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SB-712 Tenancy: personal micromobility devices. (2023-2024)

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Date Published: 10/10/2023 02:00 PM

Senate Bill No. 712

CHAPTER 630

An act to add Section 1940.41 to the Civil Code, relating to tenancy.

[Approved by Governor October 08, 2023. Filed with Secretary of State October 08, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

SB 712, Portantino. Tenancy: personal micromobility devices.

Existing law regulates the terms and conditions of residential tenancies. Among other things, existing law prohibits a landlord from prohibiting a tenant from posting or displaying specified political signs or displaying religious items, as specified.

This bill would prohibit a landlord from prohibiting a tenant from owning personal micromobility devices or from storing and recharging up to one personal micromobility device in their dwelling unit for each person occupying the unit, subject to certain conditions and exceptions. The bill would define "personal micromobility device" for those purposes to mean a device that is powered by the physical exertion of the rider or an electric motor and is designed to transport one individual or one adult accompanied by up to 3 minors.

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

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

SECTION 1. Section 1940.41 is added to the Civil Code, to read:

1940.41. (a) For purposes of this section:

(1) "Personal micromobility device" means a device with both of the following characteristics:

(A) It is powered by the physical exertion of the rider or an electric motor.

(B) It is designed to transport one individual or one adult accompanied by up to three minors.

(2) "Secure, long-term storage" means a location with all of the following characteristics:

(A) Access is limited to residents of the same housing complex.

(B) It is located on the premises.

(C) It is reasonably protected against precipitation.

(D) It has a minimum of one standard electrical connection for each personal micromobility device that will be stored and recharged in that location.

(E) Tenants are not charged for its use.

(b) A landlord shall not prohibit a tenant from either of the following:

(1) Owning personal micromobility devices.

(2) (A) Storing and recharging up to one personal micromobility device in their dwelling unit for each person occupying the unit if the personal micromobility device meets one of the following:

(i) Is not powered by an electric motor.

(ii) Complies with the following safety standards:

(I) For e-bikes, UL 2849, the Standard for Electrical Systems for E-bikes, as recognized by the United States Consumer Product Safety Commission, or EN 15194, the European Standard for electrically powered assisted cycles (EPAC Bicycles).

(II) For e-scooters, UL 2272, the Standard for Electrical Systems for Personal E-Mobility Devices, as recognized by the United States Consumer Product Safety Commission, or EN 17128, the European Standard for personal light electric vehicles (PLEV).

(iii) Is insured by the tenant under an insurance policy covering storage of the device within the tenant's dwelling unit. The owner may prohibit the tenant from charging a device in the unit if the device does not meet the standards in subclauses (I) and (II) of clause (ii).

(B) Subparagraph (A) does not apply if the landlord provides the tenant secure, long-term storage for the tenant's personal micromobility devices.

(C) Subparagraphs (A) and (B) do not apply to circumstances in which an occupant of the unit requires the use of a personal micromobility device as an accommodation for a disability.

(c) This section does not require a landlord to modify or approve a tenant's request to modify a rental dwelling unit for the purpose of storing a micromobility device inside of the dwelling unit.

(d) This section does not prohibit a landlord from doing any of the following:

(1) (A) Prohibiting repair or maintenance on batteries and motors of personal micromobility devices within a dwelling unit.

(B) Subparagraph (A) does not prohibit a tenant from changing a flat tire or adjusting the brakes on a personal micromobility device within the unit.

(2) Requiring a tenant to store a personal micromobility device in compliance with applicable fire code.

(3) Requiring a tenant to store a personal micromobility device in compliance with the Office of State Fire Marshal Information Bulletin 23-003 regarding lithium-ion battery safety, issued April 3, 2023, or any updated guidance issued by the Office of the State Fire Marshal regarding lithium-ion battery safety, if such bulletin or guidance is provided to the tenant by the landlord.

(e) This section does not limit the rights and remedies available to disabled persons under federal or state law.