

AMENDED IN ASSEMBLY APRIL 17, 2018

AMENDED IN ASSEMBLY APRIL 3, 2018

AMENDED IN ASSEMBLY MARCH 22, 2018

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 2989

**Introduced by Assembly Member Flora
(Coauthor: Assembly Member Chen)**

February 16, 2018

An act to amend Sections 407.5, 21203, 21209, 21210, and 21212 of, ~~and~~ to add Section 543.7 to, *and to add Article 5.3 (commencing with Section 21240) to Chapter 1 of Division 11 of*, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2989, as amended, Flora. Standup electric scooters.

Existing law generally prescribes the operation of a motorized scooter, as defined, and requires a driver's license or permit to operate a motorized scooter. A violation of prescriptions or prohibitions regarding motorized scooters is a crime.

Under existing law, it is a crime for a person riding, among other things, a bicycle to attach the bicycle or the person to a vehicle on the roadway. Under existing law, it is a crime to leave a bicycle on a sidewalk so that there is not an adequate path for pedestrians. Existing law requires a minor operating, among other things, a bicycle or a nonmotorized scooter to wear a helmet, as prescribed, and failure to do so is a crime.

This bill would define a "standup electric scooter" as a 2-wheeled device that has handlebars and a floorboard that is designed to be stood

upon while riding, is powered by an electric motor of less than 750 watts, and does not exceed a speed of 20 miles per hour. The bill would except a standup electric scooter from the definition of a motorized scooter. The bill would, among other provisions, require the minor operator of a standup electric scooter to wear a bicycle helmet while operating the standup electric scooter. The bill would expand the bicycle-related offenses described above to include a standup electric scooter. *The bill would require a standup electric scooter to be equipped with specified safety equipment, and would proscribe operation of a standup electric scooter under certain circumstances, including operation with any passengers in addition to the operator.* By expanding the scope of existing crimes, *and imposing additional conditions on the operation of a standup electric scooter, the violation of which would be an offense*, this bill 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.
 State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 407.5 of the Vehicle Code is amended
- 2 to read:
- 3 407.5. (a) A “motorized scooter” is any two-wheeled device
- 4 that has handlebars, has a floorboard that is designed to be stood
- 5 upon when riding, and is powered by an electric motor. This device
- 6 may also have a driver seat that does not interfere with the ability
- 7 of the rider to stand and ride and may also be designed to be
- 8 powered by human propulsion. For purposes of this section, a
- 9 motorcycle, as defined in Section 400, a motor-driven cycle, as
- 10 defined in Section 405, a motorized bicycle or moped, as defined
- 11 in Section 406, or a standup electric scooter, as defined in Section
- 12 543.7, is not a motorized scooter.
- 13 (b) A device meeting the definition in subdivision (a) that is
- 14 powered by a source other than electrical power is also a motorized
- 15 scooter.

1 (c) (1) A manufacturer of motorized scooters shall provide a
2 disclosure to buyers that advises buyers that the buyers' existing
3 insurance policies may not provide coverage for these scooters
4 and that the buyers should contact their insurance company or
5 insurance agent to determine if coverage is provided.

6 (2) The disclosure required under paragraph (1) shall meet both
7 of the following requirements:

8 (A) The disclosure shall be printed in not less than 14-point
9 boldface type on a single sheet of paper that contains no
10 information other than the disclosure.

11 (B) The disclosure shall include the following language in
12 capital letters:

13 "YOUR INSURANCE POLICIES MAY NOT PROVIDE
14 COVERAGE FOR ACCIDENTS INVOLVING THE USE OF
15 THIS SCOOTER. TO DETERMINE IF COVERAGE IS
16 PROVIDED, YOU SHOULD CONTACT YOUR INSURANCE
17 COMPANY OR AGENT."

18 (d) (1) A manufacturer of motorized scooters shall provide a
19 disclosure to a buyer that advises the buyer that the buyer may not
20 modify or alter the exhaust system to cause that system to amplify
21 or create an excessive noise, or to fail to meet applicable emission
22 requirements.

23 (2) The disclosure required under paragraph (1) shall meet both
24 of the following requirements:

25 (A) The disclosure shall be printed in not less than 14-point
26 boldface type on a single sheet of paper that contains no
27 information other than the disclosure.

