



# County of Santa Cruz

## COUNTY ADMINISTRATIVE OFFICE

701 OCEAN STREET, SUITE 520, SANTA CRUZ, CA 95060-4073

(831) 454-2100 FAX: (831) 454-3420 TDD: (831) 454-2123

SUSAN A. MAURIELLO, J.D., COUNTY ADMINISTRATIVE OFFICER

August 3, 2000

AGENDA: August 8, 2000

Board of Supervisors  
County of Santa Cruz  
701 Ocean Street, Room 500  
Santa Cruz, CA 95060

### MOTORIZED BICYCLE AND SCOOTER POLICY RECOMMENDATIONS

On August 1, 2000, your Board deferred consideration of possible amendments to the County Code suggested by the Transportation Commission pertaining to the operation of motorized bicycles and scooters on streets and bike paths within the County unincorporated area. Staff also indicated that it would provide copies of the pertinent sections of the State Vehicle Code and related information for your use. This letter is intended to provide this information and to supercede our earlier report on this matter.

#### BACKGROUND

On April 27, 2000, the Transportation Commission sent your Board the attached letter (Attachment 1) requesting that:

- 1) The jurisdictions within the County approve the same general rule regarding the operation of motorized bicycles and scooters, as defined in California Vehicle Code, sections 406(b) and 407.5, respectively, on streets and bike paths;
- 2) The general rule be that motorized bicycles and scooters are allowed to operate on all facilities where bicycles are allowed;
- 3) Each jurisdiction consider exceptions to the general rule only when the use of such vehicles is inconsistent with other uses of certain specific facilities; and
- 4) Each jurisdiction solicit comments from the Transportation Commission before instituting an ordinance regulating the use of such vehicles, or restricting such use on a particular facility.

We understand, that the Transportation Commission's request is intended to reduce automobile congestion, reduce pollution and improve mobility. Staff of the Commission also indicate that their goals would best be achieved by a consistent statutory scheme throughout the county.

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**MOTORIZED BICYCLE AND SCOOTER POLICY RECOMMENDATIONS**

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**ISSUES FOR CONSIDERATION IN ADOPTION OF LOCAL ORDINANCE**

**Definition of Motorized Bicycles and Scooters**

State Vehicle Code section 406 (b) defines a "motorized bicycle" as a bicycle having an electric motor and a maximum speed of 20 m.p.h. on level ground, in addition to other certain limitations. (Attachment 2) State Vehicle Code section 407.5 essentially defines a "motorized scooter" as a two-wheeled scooter powered by an electric or other power source with no limitation on speed. (Attachment 3)

**Ordinance Required to Permit Motorized Bicycles on County Bikeways**

County Counsel advises that the State Vehicle Code currently authorizes motorized bicycles on all bikeways within roadways in the State's jurisdiction, i.e., State highways that allow bicycle traffic. To enable the operation of motorized bicycles on any separated bikeways or on bike paths within roadways in the County's jurisdiction, i.e., roads within the County-maintained system, the County must adopt an authorizing ordinance.

**Ordinance Required to Limit the Operation of Motorized Scooters on County Bikeways**

County Counsel advises that the State Vehicle Code permits the operation of motorized scooters on all bikeways, regardless of whether they are within roadways or separated from roadways. Consequently, the County must pass an ordinance if it wishes to prohibit the use of motorized scooters on separated bikeways or on bike paths within roadways in the County's jurisdiction. Jurisdictions may also specifically exclude facilities where they find that the operation of motorized bicycles and scooters are inconsistent with existing bicycle and pedestrian uses. For example, the City of Santa Cruz has proposed excluding motorized bicycles and scooters on West Cliff Drive.

**Ordinance Considerations**

In considering an amendment to the County Code, your Board may choose to permit the operation of motorized bicycles and scooters, as defined in State Vehicle Code sections 406 (b) and 407.5, respectively, on County roads and bike paths. In addition, your Board may choose to place additional limitations on the maximum speed, e.g., 20 m.p.h. on level ground, and permissible power sources for motorized scooters, e.g., non-gasoline or electric only. Speed limits are viewed **as** a safety consideration. Power sources raise issues with regard to noise and pollution. Presently, electric and gasoline scooters are most commonly used. Alternative energy source scooters such as natural **gas** and hydrogen cell technology are possible but not yet commercially available. With regard to noise issues, many gasoline-powered scooters do not create excessive noise and are preferable to other modes of transportation, such as the automobile.

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**MOTORIZED BICYCLE AND SCOOTER POLICY RECOMMENDATIONS**

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**Consistency with other Jurisdictions**

With regard to other jurisdictions, the City of Santa Cruz has drafted an ordinance regarding the operation of bicycles and personal transportation devices on City streets and sidewalks. (Attachment 4) The City of Santa Cruz will likely consider their proposed ordinance in September 2000. The City ordinance adopts Vehicle Code sections 406 (b) and 407.5 with the additional requirement that such vehicles be limited to a maximum speed capability of 20 m.p.h. The Santa Cruz City ordinance is silent as to the issue of whether any limitations are to be placed on the power sources for motorized scooters.

