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AB-604 Electrically motorized boards. (2015-2016)

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Assembly Bill No. 604

CHAPTER 777

An act to amend Sections 21113, 21960, 21967, and 21968 of, to add Section 313.5 to, to add Article 7 (commencing with Section 21290) to Chapter 1 of Division 11 of, and to repeal Section 21295 of, the Vehicle Code, relating to vehicles.

[Approved by Governor October 11, 2015. Filed with Secretary of State October 11, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 604, Olsen. Electrically motorized boards.

Existing law regulates the operation of bicycles, motorized scooters, and electric personal assistive mobility devices, as defined. Existing law makes a violation of these provisions punishable as an infraction.

This bill would define the term "electrically motorized board." The bill would prohibit the operation of an electrically motorized board upon a highway while under the influence of an alcoholic beverage or any drug, or under the combined influence of an alcoholic beverage and any drug. The bill would require the operator of an electrically motorized board to wear a helmet while operating an electrically motorized board upon a highway, bikeway, or any other public bicycle path, sidewalk, or trail. The bill would require an operator to be at least 16 years of age in order to operate an electrically motorized board. The bill would also require electrically motorized boards to be equipped with safety equipment, as specified, and restrict the operation speed of electrically motorized boards. Because a violation of these provisions would be punishable as an infraction, this bill would impose a state-mandated local program.

The bill would also require the Commissioner of the California Highway Patrol to submit a report, as specified, to the Legislature, on or before January 1, 2021, to assist in determining the effect that the use of electrically motorized boards has on traffic safety.

Existing law authorizes transit development boards and public agencies, including, but not limited to, the Regents of the University of California and the Trustees of the California State University, to adopt ordinances, rules, or regulations, respectively, to restrict, or specify the conditions for, the use of bicycles, motorized bicycles, skateboards, and roller skates on property under the control of, or any portion of property used by, the board, or on public property under the jurisdiction of the agency, respectively.

This bill would additionally authorize those boards and agencies to adopt ordinances, rules, and regulations, respectively, for the use of electrically motorized boards.

Existing law authorizes local authorities to adopt rules and regulations by ordinance or resolution prohibiting or restricting persons from riding or propelling skateboards on highways, sidewalks, or roadways.

This bill would additionally authorize local authorities to adopt rules and regulations by ordinance or resolution prohibiting or restricting persons from riding or propelling electrically motorized boards on highways, sidewalks, or roadways.

Existing law makes it a crime to operate a motorized skateboard on any sidewalk, roadway, or any other part of a highway or on any bikeway, bicycle path or trail, equestrian trail, or hiking or recreational trail.

This bill would provide that an electrically motorized board is not a motorized skateboard for those purposes.

Existing law authorizes the Department of Transportation and local authorities to prohibit or restrict the use of bicycles, motorized bicycles, and motorized scooters upon freeways or expressways.

This bill would authorize the Department of Transportation and local authorities to also prohibit or restrict the use of electrically motorized boards upon freeways or expressways.

This bill would incorporate additional changes to Section 21113 of the Vehicle Code proposed by AB 1096 that would become operative only if this bill and AB 1096 are both chaptered, and this bill is chaptered last.

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 Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 313.5 is added to the Vehicle Code, to read:

313.5. An "electrically motorized board" is any wheeled device that has a floorboard designed to be stood upon when riding that is not greater than 60 inches deep and 18 inches wide, is designed to transport only one person, and has an electric propulsion system averaging less than 1,000 watts, the maximum speed of which, when powered solely by a propulsion system on a paved level surface, is no more than 20 miles per hour. The device may be designed to also be powered by human propulsion.

SEC. 2. Section 21113 of the Vehicle Code is amended to read:

21113. (a) A person shall not drive a vehicle or animal, or stop, park, or leave standing a vehicle or animal, whether attended or unattended, upon the driveways, paths, parking facilities, or the grounds of any public school, state university, state college, unit of the state park system, county park, municipal airport, rapid transit district, transit development board, transit district, public transportation agency, county transportation commission created pursuant to Section 130050 of the Public Utilities Code, joint powers agency operating or managing a commuter rail system, or any property under the direct control of the legislative body of a municipality, or a state, county, or hospital district institution or building, or an educational institution exempted, in whole or in part, from taxation, or any harbor improvement district or harbor district formed pursuant to Part 2 (commencing with Section 5800) or Part 3 (commencing with Section 6000) of Division 8 of the Harbors and Navigation Code, a district organized pursuant to Part 3 (commencing with Section 27000) of Division 16 of the Streets and Highways Code, or state grounds served by the Department of the California Highway Patrol, or any property under the possession or control of a housing authority formed pursuant to Article 2 (commencing with Section 34240) of Chapter 1 of Part 2 of Division 24 of the Health and Safety Code, except with the permission of, and upon and subject to any condition or regulation that may be imposed by, the legislative body of the municipality, or the governing board or officer of the public school, state university, state college, county park, municipal airport, rapid transit district, transit development board, transit district, public transportation agency, county transportation commission, joint powers agency operating or managing a commuter rail system, or state, county, or hospital district institution or building, or educational institution, or harbor district, or a district organized pursuant to Part 3 (commencing with Section 27000) of Division 16 of the Streets and Highways Code, or housing authority, or the Director of Parks and Recreation regarding units of the state park system or the state agency with jurisdiction over the grounds served by the Department of the California Highway Patrol.

