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AB-2432 Neighborhood electric vehicles: County of Los Angeles. (2021-2022)

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Assembly Bill No. 2432

CHAPTER 158

An act to add and repeal Article 3 (commencing with Section 1966.10) of Chapter 8 of Division 2.5 of the Streets and Highways Code, relating to neighborhood electric vehicles.

[Approved by Governor August 22, 2022. Filed with Secretary of State August 22, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2432, Muratsuchi. Neighborhood electric vehicles: County of Los Angeles.

Existing law defines "low-speed vehicle" for purposes of the Vehicle Code as a motor vehicle with 4 wheels that is capable of a minimum speed of 20 miles per hour and a maximum speed of 25 miles per hour on a paved level surface and that has a gross vehicle weight rating of less than 3,000 pounds. Existing law imposes certain restrictions on the use of low-speed vehicles on public streets and highways, and generally requires an operator of a low-speed vehicle to have a driver's license. A low-speed vehicle is also known as a neighborhood electric vehicle (NEV). A violation of the Vehicle Code is an infraction, unless otherwise specified.

Existing law authorizes certain local agencies to establish a NEV transportation plan subject to certain requirements. A person operating a NEV in a plan area in violation of certain provisions is guilty of an infraction punishable by a fine not exceeding \$100.

This bill would authorize the County of Los Angeles or any city in the county to establish a similar NEV transportation plan, as specified, subject to the same penalties. The bill would require that the transportation plan have received a prior review and the comments of the Southern California Association of Governments (SCAG) and any agency having traffic law enforcement responsibilities in an entity included in the plan area. The bill, if the County of Los Angeles or a city in the county adopts a NEV transportation plan, would require the entity adopting the plan to submit a report, in consultation with SCAG, the department, the Department of the California Highway Patrol, and any applicable local law enforcement agency, as specified, to the Legislature within 2 years of the date the NEV transportation plan is adopted. The bill would repeal these provisions on January 1, 2040. Because the bill would create a new crime, it would impose a state-mandated local program.

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. Article 3 (commencing with Section 1966.10) is added to Chapter 8 of Division 2.5 of the Streets and Highways Code, to read:

Article 3. County of Los Angeles Neighborhood Electric Vehicle Transportation Plans

1966.10. It is the intent of the Legislature, in enacting this chapter, to authorize the County of Los Angeles or a city in the county to establish a neighborhood electric vehicle (NEV) transportation plan. The purpose of this NEV transportation plan is to further the vision of creating a sustainable region that reduces gasoline demand and vehicle emissions by offering a cleaner, more economical means of local transportation within the plan area. It is the further intent of the Legislature that this NEV transportation plan be designed and developed to best serve the functional travel needs of the community, to have the physical safety of the NEV driver's person and property as a major planning component, and to have the capacity to accommodate NEV drivers of every legal age and range of skills.

1966.11. The following definitions apply to this article:

(a) "Plan area" means any portion of the County of Los Angeles, or any portion of any city in the county, and any streets and roads under the jurisdiction of the county or a city, to the extent the County of Los Angeles or a city has adopted a NEV transportation plan pursuant to Section 1966.12, including the privately owned land of any owner that consents to its inclusion in the plan.

(b) "Neighborhood electric vehicle" or "NEV" means a low-speed vehicle as defined by Section 385.5 of the Vehicle Code.

(c) "NEV lanes" means all publicly or privately owned facilities that provide for NEV travel, including roadways designated by signs or permanent markings that are shared with pedestrians, bicyclists, and other motorists in the plan area.

1966.12. (a) The County of Los Angeles or any city in the county may, by ordinance or resolution, adopt a NEV transportation plan within its jurisdiction. Two or more jurisdictions may jointly adopt a NEV transportation plan for all or a portion of the territory under their respective jurisdictions.

(b) If the County of Los Angeles or any city in the county adopts a NEV plan, the entity adopting the plan shall consult with the Southern California Association of Governments and any agency having traffic law enforcement responsibilities in an entity included in the plan.

(c) The transportation plan may include the use of a state highway, or any crossing of the highway, subject to the approval of the department.