The City of Scotts Valley indicated to the Transportation Commission that it will allow electric bicycles access equivalent to that afforded to pedal bicycles. (Attachment 5) The City of Capitola indicated to the Transportation Commission that it proposes to take no action because it believes that its ordinances are already consistent with the Transportation Commission's suggestion. (Attachment 6) Thus, it appears that the Cities of Scotts Valley and Capitola do not intend to place any limitations on the maximum speed or power source of motorized scooters.

**SUMMARY AND RECOMMENDATIONS**

In summary, the State code permits the use of motorized bicycles on State roads where traditional bicycles are permitted and authorizes municipalities to permit such use on local roads and bike paths. The State code permits motorized scooters on all bikeways and authorizes municipalities to prohibit such use on roads and bike paths within their jurisdiction. Motorized bicycle speeds are limited to 20 m.p.h. by State code, however, scooter speeds are not specified. Lastly, motorized bicycles are limited by State code to electric power, while scooter power sources are not limited.

An amendment to the County Code would be necessary to authorize the use of motorized bicycles on local roads and bike paths, and to place any limitations on the maximum speed or power sources for motorized scooters. In researching the actions and/or intents of the other jurisdictions within the County, it appears that there are varying approaches being considered relative to the Transportation Commission's request on this matter. To respond to the Commission's request it would be appropriate for your Board to consider any amendments to the County Code relative to motorized bicycle and scooter use, direct staff to develop a draft ordinance for your Board's review, and then forward the draft ordinance to the Commission for their review and coordination with the other jurisdictions prior to adoption. The principal issues presented to your Board are whether to:

- 1) Permit motorized bicycles and scooters on County roads and bike paths;
- 2) Limit the maximum speed of motorized scooters to 20 m.p.h. or another speed; and
- 3) Limit the power source of motorized scooters.

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**MOTORIZED BICYCLE AND SCOOTER POLICY RECOMMENDATIONS**

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IT IS THEREFORE RECOMMENDED that your Board:

- 1) Accept and file this report;
- 2) Consider possible amendments to the County Code pertaining to the operation of motorized bicycles and scooters on streets and bike paths within the unincorporated area, including any limitations on speed and/or power source;
- 3) Direct County Counsel to return with proposed amendments to the County Code on or before September 19, 2000; and
- 4) Upon approval by your Board, refer the draft ordinance to the Transportation Commission for review and coordination with the other county jurisdictions prior to final consideration by your Board.

Very truly yours,



Susan A. Mauriello  
County Administrative Officer

cc: Sheriff  
County Counsel  
Public Works  
Transportation Commission

H/B

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# County of Santa Cruz

## BOARD OF SUPERVISORS

701 OCEAN STREET, SUITE 500, SANTA CRUZ, CA 95060-4069

(831) 454-2200 FAX: (831) 454-3262 TDD: (831) 454-2123

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WALTER J. SYMONS  
SECOND DISTRICT

MARDI WORMHOUDT  
THIRD DISTRICT

TONY CAMPOS  
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JEFF ALMQUIST  
FIFTH DISTRICT

AGENDA: 5/23/00

May 8, 2000

BOARD OF SUPERVISORS  
County of Santa Cruz  
701 Ocean Street  
Santa Cruz, CA 95060

RE: ELECTRIC BICYCLES AND SCOOTERS

Dear Members of the Board:

Attached is a letter from Linda Wilshusen, Executive Director of the Santa Cruz County Regional Transportation Commission, urging that the County take measures which would allow the use of motorized bicycles (electric bicycles), as defined by California Vehicle Code Section 406 (b), and motorized scooters, as defined by California Vehicle Code Section 407.5, on streets and bike paths within the County unincorporated area. The Commission is making a similar request of all local jurisdictions in an effort to ensure that these alternative methods of transportation are allowed to operate countywide.

I believe that the Board should continue to look at all viable options to reduce the use of gasoline-powered vehicles. Accordingly, I recommend that the Board direct the County Administrative Officer, in concert with County Counsel and the Sheriff, to review this matter and provide the Board with a response and any recommendation for action on or before August 1, 2000.

Sincerely,

MARDI WORMHOUDT, Chair  
Board of Supervisors

MW:ted  
Attachments

cc: Linda Wilshusen, Executive Director, Santa Cruz County  
Regional Transportation Commission  
County Administrative Officer  
County Counsel  
Sheriff

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# SCCRTC

SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION  
1523 PACIFIC AVENUE, SANTA CRUZ, CALIFORNIA 95060-3911 (831) 460-3200 FAX (831) 460-3215 OR (831) 471-1290

April 27, 2000

SERVICE AUTHORITY  
FOR FREEWAY  
EMERGENCIES  
(SAFE)

Mardi Wormhoudt, Chair  
Santa Cruz County Board of Supervisors  
701 Ocean Street  
Santa Cruz, CA 95060

CONGESTION  
MANAGEMENT  
AGENCY

RE: Incorporation of Electric Bicycles and Scooters into Municipal Code

COMMUTE  
SOLUTIONS

Dear Supervisor *Mardi* Wormhoudt:

The Regional Transportation Commission recognizes the potential for electric bicycles and scooters to become viable and effective alternative transportation modes and thereby reduce automobile congestion, reduce pollution and improve mobility. To realize the full potential and benefits of these new modes of transportation, they should be accommodated accordingly on our existing transportation system and consistent laws should govern their use.

