



County of Santa Cruz⁰³⁶¹

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January 23, 2001

Agenda: February 6, 2001

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

Re: Regulation of Motorized Bicycles and Scooters

Dear Members of the Board:

On September 13, 2000, your Board considered an ordinance that would authorize the use of motorized bicycles and scooters powered by electric motors on bikeways within the unincorporated area of the County. Your Board's action was prompted by a request from the County Transportation Commission which was then involved in an effort to coordinate such regulatory efforts by jurisdictions within the County. The proposed ordinance permitted the use of motorized bicycles and motorized scooters, defined by state law as being powered by an electric motor, to make use of bikeways within the unincorporated area of the County. In addition, the proposed ordinance prohibited the use of motorized bicycles and scooters not powered by an electric motor from these bikeways.

Your Board gave preliminary approval to the draft ordinance and then directed that it be referred to the Transportation Commission for their review and comment prior to taking final action. The Commission subsequently considered the County's draft ordinance and took action to support it as proposed.

In addition to supporting the County's ordinance, the Commission requested that your Board consider joining its efforts to seek repeal of subdivision (b) of California

motorscooterl .wpd

Vehicle Code Section 407.5, a copy of which is attached. If subdivision (b) were to be repealed, gasoline powered devices would no longer meet the definition of "motorized scooter". Repeal of this particular Vehicle Code provision would be consistent with the County's draft ordinance, for both would prohibit the operation of motorized scooters as defined by Vehicle Code Section 407.5(b), from **bikeways** under the County's jurisdiction. Your Board's action to prohibit gasoline powered motorized scooters from County **bikeways** was intended to address concerns raised about the noise and pollution problems associated with such devices.

IT IS THEREFORE RECOMMENDED that:

1. Your Board consider adopting in concept the attached ordinance adding Chapter 9.54 to the Santa Cruz County Code regulating motorized bicycles and motorized scooters, and place said ordinance on your next available agenda for final adoption; and
2. Consider directing the Chairman to write to Senator McPherson and Assemblyman Keeley expressing the Board's support for repealing subdivision (b) of California Vehicle Code Section 407.5.

Very truly yours,

SAMUEL TORRES, JR., COUNTY COUNSEL

By: 

RAHN GARCIA

Chief Assistant County Counsel

RECOMMENDED:



SUSAN A. MAURIELLO
County Administrative Officer

Enclosures

cc: County Administrative Office
Sheriff
Regional Transportation Commission
Richard Parker, 2-1724 E. Cliff Dr., #2, Santa Cruz, CA 95062

CALIFORNIA VEHICLE CODE § 407.5. 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)(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.”

ORDINANCE NO. _____

**ORDINANCE ADDING CHAPTER 9.54 THE
SANTA CRUZ COUNTY CODE RELATING TO
MOTORIZED BICYCLES AND MOTORIZED SCOOTERS**

The Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

Chapter 9.54 of the Santa Cruz County Code is hereby added to read as follows:

Chapter 9.54

**REGULATION OF MOTORIZED
BICYCLES AND MOTORIZED SCOOTERS**

Sections:

- 9.54.010 Regulations.**
- 9.54.020 Violations--Penalty.**

9.54.010 Regulations.

A. Notwithstanding any other provision of this code, a “motorized bicycle” as defined by California Vehicle Code Section 406 (b), and a “motorized scooter” as defined by California Vehicle Code Section 407.5 (a), are authorized to operate on any bikeway under the County’s jurisdiction.

B. A “motorized scooter” as defined by California Vehicle Code Section 407.5 (b), is prohibited from operating on any bikeway under the County’s jurisdiction.

9.54.020 Violations--Penalty.

Any person violating this chapter shall be deemed guilty of an infraction and shall be punished by a fine in accordance with section 1.12.040 of this code.

SECTION II

This ordinance shall take effect on the 3 1st day after the date of final passage.

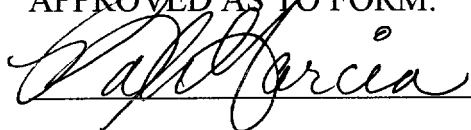
PASSED AND ADOPTED this ____ day of _____, 2001, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

Chairman of the
Board of Supervisors

Attest: _____
Clerk of the Board

APPROVED AS TO FORM:



DISTRIBUTION: CAO
Sheriff
Transportation Commission