1966.13. The transportation plan shall include, but need not be limited to, all of the following elements:

(a) Route selection, which includes a finding that the route will accommodate NEVs without an adverse impact upon traffic safety and will consider, among other things, the travel needs of commuters and other users.

(b) Transportation interfacing, which shall include, but not be limited to, coordination with other modes of transportation so that a NEV driver may employ multiple modes of transportation in reaching a destination in the plan area.

(c) Provision for NEV-related facilities, including, but not limited to, special access points, special NEV turnouts, and NEV crossings.

(d) Provisions for parking facilities at destination locations, including, but not limited to, community commercial centers, golf courses, public areas, and parks.

(e) Provisions for special paving, road markings, signage, and striping for NEV travel lanes, road crossings, parking, and circulation, as appropriate.

(f) Provisions for NEV electrical charging stations.

(g) Community involvement in planning.

(h) A map showing the NEV route network. NEV routes for the purposes of the transportation plan shall be classified as follows:

(1) Class I NEV routes provide for a completely separate right-of-way for the use of NEVs.

(2) Class II NEV routes provide for a separate striped lane adjacent to roadways with speed limits of 55 miles per hour or less.

(3) Class III NEV routes provide for shared use by NEVs with conventional vehicle traffic on streets with speed limits of 35 miles per hour or less.

1966.14. If the County of Los Angeles or any city in the county adopts a NEV transportation plan pursuant to this article, it shall do all of the following:

(a) If the transportation plan includes separated NEV lanes, establish minimum general design criteria for the development, planning, and construction of separated NEV lanes, including, but not limited to, the design speed of the facility, the space requirements of the NEV, and roadway design criteria.

(b) In cooperation with the department, establish uniform specifications and symbols for signs, markers, and traffic control devices to control NEV traffic; to warn of dangerous conditions, obstacles, or hazards; to designate the right-of-way as between NEVs, other vehicles, and bicycles, as may be applicable; to state the nature and destination of the NEV lane; and to warn pedestrians, bicyclists, and motorists of the presence of NEV traffic.

1966.15. (a) If the County of Los Angeles or any city in the county adopts a NEV transportation plan pursuant to this article, it shall also adopt all of the following as part of the plan:

(1) NEVs eligible to use NEV lanes shall meet the safety requirements for low-speed vehicles as set forth in Section 571.500 of Title 49 of the Code of Federal Regulations.

(2) Minimum safety criteria for NEV operators, including, but not limited to, requirements relating to NEV maintenance and NEV safety. Operators shall be required to possess a valid California driver's license and to comply with the financial responsibility requirements established pursuant to Chapter 1 (commencing with Section 16000) of Division 7 of the Vehicle Code.

(3) Restrictions limiting the operation of NEVs to NEV routes identified in the transportation plan, and allowing only those NEVs that meet the safety equipment requirements specified in the plan to be operated on those routes.

(b) Any person operating a NEV in the plan area in violation of paragraph (3) of subdivision (a) is guilty of an infraction punishable by a fine not exceeding one hundred dollars (\$100).

1966.16. (a) If the County of Los Angeles or any city in the county adopts a NEV transportation plan pursuant to this article, the entity adopting the plan shall submit a report, in consultation with the Southern California Association of Governments, the department, the Department of the California Highway Patrol, and any applicable local law enforcement agency to the Legislature within two years of the date the NEV transportation plan is adopted.

(b) The report shall include all of the following:

(1) A description of the NEV transportation plan and its elements that have been authorized up to that time.

(2) An evaluation of the effectiveness of the NEV transportation plan, including its impact on traffic flows and safety.

(3) A recommendation as to whether this article should be terminated, continued in existence, or expanded statewide.

(c) (1) A report to be submitted pursuant to subdivision (a) shall be submitted in compliance with Section 9795 of the Government Code.

(2) Pursuant to Section 10231.5 of the Government Code, this section is repealed on January 1, 2033.

1966.17. This article shall remain in effect only until January 1, 2040, and as of that date, is repealed.

SEC. 2. 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.