TRANSPORTATION  
POLICY COMMITTEE

At its April 6, 2000 meeting, the Regional Transportation Commission made the following recommendations for all local jurisdictions and UCSC to consider:

RAIL OVERSIGHT  
COMMITTEE

BUDGET &  
ADMINISTRATION  
PERSONNEL  
COMMITTEE

1. That jurisdictions approve the same general rule for use of motorized bicycles (electric bicycles), as defined by California Vehicle Code Section 406 (b), and motorized scooters, as defined by California Vehicle Code Section 407.5, on streets and bike paths within their jurisdictions;

INTERAGENCY  
TECHNICAL  
ADVISORY  
COMMITTEE

2. That the general rule be that electric bicycles and motorized scooters be allowed to operate on all facilities where bicycles are allowed;

BICYCLE COMMITTEE

3. That each local jurisdiction consider exceptions to the general rule only for specific facilities where there are significant concerns about electric bicycles and motorized scooters mixing with other users of the facility; and

ELDERLY & DISABLED  
TRANSPORTATION  
ADVISORY COMMITTEE

4. That local jurisdictions solicit comments from the Regional Transportation Commission and its Bicycle Committee before instituting an ordinance regulating the use of electric bicycles and scooters or before instituting a restriction against these vehicles on a particular facility.

The April 6, 2000 staff report to the Regional Transportation Commission along with a copy of the electric bicycles ordinance adopted by the City of Sebastopol are enclosed for your information. The ordinance adopted by the City of

HB

WWW.SCCRTC.ORG  
EMAIL:INFO@SCCRTC.ORG

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Sebastopol is an example of an ordinance that meets the recommendations of the Regional Transportation Commission.

Thank you for your consideration of these recommendations. Regional Transportation Commission staff and the Bicycle Committee will be available to work with all the local jurisdictions in drafting electric bicycle and motorized scooter ordinances. If you have any questions or comments, please contact me at (83 1) 460-32 13 or Luis Mendez of my staff at (83 1) 460-3212.

Sincerely,



Linda Wilshusen  
Executive Director

enclosures  
S:\CORRESP\BKORD040.WPD

cc: Dwight L. Herr, Santa Cruz County Counsel  
Mark S. Tracy, County of Santa Cruz Sheriff

H/B

signal lamp, deceleration signal device, cornering lamp, running lamp, red, blue, \* \* \* amber, or white warning lamp, flashing red schoolbus lamp, side-mounted turn signal lamp, and schoolbus side lamp.

(b) Any operating unit or canceling mechanism for turn signal lamps or for the simultaneous flashing of turn signal lamps as vehicular hazard signals, and any advance stoplamp switch.

(c) Any flasher mechanism for turn signals, red schoolbus lamps, warning lamps, the simultaneous flashing of turn signal lamps as vehicular hazard signals, and the headlamp flashing systems for emergency vehicles.

(d) Any equipment regulating the light emitted from any lamp or device or the light sources therein.

(e) Any reflector, including reflectors for use on bicycles, and reflectors used for required warning devices.

(Amended by Stats.1991, c. 13 (A.B.37), § 15, eff. Feb. 13, 1991.)

Historical and Statutory Notes

1991 Legislation

Governor Wilson wrote the following signature message for Stats.1991, c. 13 (A.B.37):

"I have signed this date Assembly Bill No. 37. This bill would provide technical cleanup of existing transportation and vehicle laws and would allow legislative Sergeant-at-Arms to utilize flashing or steady blue lights on certain authorized vehicles.

"The circumstances relating to utilization of the blue lights are not sufficiently defined in this bill. I understand, however, that the Legislature intended to limit

their use to emergencies and similar situations. Therefore, the author has agreed to carry cleanup legislation that would more specifically define the conditions under which the use of the blue lights would be authorized.

"The subsequent legislation would specifically limit the authorization to emergency calls, rescue operations and in pursuit of a violator of the law. With this understanding, I am approving this bill."

Severability and urgency effective provisions of Stats. 1991, c. 13 (A.B.37), see Historical and Statutory Notes following Education Code § 17912.3.

Law Review and Journal Commentaries

Review of selected 1991 California legislation. 23 Pac. L.J. 789 (1992).

§ 385.5. Low-speed vehicle

A "low-speed vehicle" is a motor vehicle, other than a motor truck, having four wheels on the ground and an unladen weight of 1,800 pounds or less, that is capable of propelling itself at a minimum speed of 20 miles per hour and a maximum speed of 25 miles per hour, on a paved level surface. For the purposes of this section, a "low-speed vehicle" is not a golf cart, except when operated pursuant to Section 21115 or 21115.1.