(b) A governing board, legislative body, or officer shall erect or place appropriate signs giving notice of any special conditions or regulations that are imposed under this section and the governing board, legislative body, or officer shall also prepare and keep available at the principal administrative office of the governing board, legislative body, or officer, for examination by all interested persons, a written statement of all those special conditions and regulations adopted pursuant to this section.

(c) When a governing board, legislative body, or officer permits public traffic upon the driveways, paths, parking facilities, or grounds under their control then, except for those conditions imposed or regulations enacted by the governing board, legislative body, or officer applicable to the traffic, all the provisions of this code relating to traffic upon the highways shall be applicable to the traffic upon the driveways, paths, parking facilities, or grounds.

(d) A public transportation agency that imposes any condition or regulation upon a person who parks or leaves standing a vehicle, pursuant to subdivision (a), is authorized to do either of the following:

(1) Enforce that condition or regulation in the manner provided in Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of this code. The public transportation agency shall be considered the issuing agency for that purpose.

(2) Designate regularly employed and salaried employees, who are engaged in directing traffic or enforcing parking laws and regulations, for the purpose of removing any vehicle in the same manner as a city, county, or jurisdiction of a state agency pursuant to Chapter 10 (commencing with Section 22650) of Division 11 of this code.

(e) With respect to the permitted use of vehicles or animals on property under the direct control of the legislative body of a municipality, no change in the use of vehicles or animals on the property, that had been permitted on January 1, 1976, shall be effective unless and until the legislative body, at a meeting open to the general public, determines that the use of vehicles or animals on the property should be prohibited or regulated.

(f) A transit development board may adopt ordinances, rules, or regulations to restrict, or specify the conditions for, the use of bicycles, motorized bicycles, skateboards, electrically motorized boards, and roller skates on property under the control of, or any portion of property used by, the board.

(g) A public agency, including, but not limited to, the Regents of the University of California and the Trustees of the California State University, may adopt rules or regulations to restrict, or specify the conditions for, the use of bicycles, motorized bicycles, skateboards, electrically motorized boards, and roller skates on public property under the jurisdiction of that agency.

(h) "Housing authority," for the purposes of this section, means a housing authority located within a county with a population of over 6,000,000 people, and any other housing authority that complies with the requirements of this section.

(i) "Public transportation agency," for purposes of this section, means a public agency that provides public transportation as defined in paragraph (1) of subdivision (f) of Section 1 of Article XIX A of the California Constitution.

SEC. 2.5. Section 21113 of the Vehicle Code is amended to read:

21113. (a) A person shall not drive a vehicle or animal, or stop, park, or leave standing a vehicle or animal, whether attended or unattended, upon the driveways, paths, parking facilities, or the grounds of any public school, state university, state college, unit of the state park system, county park, municipal airport, rapid transit district, transit development board, transit district, public transportation agency, county transportation commission created pursuant to Section 130050 of the Public Utilities Code, joint powers agency operating or managing a commuter rail system, or any property under the direct control of the legislative body of a municipality, or a state, county, or hospital district institution or building, or an educational institution exempted, in whole or in part, from taxation, or any harbor improvement district or harbor district formed pursuant to Part 2 (commencing with Section 5800) or Part 3 (commencing with Section 6000) of Division 8 of the Harbors and Navigation Code, a district organized pursuant to Part 3 (commencing with Section 27000) of Division 16 of the Streets and Highways Code, or state grounds served by the Department of the California Highway Patrol, or any property under the possession or control of a housing authority formed pursuant to Article 2 (commencing with Section 34240) of Chapter 1 of Part 2 of Division 24 of the Health and Safety Code, except with the permission of, and upon and subject to any condition or regulation that may be imposed by, the legislative body of the municipality, or the governing board or officer of the public school, state university, state college, county park, municipal airport, rapid transit district, transit development board, transit district, public transportation agency, county transportation commission, joint powers agency operating or managing a commuter rail system, or state, county, or hospital district institution or building, or educational institution, or harbor district, or a district organized pursuant to Part 3 (commencing with Section 27000) of Division 16 of the Streets and Highways Code, or housing authority, or the Director of Parks and Recreation regarding units of the state park system or the state agency with jurisdiction over the grounds served by the Department of the California Highway Patrol.

