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AB-2234 Vehicles: electric bicycles. (2023-2024)

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Assembly Bill No. 2234

CHAPTER 823

An act to add and repeal Section 21214.7 of the Vehicle Code, relating to vehicles.

[Approved by Governor September 28, 2024. Filed with Secretary of State September 28, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2234, Boerner. Vehicles: electric bicycles.

Existing law defines an electric bicycle and classifies electric bicycles into 3 classes with different restrictions. Under existing law, a "class 1 electric bicycle" is a bicycle equipped with a motor that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour. Under existing law, a "class 2 electric bicycle" is a bicycle equipped with a motor that may be used exclusively to propel the bicycle and is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour. Under existing law, a "class 3 electric bicycle" is a bicycle equipped with a speedometer and a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour. Existing law prohibits a person under 16 years of age from operating a class 3 electric bicycle.

This bill, the San Diego Electric Bicycle Safety Pilot Program, would, until January 1, 2029, authorize a local authority within the County of San Diego, or the County of San Diego in unincorporated areas, to adopt an ordinance or resolution that would prohibit a person under 12 years of age from operating a class 1 or 2 electric bicycle. For the first 60 days following the adoption of an ordinance or resolution for this purpose, the bill would make a violation of the ordinance or resolution punishable by a warning notice. After 60 days, the bill would make a violation of the ordinance or resolution punishable by a fine of \$25, except as specified. This bill would make a parent or legal guardian with control or custody of an unemancipated minor who violates the ordinance or resolution jointly and severally liable with the minor for the amount of the fine imposed. The bill would, if an ordinance or resolution is adopted, require the county to, by January 1, 2028, submit a report to the Legislature that includes, among other things, the total number of traffic stops initiated for a violation of the ordinance or resolution, the results of those traffic stops, and the actions taken by a peace officer during a traffic stop, as specified. The bill would require a local authority or county to administer a public information campaign for at least 30 calendar days prior to the enactment of the ordinance or resolution, as specified.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

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

SECTION 1. Section 21214.7 is added to the Vehicle Code, to read:

21214.7. (a) This section shall be known, and may be cited, as the San Diego Electric Bicycle Safety Pilot Program.

(b) A local authority within the County of San Diego, or the County of San Diego in unincorporated areas, may, by ordinance or resolution, prohibit a person under 12 years of age from operating a class 1 or 2 electric bicycle.

(c) (1) A violation of an ordinance or resolution adopted pursuant to this section shall be punishable as follows:

(A) For the first 60 days after the prohibition comes into effect, a warning notice.

(B) After the first 60 days, a violation of the ordinance or resolution shall be an infraction punishable by a fine of twenty-five dollars (\$25).

(2) A record of the action shall not be transmitted to the court and a fee shall not be imposed upon a citation for this infraction if the parent or legal guardian of the person who violated the prohibition delivers proof to the issuing agency within 120 days after the citation was issued that the person has completed an electric bicycle safety and training program pursuant to Section 894 of the Streets and Highways Code.

(3) If an unemancipated minor violates an ordinance or resolution adopted pursuant to this section, a parent or legal guardian with control or custody of the minor shall be jointly and severally liable with the minor for the amount of a fine imposed pursuant to this subdivision.

(d) (1) If an ordinance or resolution is adopted pursuant to this section, the county shall, by January 1, 2028, submit a report to the Legislature that includes all of the following:

(A) The total number of traffic stops initiated for a violation of the ordinance or resolution adopted pursuant to this section.

(B) The results of those traffic stops, including whether a warning or citation was issued, property was seized, or an arrest was made.

(C) The number of times a person was stopped for allegedly operating a class 1 or class 2 electric bicycle while under 12 years of age but was found to be over the age limit.

(D) If a warning or citation was issued, a description of the warning or the violation cited.

(E) If an arrest or traffic stop was made, the offense cited by the officer for the arrest or traffic stop and the perceived race or ethnicity, gender, and approximate age of the person stopped, provided that the identification of these characteristics is solely based on the observation and perception of the peace officer who initiated the traffic stop.

(F) The actions taken by a peace officer during a traffic stop, including, but not limited to, all of the following:

(i) Whether the peace officer asked for consent to search the person and, if so, whether consent was provided.

(ii) Whether the peace officer searched the person or property, and, if so, the basis for the search and the type of contraband or evidence discovered.

(iii) Whether the peace officer seized property and, if so, the type of property that was seized and the basis for seizing the property.

(G) The number of times a person opted to complete, and did complete, the training course in lieu of paying the fine.

(H) The number of times that a person under 12 years of age was operating an electric bicycle and was involved in a crash that resulted in a permanent, serious injury, as defined in Section 20001, or a fatality in the six months prior to the adoption of the ordinance or resolution, the cause of the crash, and the class of the electric bicycle that was being operated at the time of the crash.

(I) The number of times that a person under 12 years of age was operating an electric bicycle and was involved in a crash that resulted in a permanent, serious injury, as defined in Section 20001, or a fatality after the adoption of the ordinance or resolution, the cause of the crash, and the class of the electric bicycle that was being operated at the time of the crash.

(2) A report submitted pursuant to this section shall be submitted in compliance with Section 9795 of the Government Code.

(e) A local authority shall administer a public information campaign for at least 30 calendar days prior to the enactment of an ordinance or resolution adopted pursuant to this section, which shall include public announcements in major media outlets and press releases.

(f) This section shall remain in effect only until January 1, 2029, and as of that date is repealed.