(Added by Stats.1999, c. 140 (S.B.186), § 1.)

§ 400. Motorcycle

(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.

(Added by Stats.1996, c. 453 (A.B.153), § 4.)

Historical and Statutory Notes

"The Legislature does not intend that the enactment of

1993 Legislation

supports or endorses any repeal or alteration of the existing provisions of Section 27803 of the Vehicle Code which require the wearing of a helmet while riding a motorcycle."

1996 Legislation

Section 1 of Stats.1996, c. 453 (A.B.153), provides:

"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."

Former § 400, added by Stats.1993, c. 584 (A.B.92), § 3, providing a definition for motorcycle, to become operative no later than Jan. 1, 1997, was repealed by Stats.1996, c. 453, (A.B.153), § 3. See this section.

Former § 400, enacted by Stats.1959, c. 3, § 400, amended by Stats.1967, c. 168, § 1; Stats.1992, c. 972 (S.B.1404), § 2; Stats.1993, c. 584 (A.B.92), § 2; Stats.1993, c. 594 (A.B.1821), § 1.5; Stats.1994, c. 675 (S.B.1741), § 2, was repealed by Stats.1996, c. 453 (A.B.153), § 2. See this section.

Derivation: Former § 400, enacted Stats.1959, c. 3, § 400, amended by Stats.1967, c. 168, § 1; Stats.1992, c. 972, § 2; Stats.1993, c. 584, § 2; Stats.1993, c. 594, § 1.5; Stats.1994, c. 675, § 2.

§ 405. Motor-driven cycle

A "motor-driven cycle" is any motorcycle with a motor that displaces less than 150 cubic centimeters \* \* \*. A motor-driven cycle does not include a motorized bicycle, as defined in Section 406.

(Amended by Stats.1990, c. 1359 (A.B.55), § 1; Stats.1991, c. 928 (A.B.1886), § 14, eff. Oct. 14, 1991; Stats.1995, c. 342 (A.B.1604), § 1.)

Historical and Statutory Notes

1991 Legislation

Severability provisions of Stats.1991, c. 928, see Historical and Statutory Notes under Gov. C. § 14524.15.

§ 406. Motorized bicycle or moped

(a) A "motorized bicycle" or "moped" is any two-wheeled or three-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 a motor which produces less than 2 gross brake horsepower and is capable of propelling the device at a maximum speed of not more than 30 miles per hour on level ground.

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

- (1) Has a power output of not more than 1,000 watts.
(2) Is incapable of propelling the device at a speed of more than 20 miles per hour on ground level.
(3) Is incapable of further increasing the speed of the device when human power is used to propel the motorized bicycle faster than 20 miles per hour.

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

(c) The disclosure required under paragraph (4) of subdivision (b) shall meet, both of the following requirements:

- (1) The disclosure shall be printed in not less than 14-point boldface type on a single sheet of paper that contains no information other than the disclosure.
(2) The disclosure shall include the following language in capital letters:

"TOUR INSURANCE POLICIES MAY NOT PROVIDE COVERAGE FOR ACCIDENTS INVOLVING THE USE OF THIS BICYCLE. TO DETERMINE IF COVERAGE IS PROVIDED YOU SHOULD CONTACT YOUR INSURANCE COMPANY OR AGENT."

(Amended by Stats.1995, c. 342 (A.B.1604), § 2; Stats.1995, c. 804 (A.B.1501), § 1.)

Historical and Statutory Notes

1995 Legislation

Section affected by two or more acts at the same



§ 407. Motorized quadricycle and motorized tricycle

A "motorized quadricycle" is a four-wheeled device, and a "motorized tricycle" is a three-wheeled device, designed to carry not more than two persons, including the driver, and having either an electric motor or a motor with an automatic transmission developing less than two gross brake horsepower and capable of propelling the device at a maximum speed of not more than 30 miles per hour on level ground. The device shall be utilized only by a person who by reason of physical disability is otherwise unable to move about as a pedestrian or by a senior citizen as defined in Section 13000.

(Amended by Stats.1993, c. 1292 (S.B.274), § 3.)

§ 401.5. Motorized scooters; insurance disclosure

(a) A "motorized scooter" is any two-wheeled device that has handlebars, is designed to be stood or sat upon by the operator, and is powered by an electric motor that is capable of propelling the device with or without human propulsion. For purposes of this section, a motorcycle, as defined in Section 400, a motor-driven cycle, as defined in Section 405, a motorized bicycle or moped, as defined in Section 406, or a toy, as defined in Section 108550 of the Health and Safety Code, is not a motorized scooter.

(b) A device meeting the definition in subdivision (a) that is powered by a source other than electrical power is also a motorized scooter.

(c)(l) Every manufacturer of motorized scooters shall provide a disclosure to buyers that advises buyers that their existing insurance policies may not provide coverage for these scooters and that they should contact their insurance company or insurance agent to determine if coverage is provided.