(b) A governing board, legislative body, or officer shall erect or place appropriate signs giving notice of any special conditions or regulations that are imposed under this section and the governing board, legislative body, or officer shall also prepare and keep available at the principal administrative office of the governing board, legislative body, or officer, for examination by all interested persons, a written statement of all those special conditions and regulations adopted pursuant to this section.

(c) When a governing board, legislative body, or officer permits public traffic upon the driveways, paths, parking facilities, or grounds under their control then, except for those conditions imposed or regulations enacted by the governing board, legislative body, or officer applicable to the traffic, all the provisions of this code relating to traffic upon the highways shall be applicable to the traffic upon the driveways, paths, parking facilities, or grounds.

(d) A public transportation agency that imposes any condition or regulation upon a person who parks or leaves standing a vehicle, pursuant to subdivision (a), is authorized to do either of the following:

(1) Enforce that condition or regulation in the manner provided in Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of this code. The public transportation agency shall be considered the issuing agency for that purpose.

(2) Designate regularly employed and salaried employees, who are engaged in directing traffic or enforcing parking laws and regulations, for the purpose of removing any vehicle in the same manner as a city, county, or jurisdiction of a state agency pursuant to Chapter 10 (commencing with Section 22650) of Division 11 of this code.

(e) With respect to the permitted use of vehicles or animals on property under the direct control of the legislative body of a municipality, no change in the use of vehicles or animals on the property, that had been permitted on January 1, 1976, shall be effective unless and until the legislative body, at a meeting open to the general public, determines that the use of vehicles or animals on the property should be prohibited or regulated.

(f) A transit development board may adopt ordinances, rules, or regulations to restrict, or specify the conditions for, the use of bicycles, motorized bicycles, electric bicycles, skateboards, electrically motorized boards, and roller skates on property under the control of, or any portion of property used by, the board.

(g) A public agency, including, but not limited to, the Regents of the University of California and the Trustees of the California State University, may adopt rules or regulations to restrict, or specify the conditions for, the use of bicycles, motorized bicycles, electric bicycles, skateboards, electrically motorized boards, and roller skates on public property under the jurisdiction of that agency.

(h) "Housing authority," for the purposes of this section, means a housing authority located within a county with a population of over 6,000,000 people, and any other housing authority that complies with the requirements of this section.

(i) "Public transportation agency," for purposes of this section, means a public agency that provides public transportation as defined in paragraph (1) of subdivision (f) of Section 1 of Article XIX A of the California Constitution.

SEC. 3. Article 7 (commencing with Section 21290) is added to Chapter 1 of Division 11 of the Vehicle Code, to read:

Article 7. Operation of Electrically Motorized Boards

21290. (a) For purposes of this article, "bikeway" is defined in Section 890.4 of the Streets and Highways Code.

(b) For purposes of this article, an "electrically motorized board" is defined in Section 313.5.

21291. An electrically motorized board shall be operated only by a person who is 16 years of age or older.

21292. A person shall not operate an electrically motorized board upon a highway, bikeway, or any other public bicycle path, sidewalk, or trail, unless that person is wearing a properly fitted and fastened bicycle helmet that meets the standards described in Section 21212.

21293. (a) Every electrically motorized board operated upon a highway during darkness shall be equipped with all of the following:

(1) Except as provided in subdivision (b), a lamp emitting a white light that, while the electrically motorized board is in motion, illuminates the highway in front of the operator and is visible from a distance of 300 feet in front of the electrically motorized board.

(2) Except as provided in subdivision (c), a red reflector on the rear that is visible from a distance of 500 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle.

(3) Except as provided in subdivision (d), a white or yellow reflector on each side that is visible from a distance of 200 feet from the sides of the electrically motorized board.

(b) A lamp or lamp combination, emitting a white light, attached to the operator and visible from a distance of 300 feet in front of the electrically motorized board, may be used in lieu of the lamp required by paragraph (1) of subdivision (a).

(c) A red reflector, or reflectorizing material meeting the requirements of Section 25500, attached to the operator and visible from a distance of 500 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle, may be used in lieu of the reflector required by paragraph (2) of subdivision (a).

(d) A white or yellow reflector, or reflectorizing material meeting the requirements of Section 25500, attached to the operator and visible from a distance of 200 feet from the sides of the electrically motorized board, may be used in lieu of the reflector required by paragraph (3) of subdivision (a).

