Administration. In establishing the requirements,
40 consideration may be given to the standards presently



1 required of motor carrier drivers by the Federal Highway
2 Administration.

3 (3) Any physical defect of the applicant, which, in the
4 opinion of the department, is compensated for to ensure
5 safe driving ability, shall not prevent the issuance of a
6 license to the applicant.

7 (b) Beginning on January 1, 1989, in accordance with
8 the following classifications, any applicant for a driver's
9 license shall be required to submit to an examination
10 appropriate to the type of motor vehicle or combination
11 of vehicles the applicant desires a license to drive:

12 (1) Class A includes the following:

13 (A) Any combination of vehicles, if any vehicle being
14 towed has a gross vehicle weight rating of more than
15 10,000 pounds.

16 (B) Any vehicle towing more than one vehicle.

17 (C) Any trailer bus.

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

20 (2) Class B includes the following:

21 (A) Any single vehicle with a gross vehicle weight
22 rating of more than 26,000 pounds.

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

26 (C) Any bus except a trailer bus.

27 (D) Any farm labor vehicle.

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

32 (F) The operation of all vehicles covered under class
33 C.

34 (3) Class C includes the following:

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



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

4 (C) Any housecar.

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

7 (E) Any housecar or vehicle towing another vehicle
8 with a gross vehicle weight rating of 10,000 pounds or less,
9 including when a tow dolly is used. No vehicle shall tow
10 another vehicle in violation of Section 21715.

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

16 (ii) Any two-axle vehicle weighing 4,000 pounds or
17 more unladen when towing a fifth-wheel travel trailer
18 exceeding 10,000 pounds, but not exceeding 15,000
19 pounds, gross vehicle weight rating, when the towing of
20 the trailer is not for compensation, and if the person has
21 passed a specialized written examination provided by the
22 department relating to the knowledge of this code and
23 other safety aspects governing the towing of recreational
24 vehicles upon the highway. The authority to operate
25 combinations of vehicles under this subparagraph shall be
26 granted by endorsement on a class C license upon
27 completion of that written examination.

28 (G) Class C does not include any two-wheel
29 motorcycle or any two-wheel motor-driven cycle.

30 (4) Class M1. Any two-wheel motorcycle or
31 motor-driven cycle. Authority to operate vehicles
32 included in a class M1 license may be granted by
33 endorsement on a class A, B, or C license upon completion
34 of an appropriate examination.

35 (5) Class M2. Any motorized bicycle or moped, or any
36 bicycle with an attached motor, except a motorized
37 bicycle described in subdivision (b) of Section 406.
38 Authority to operate vehicles included in class M2 may be
39 granted by endorsement on a class A, B, or C license upon
40 completion of an appropriate examination. Persons



1 holding a class M1 license or endorsement may operate
2 vehicles included in class M2 without further
3 examination.

4 (c) No driver's license or driver certificate shall be
5 valid for operating any commercial motor vehicle, as
6 defined in subdivision (b) of Section 15210, any other
7 motor vehicle defined in paragraph (1) or (2) of
8 subdivision (b), or any other vehicle requiring a driver to
9 hold any driver certificate or any driver's license
10 endorsement under Section 15275, unless a medical
11 certificate approved by the department, the Federal
12 Highway Administration, or the Federal Aviation
13 Administration, which has been issued within two years
14 of the date of the operation of that vehicle, is within the
15 licensee's immediate possession, and a copy of the
16 medical examination report from which the certificate
17 was issued is on file with the department. Otherwise the
18 license shall be valid only for operating class C vehicles
19 which are not commercial vehicles, as defined in
20 subdivision (b) of Section 15210, and for operating class
21 M1 or M2 vehicles, if so endorsed, which are not
22 commercial vehicles, as defined in subdivision (b) of
23 Section 15210.

24 (d) A license or driver certificate issued prior to the
25 enactment of Chapter 7 (commencing with Section
26 15200) shall be valid to operate the class or type of
27 vehicles specified under the law in existence prior to that
28 enactment until the license or certificate expires or is
29 otherwise suspended, revoked, or canceled.

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



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

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

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

25 (i) No person under the age of 21 years shall be issued
26 a class M1 or M2 license or endorsement unless he or she
27 provides evidence satisfactory to the department of
28 completion of a motorcycle safety training program that
29 is operated pursuant to Article 2 (commencing with
30 Section 2930) of Chapter 5 of Division 2.

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



1 (k) During the implementation of this section, from
2 January 1, 1989, through December 31, 1992, provisions of
3 this code pertaining to persons holding class 1, 2, 3, or 4
4 licenses pursuant to Section 12804, shall apply to persons
5 holding class A, B, C, M1, or M2 licenses pursuant to this
6 section, to the extent that class A, B, C, M1, or M2 vehicles
7 under this section fall within the definition of class 1, 2, 3,
8 or 4 vehicles under Section 12804.

9 (l) A class M license issued between January 1, 1989,
10 and December 31, 1992, shall permit the holder to operate
11 any motorcycle, motor-driven cycle, or motorized bicycle
12 until the expiration of the license.

13 SEC. 3. Section 24016 is added to the Vehicle Code, to
14 read:

15 24016. (a) A motorized bicycle described in
16 subdivision (b) of Section 406 shall meet the following
17 criteria:

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

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

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

34 (1) No person shall operate a motorized bicycle unless
35 the person is wearing a properly fitted and fastened
36 bicycle helmet that meets the standards described in
37 Section 21212.

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

1 (3) A person operating a motorized bicycle is not
2 subject to the provisions of this code relating to financial
3 responsibility, driver’s licenses, registration, and license
4 plate requirements, and a motorized bicycle is not a
5 motor vehicle.

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

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

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

16 SEC. 4. Section 2.5 of this bill incorporates
17 amendments to Section 12804.9 of the Vehicle Code
18 proposed by both this bill and SB 726. It shall only become
19 operative if (1) both bills are enacted and become
20 effective on January 1, 1996, (2) each bill amends Section
21 12804.9 of the Vehicle Code, and (3) this bill is enacted
22 after SB 726, in which case Section 2 of this bill shall not
23 become operative.

24 SEC. 5. No reimbursement is required by this act
25 pursuant to Section 6 of Article XIII B of the California
26 Constitution because the only costs that may be incurred
27 by a local agency or school district will be incurred
28 because this act creates a new crime or infraction,
29 eliminates a crime or infraction, or changes the penalty
30 for a crime or infraction, within the meaning of Section
31 17556 of the Government Code, or changes the definition
32 of a crime within the meaning of Section 6 of Article
33 XIII B of the California Constitution.

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

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