(2) The disclosure required under paragraph (1) shall meet both of the following requirements:

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

(B) The disclosure shall include the following language in capital letters:

"YOUR INSURANCE POLICIES MAY NOT PROVIDE COVERAGE FOR ACCIDENTS INVOLVING THE USE OF THIS SCOOTER. TO DETERMINE IF COVERAGE IS PROVIDED, YOU SHOULD CONTACT YOUR INSURANCE COMPANY OR AGENT."

(Added by Stats.1999, c. 722 (S.B.441), § 1; Stats.1999, c. 724 (A.B.1650), § 29.)

Historical and Statutory Notes

1999 Legislation

Section affected by two or more acts at the same session of the legislature, see Government Code § 9605.

Cross References

Driver's license, required classification, see Vehicle Code § 12504.9.

§ 410. Motor truck

A "motor truck" or "motortruck" is a motor vehicle designed, used, or maintained primarily for the transportation of property.

(Amended by Stats.1993, c. 272 (A.B.301), § 11, eff. Aug. 2, 1993.)

§ 415. Motor vehicle

(a) A "motor vehicle" is a vehicle that is self-propelled.

(b) Motor vehicle" does not include a self-propelled wheelchair, invalid tricycle, or motorized quadricycle when operated by a person who, by reason of physical disability, is otherwise unable to move about as a pedestrian.

(Amended by Stats.1999, c. 400 (A.B.295), § 1, eff. July 22, 1999; Stats.1998, c. 124 (A.B.3170), § 119.)

Historical and Statutory Notes

1996 Legislation

Subordination of legislation by Stats.1996, c. 124 (A.B.3470), to other 1996 legislation. see Historical and Statutory Notes under Business and Professions Code § 650.4.

Law Review and Journal Commentaries

Review of selected 1990 California legislation. 22 Pac. L.J. 733 (1991).

Library References

Cal Digest of Official Reports 3d Series, Automobiles and Highway Traffic §§ 2, 21, Insurance Contracts and Coverage §§ 49, 50.

§ 426. New motor vehicle dealer

"New motor vehicle dealer" is a dealer, as defined in Section 285, who, in addition to the requirements of that section, either acquires for resale new and unregistered motor vehicles from manufacturers or distributors of those motor vehicles or acquires for resale new and unregistered off-highway motorcycles from manufacturers or distributors of the vehicles. No distinction shall be made, nor any different construction be given to the definition of "new motor vehicle dealer" and "dealer" except for the application of the provisions of Chapter 6 (commencing with Section 3000) of Division 2 and Section 11704.5 or 11704.6. The provisions of Sections 3001 and 3003 shall not, however, apply to a dealer who deals exclusively in motorcycles.

(Amended by Stats.1996, c. 1008 (A.B.2367), § 2.)

Historical and Statutory Notes

1996 Legislation

Section 1 of Stats.1996, c. 1008, (A.B.2367), provides:

"(a) The Legislature finds that in view of the complexity of the used car industry and in order to ensure a high level of consumer protection, it is essential that applicants for a dealer's license, by those applicants selling used vehicles, possess a general knowledge of the laws that regulate vehicle sales.

"(b) It is, therefore, the intent of the Legislature that the Department of Motor Vehicles, in conjunction with the Independent Automobile Dealers Association of California, develop an educational curriculum for applicants for a dealer's license. That curriculum shall be used in the educational program required to be completed by a new applicant for a dealer's license, who will sell used vehicles, prior to the applicant taking a test for a dealer's license."

A 430. New vehicle

A "new vehicle" is a vehicle constructed entirely from new parts that has never been \* \* \* the subject of a retail sale, or registered with the department, or registered with the appropriate agency of authority \* \* \* of any other state, District of Columbia, territory or possession of the United States, or foreign state, province, or country. \* \* \*

(Amended by Stats.1988, c. 1583, § 1; Stats.1994, c. 1253 (A.B.3539), § 6.)

Historical and Statutory Notes

1988 Legislation

Section 5 of Stats.1988, c.1583, provides:

"It is not the intent of the Legislature in enacting this act to change the so-called hold for resale registration exemption procedure between automobile dealers in effect on and after January 1, 1988."

1994 Legislation

Legislative findings, declarations and intent relating to Stats.1994, c. 1253 (A.B.3539), see Historical and Statutory Notes under Insurance Code § 12150.

Letter from legislator regarding AB.3539 (Stats.1994, c. 1253), see Historical and Statutory Notes under Insurance Code § 12150.

§ 431. Nonrepairable vehicle

A "nonrepairable vehicle" is a vehicle of a type otherwise subject to registration that meets the criteria specified in subdivision (a), (b), or (c). The vehicle shall be issued a nonrepairable vehicle certificate and shall not be titled or registered.

(a) A nonrepairable vehicle is a vehicle that has no resale value except as a source of parts or scrap metal and which the owner irrevocably designates solely as a source of parts or scrap metal.