21294. (a) Electrically motorized boards shall only operate upon a highway designated with a speed limit of 35 miles per hour or less, unless the electrically motorized board is operated entirely within a designated Class II or Class IV bikeway.

(b) A person shall not operate an electrically motorized board upon a highway, bikeway, or any other public bicycle path, sidewalk, or trail, at a speed in excess of 15 miles per hour.

(c) Notwithstanding subdivision (b), a person shall not operate an electrically motorized board at a speed greater than is reasonable or prudent having due regard for weather, visibility, pedestrian and vehicular traffic, and the surface and width of the highway, bikeway, public bicycle path, sidewalk, or trail, and in no event at a speed that endangers the safety of any person or property.

21295. The Commissioner of the California Highway Patrol shall submit a report to the Legislature, on or before January 1, 2021, to assist in determining the effect that the use of electrically motorized boards has on traffic safety. The report shall include detailed statewide traffic collision data involving electrically motorized boards, including property damage only, injury, and fatal traffic collisions. The report shall be submitted in compliance with Section 9795 of the Government Code. Pursuant to Section 10231.5 of the Government Code, this section is repealed on January 1, 2025.

21296. (a) It is unlawful for a person to operate an electrically motorized board upon a highway while under the influence of an alcoholic beverage or any drug, or under the combined influence of an alcoholic beverage and any drug.

(b) A person arrested for a violation of this section may request to have a chemical test made of his or her blood or breath for the purpose of determining the alcoholic or drug content of that person's blood pursuant to subdivision (d) of Section 23612, and, if so requested, the arresting officer shall have the test performed.

(c) A conviction for a violation of this section shall be punished by a fine of not more than two hundred fifty dollars (\$250).

SEC. 4. Section 21960 of the Vehicle Code is amended to read:

21960. (a) The Department of Transportation and local authorities, by order, ordinance, or resolution, with respect to freeways, expressways, or designated portions thereof under their respective jurisdictions, to which vehicle access is completely or partially controlled, may prohibit or restrict the use of the freeways, expressways, or any portion thereof by pedestrians, bicycles or other nonmotorized traffic or by any person operating a motor-driven cycle, motorized bicycle, motorized scooter, or electrically motorized board. A prohibition or restriction pertaining to bicycles, motor-driven cycles, motorized scooters, or electrically motorized boards shall be deemed to include motorized bicycles. A person shall not operate a motorized bicycle wherever that prohibition or restriction is in force. Notwithstanding any order, ordinance, or resolution to the contrary, the driver or passengers of a disabled vehicle stopped on a freeway or expressway may walk to the nearest exit, in either direction, on that side of the freeway or expressway upon which the vehicle is disabled, from which telephone or motor vehicle repair services are available.

(b) The prohibitory regulation authorized by subdivision (a) shall be effective when appropriate signs giving notice thereof are erected upon any freeway or expressway and the approaches thereto. If any portion of a county freeway or expressway is contained within the limits of a city within the county, the county may erect signs on that portion as required under this subdivision if the ordinance has been approved by the city pursuant to subdivision (b) of Section 1730 of the Streets and Highways Code.

(c) No ordinance or resolution of local authorities shall apply to any state highway until the proposed ordinance or resolution has been presented to, and approved in writing by, the Department of Transportation.

(d) An ordinance or resolution adopted under this section on or after January 1, 2005, to prohibit pedestrian access to a county freeway or expressway shall not be effective unless it is supported by a finding by the local authority that the freeway or expressway does not have pedestrian facilities and pedestrian use would pose a safety risk to the pedestrian.

SEC. 5. Section 21967 of the Vehicle Code is amended to read:

21967. Except as provided in Section 21968, a local authority may adopt rules and regulations by ordinance or resolution prohibiting or restricting persons from riding or propelling skateboards, or electrically motorized boards, on highways, sidewalks, or roadways.

SEC. 6. Section 21968 of the Vehicle Code is amended to read:

21968. (a) A motorized skateboard shall not be propelled on any sidewalk, roadway, or any other part of a highway or on any bikeway, bicycle path or trail, equestrian trail, or hiking or recreational trail.

(b) For purposes of this section, an electrically motorized board, as defined in Section 313.5, is not a motorized skateboard.

SEC. 7. Section 2.5 of this bill incorporates amendments to Section 21113 of the Vehicle Code proposed by both this bill and Assembly Bill 1096. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2016, (2) each bill amends Section 21113 of the Vehicle Code, and (3) this bill is enacted after Assembly Bill 1096, in which case Section 2 of this bill shall not become operative.

SEC. 8. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.