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ORDINANCE NO. 2000-\_\_\_

AN ORDINANCE OF THE CITY OF SANTA CRUZ AMENDING SECTIONS 10.68010, 10.68020, ~~10.68.030~~, 10.68.040, 10.68.050.10.68060, ~~10.68.070~~, 10.68.090, ~~10.68.100~~, AND ~~10.68.200~~ OF THE SANTA CRUZ MUNICIPAL CODE AND ADDING SECTION 10.68.015 TO THE SANTA CRUZ MUNICIPAL CODE PERTAINING TO THE OPERATION OF BICYCLES AND PERSONAL TRANSPORTATION DEVICES ("PTD's") ON CITY STREETS AND SIDEWALKS.

BE IT **ORDAINED** By The City Of Santa Cruz As Follows:

Section 1. Section 10.68.010 of the Santa Cruz Municipal Code is hereby amended to read as follows:

"Section 10.68.010 Bicycles Defined.

A 'bicycle' is a **device** upon which any person may ride, propelled by human power through a belt, chain, or gears, and having either two or three wheels in a tandem or tricycle arrangement.

Section 2. Section 10.68.015 is hereby added to the Santa Cruz Municipal Code to read as follows:

"Section 10.68.015 Personal Transportation **Device** "PTD" Defined.

A 'Personal Transportation Device' or 'PTD' is an electric bicycle as **defined** by California Vehicle Code section **406(b)** and a motorized scooter as defined by California Vehicle Code section **407.5**, both of which are capable of transporting persons **from** one place to another at a maximum speed of not more than twenty (20) miles per hour. "PTD" does not include a moped as defined in California Vehicle Code section 406(a) or a motorized skateboard as referenced in California Vehicle Code section 21968,

Section 3. Section 10.68020 of the Santa Cruz Municipal Code is hereby amended to read as follows:

'Section 10.68020 State Authority.

Reference is made by this section to California Vehicle Code Division **11**, Article 1, relating to laws applicable to bicycle use and equipment, and by such reference any and all statutes relating to **the** operation of bicycles are incorporated into this chapter. Every person operating a bicycle or a PTD on a roadway has all the rights and is subject to all the duties applicable to the driver of a vehicle, by the laws of this **state** or by the ordinances of this City except those provisions of laws and ordinances which by their nature can have no application, and except as **otherwise** provided in this chapter.

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ORDINANCE NO. 2000-\_\_\_\_

Section 4. Section 1068.030 of the Santa **Cruz** Municipal Code is hereby amended to read **as follows:**

“Section **10.68.030** Operation upon Sidewalks.

No person shall ride a bicycle or PTD upon sidewalks fronting and adjacent to commercial establishments, stores, or buildings used for business or commercial purposes. Every person operating a bicycle or **PTD** upon a sidewalk **shall** yield the right-of-way to any pedestrians on such **sidewalk.**

Section 5. Section **10.68.040** of ~~the~~ Santa **Cruz** Municipal Code is hereby amended to read as follows:

“Section 10.68.040 Group Operation.

No person or persons shall ride or operate bicycles or PTD’s other than single file, except on paths or parts of a roadway set aside for the exclusive use of bicycles and PTD’s.

~~Section 6.~~ Section 6. 10.68.050 of the Santa **Cruz** Municipal Code is hereby amended to read as follows:

“Section 10.68.050 Parking.

No person shall park, stand, or chain any bicycle or PTD against windows, street trees, planter boxes, **shrubs** or planted **areas**, or on the main traveled portion of any sidewalk or public way, nor in such manner as to constitute a hazard to pedestrians, vehicular traffic, or property. If no bicycle racks or other facilities intended to be used for bicycle or PTD parking are available in the vicinity, bicycles or PTD’s may be parked on the sidewalk in an upright position parallel to and within twenty-four inches of the street curb.

Section 7. Section 10.68.060 of the **Santa Cruz** Municipal Code is hereby amended to read **as follows:**

“Section 10.68.060 Bicycle Parking Prohibited,

No person **shall** park a bicycle or PTD at any location which has been posted with signs prohibiting such parking.

H/B

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ORDINANCE NO. 2000-\_\_

~~Section 8.~~ 10.68.070 of the Santa Cruz Municipal Code is hereby amended to read as follows:

“Section 10.68.070 Racing **and** Trick Riding.

No person operating a bicycle or PTD upon a public highway or street shall participate in any unauthorized race, speed or endurance contest; provided, however, that the city council may authorize bicycle or PTD racing and **trick** riding events together with temporary closure of a portion of any street pursuant to Section 21101 (e) of the State Vehicle Code.

~~Section 9.~~ 10.68.090 of the Santa Cruz Municipal Code is hereby amended to read as follows:

“Section 10.68.090 Passengers.

No person riding or operating a bicycle or PTD shall **carry** another person on said bicycle or PTD unless such person or passenger is seated upon an individual seat or carrier with footrests separate **from** those intended to be used by the operator.

No person shall ride upon a bicycle or PTD as a passenger, unless he is seated upon an individual seat or carrier with footrests separate **from** that intended to be used by the operator.

~~Section 10.~~ Section 10.68.100 of the Santa Cruz Municipal Code is hereby amended to read as follows:

“Section 10.68.100 Entering Public Right-of-Way.

The operator of a bicycle or PTD, on approaching any public right-of-way when the view is obstructed, shall stop such bicycle or PTD immediately prior to entering upon such public **right-of-way**.

~~Section 11.~~ Section 10.68.200 of the Santa Cruz Municipal Code is hereby amended to read as follows:

“Section 10.6X.200 Operation of PTD’s on Municipal **Pathways** Not within the **Roadway** Prohibited.

PTD’s may be operated on any municipal bicycle path, trail, or **bikeway**, **unless** the Santa Cruz City Council or the governing body of the public agency having jurisdiction over such **path** or **bikeway** prohibits such operation by resolution.”

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ORDINANCE NO. 2000-\_\_\_

**PASSED FOR PUBLICATION** this \_\_\_ day of \_\_\_\_\_, 2000 by the **following** vote:

AYES : **Councilmember:**

NOES: **Councilmember:**

ABSENT: **Councilmember:**

DISQUALIFIED: **Councilmember:**

APPROVED: \_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_  
City Clerk

**PASSED FOR FINAL ADOPTION** this \_\_\_ day of \_\_\_\_\_, 2000 by the **following** vote:

**AYES:** Councilmember:

NOES: **Councilmember:**

ABSENT: Councilmember:

DISQUALIFIED: **Councilmember:**

APPROVED: \_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_  
City Clerk

This is to certify that the above and foregoing document **is** the original of **Ordinance** No, 2000-\_\_\_ and that it has been published or posted **in** accordance **with** the Charter of the City of **Santa Cruz**.

\_\_\_\_\_  
City Clerk

H3

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# City of Scotts Valley

## Office of the City Council

One Civic Center Drive \* Scotts Valley \* CA 95066  
(831) 440-5602 \* Fax: (831) 438-2793 \* Email: [scottsvally@AOL.com](mailto:scottsvally@AOL.com)

May 8, 2000

Santa Cruz County Regional Transportation Commission  
1523 Pacific Avenue  
Santa Cruz, CA 95060-3911

Attention: Linda **Wilshusen**, Executive Director

SUBJECT: **INCORPORATION OF ELECTRIC BICYCLES/SCOOTERS INTO MUNICIPAL CODE**

Dear Ms. **Wilshusen**:

In response to your letter of the same subject, I have discussed the impact of electric bicycles and scooters with the **Scotts Valley** Police Department - **specifically** Chief Stephen Walpole. He has reviewed the issue and responded as follows: Scotts Valley Police Department procedure is to allow electric bicycles equal access to that of pedal bicycles. We have no specific regulations governing electric bicycles and see no need to do so. The **Police** Department utilizes pertinent Vehicle Code sections to enforce any and **all** regulations for pedal bicycles **and will** do the **same** for electric bicycles **and scooters**.

If you have any questions or concerns, **please feel free** to contact me personally **or** you may wish to speak to Chief Walpole **personally**.

Sincerely yours,

Chuck Walker, Mayor  
city of **Scotts Valley**

CW:j

c: City Manager  
Chief **Walpole**



H/B

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420 CAPITOLA AVENUE  
CAPITOLA, CALIFORNIA 95010  
TELEPHONE (831) 475-7300  
FAX (831) 479-9879

May 9, 2000

Linda Wilshusen, Executive Director  
Santa Cruz County Regional Transportation Commission  
1523 Pacific Avenue  
Santa Cruz, CA 95060



**REFERENCE:** YOUR APRIL 27 LETTER TO MAYOR ARTHUR RE ELECTRIC BICYCLES, **ETC.**

Dear Linda:

I reviewed this letter and did some quick research, That research indicates to me **that** the best way of achieving the **purposes** set forth in numbered paragraphs 1 and 2 of your letter is to do nothing.

Your paragraph 1 suggests that jurisdictions **arrive** at the same general rule for motorized bicycles and motorized scooters "**on streets** and bike paths **within** their jurisdictions." I have not tried to **research** this matter in any detail, **but** I think the probabilities are very high that it is not within any local authority's power to change the Vehicle Code **rules** as they pertain to streets. This is almost certainly a matter that has been **pre-empted** by state law. Not only does the Vehicle Code seem to have legislated rather comprehensively in this area, but this is exactly the Sort of **thing** in which state law is designed to preempt local law, namely to avoid the confusion that would result if there were a hodge-podge of rules for persons driving around on streets-particularly since **the** average driver does not **know** where a city boundary ends and a county or other city boundary begins.

Regarding bike paths, your memo urges **the** jurisdictions to follow "the general rule... that electric bicycles and motorized **scooters** be allowed to operate on all facilities where bicycles are allowed." Vehicle Code §21230 says **that** motorized scooters may be operated on bicycle paths "...unless the local **authority** or governing body of a local agency having jurisdiction over that **path**, trail or **bikeway** prohibits that by operation of **ordinance.**" Therefore, for motorized scooters the Vehicle Code already achieves the desired results so far as motor scooters are concerned. For each locality that has no prohibitions on the use of "motorized bicycle" or "moped" on such paths, again the desired result is achieved without any **legislation** having to be passed.

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I therefore conclude that the **best** way to achieve uniformity is to ask the jurisdictions To check their existing ordinances and repeal any ordinances that prohibit motorized scooters **or** motorized bicycles on bicycle paths or trails.

So far as **Capitola** goes, the **Vehicle** Code, together with Capitola's **lack** of any legislation on this **subject**, means that without having to enact any legislation, **Capitola already** achieves the **effect** described in your letter.

Respectfully **yours**,

**CITY OF CAPITOLA**



**Richard Manning**  
City Attorney!

**RM/dm**

, cc: Mayor Arthur  
City Manager  
Eric **Marlatt**  
John **Barisone**

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M

**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.

**405.** A "motor-driven cycle" is any motorcycle with a motor that displaces less than 150 cubic centimeters. A **motor-driven** cycle does not include a motorized bicycle, **as** defined in Section **406**.

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406. (a) A "motorized bicycle" or "moped" is any two-wheeled or three-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 a motor which produces less than 2 gross brake horsepower and is capable of propelling the device at a maximum speed of not more than 30 miles per hour on level ground.

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

- (1) Has a power output of not more than 1,000 watts.
- (2) Is incapable of propelling the device at a speed of more than 20 miles per hour on ground level.
- (3) Is incapable of further increasing the speed of the device when human power is used to propel the motorized bicycle faster than 20 miles per hour.

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

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

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

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

"YOUR INSURANCE POLICIES MAY NOT PROVIDE COVERAGE FOR ACCIDENTS INVOLVING THE USE OF THIS BICYCLE. TO DETERMINE IF COVERAGE IS PROVIDED YOU SHOULD CONTACT YOUR INSURANCE COMPANY OR AGENT."



407. A "motorized quadricycle" is a four-wheeled device, and a "motorized tricycle" is a three-wheeled device, designed to carry not more than two persons, including the driver, and having either an electric motor or a motor with an automatic transmission developing less than two gross brake horsepower and capable of propelling the device at a maximum speed of not more than 30 miles per hour on level ground. The device shall be utilized only by a person who by reason of physical disability is otherwise unable to move about as a pedestrian or by a senior citizen as defined in Section 13000.



H3

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**407.5.** (a) A "motorized scooter" is any two-wheeled device that has handlebars, is designed to be stood or sat upon by the operator, and is powered by an electric motor that is capable of propelling the device with or without human propulsion. For purposes of this section, a motorcycle, as defined in Section 400, a motor-driven cycle, as defined in Section 405, a motorized bicycle or moped, as defined in Section 406, or a toy, as defined in Section 108550 of the Health and Safety Code, is not a motorized scooter.

(b) A device meeting the definition in subdivision (a) that is powered by a source other than electrical power is also a motorized scooter.

(c) (1) Every manufacturer of motorized scooters shall provide a disclosure to buyers that advises buyers that their existing insurance policies may not provide coverage for these scooters and that they should contact their insurance company or insurance agent to determine if coverage is provided.

(2) The disclosure required under paragraph (1) shall meet both of the following requirements:

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

(B) The disclosure shall include the following language in capital letters:

"YOUR INSURANCE POLICIES MAY NOT PROVIDE COVERAGE FOR ACCIDENTS INVOLVING THE USE OF THIS SCOOTER. TO DETERMINE IF COVERAGE IS PROVIDED, YOU SHOULD CONTACT YOUR INSURANCE COMPANY OR AGENT."

[EFFECTIVE 1/1/2000. Amended October 10, 1999 (Bill Number: AB 1650) (Chapter 724).] [EFFECTIVE 1/1/2000. Added October 10, 1999 (Bill Number: SB 441) (Chapter 722).]

408. "Motor carrier" is the registered owner, lessee, licensee, or bailee of any vehicle set forth in Section 34500, who operates or directs the operation of any such vehicle on either a for-hire or not-for-hire basis.

410. A "motor-truck" or "motortruck" is a motor vehicle designed, used, or maintained primarily for the transportation of property.

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415. (a) A "motor vehicle" is a vehicle that is self-propelled.

(b) "Motor vehicle" does not include a self-propelled wheelchair, invalid ~~tricycle~~, or motorized quadricycle when operated by a person who, by reason of physical **disability**, is otherwise unable to move about as a **pedestrian**.

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**21230.** Notwithstanding any other provision of law, a motorized scooter may be operated on a bicycle path or trail or **bikeway**, unless the local authority or the governing body of a local agency having jurisdiction over that **path, trail, or bikeway** prohibits that operation by ordinance. **[EFFECTIVE 1/1/2000. Added October 10, 1999 @ill Number: SB 441) (Chapter 722).]**

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