28 (B) The disclosure shall include the following language in
29 capital letters:

30
31 "YOU MAY NOT MODIFY OR ALTER THE EXHAUST
32 SYSTEM OF THIS SCOOTER TO CAUSE IT TO AMPLIFY
33 OR CREATE EXCESSIVE NOISE PER VEHICLE CODE
34 SECTION 21226, OR TO FAIL TO MEET APPLICABLE
35 EMISSION REQUIREMENTS PER VEHICLE CODE 27156."
36

37 SEC. 2. Section 543.7 is added to the Vehicle Code, to read:

38 543.7. (a) A "standup electric scooter" is a two-wheeled device
39 that has handlebars and a floorboard that is designed to be stood

1 upon while riding, is powered by an electric motor of less than
2 750 watts, and does not exceed a speed of 20 miles per hour. A
3 standup electric scooter may also allow human propulsion.

4 (b) Except as provided in subdivision (c), a standup electric
5 scooter may be operated on sidewalks and may be parked in the
6 same manner and at the same locations as a bicycle may be parked.

7 (c) A local authority may adopt rules and regulations by
8 ordinance or resolution prohibiting or restricting persons from
9 riding or propelling a standup electric scooter on highways,
10 sidewalks, or roadways.

11 SEC. 3. Section 21203 of the Vehicle Code is amended to read:

12 21203. A person riding upon any motorcycle, motorized
13 bicycle, bicycle, coaster, standup electric scooter, roller skates,
14 sled, or toy vehicle shall not attach the same or himself or herself
15 to any streetcar or vehicle on the roadway.

16 SEC. 4. Section 21209 of the Vehicle Code is amended to read:

17 21209. (a) A person shall not drive a motor vehicle in a bicycle
18 lane established on a roadway pursuant to Section 21207 except
19 as follows:

20 (1) To park where parking is permitted.

21 (2) To enter or leave the roadway.

22 (3) To prepare for a turn within a distance of 200 feet from the
23 intersection.

24 (b) This section does not prohibit the use of a motorized bicycle
25 or a standup electric scooter in a bicycle lane, pursuant to Section
26 21207.5, at a speed no greater than is reasonable or prudent, having
27 due regard for visibility, traffic conditions, and the condition of
28 the roadway surface of the bicycle lane, and in a manner which
29 does not endanger the safety of bicyclists.

30 SEC. 5. Section 21210 of the Vehicle Code is amended to read:

31 21210. A person shall not leave a bicycle or a standup electric
32 scooter lying on its side on any sidewalk, or park a bicycle or a
33 standup electric scooter on a sidewalk in any other position, so
34 that there is not an adequate path for pedestrian traffic. Local
35 authorities may, by ordinance or resolution, prohibit bicycle or
36 standup electric scooter parking in designated areas of the public
37 highway, provided that appropriate signs are erected.

38 SEC. 6. Section 21212 of the Vehicle Code is amended to read:

39 21212. (a) A person under 18 years of age shall not operate a
40 bicycle, a nonmotorized scooter, a skateboard, or a standup electric

1 scooter, nor shall he or she wear in-line or roller skates, nor ride
2 upon a bicycle, a nonmotorized scooter, a skateboard, or a standup
3 electric scooter as a passenger, upon a street, bikeway, as defined
4 in Section 890.4 of the Streets and Highways Code, or any other
5 public bicycle path or trail unless that person is wearing a properly
6 fitted and fastened bicycle helmet that meets the standards of either
7 the American Society for Testing and Materials (ASTM) or the
8 United States Consumer Product Safety Commission (CPSC), or
9 standards subsequently established by those entities. This
10 requirement also applies to a person who rides upon a bicycle
11 while in a restraining seat that is attached to the bicycle or in a
12 trailer towed by the bicycle.

13 (b) Any helmet sold or offered for sale for use by operators and
14 passengers of bicycles, nonmotorized scooters, skateboards,
15 standup electric scooters, or in-line or roller skates shall be
16 conspicuously labeled in accordance with the standard described
17 in subdivision (a), which shall constitute the manufacturer's
18 certification that the helmet conforms to the applicable safety
19 standards.

20 (c) A person shall not sell, or offer for sale, for use by an
21 operator or passenger of a bicycle, nonmotorized scooter,
22 skateboard, standup electric scooter, or in-line or roller skates any
23 safety helmet that is not of a type meeting requirements established
24 by this section.

25 (d) Any charge under this subdivision shall be dismissed when
26 the person charged alleges in court, under oath, that the charge
27 against the person is the first charge against that person under this
28 subdivision, unless it is otherwise established in court that the
29 charge is not the first charge against the person.

30 (e) Except as provided in subdivision (d), a violation of this
31 section is an infraction punishable by a fine of not more than
32 twenty-five dollars (\$25).

33 The parent or legal guardian having control or custody of an
34 unemancipated minor whose conduct violates this section shall be
35 jointly and severally liable with the minor for the amount of the
36 fine imposed pursuant to this subdivision.

37 (f) Notwithstanding Section 1463 of the Penal Code or any other
38 provision of law, the fines collected for a violation of this section
39 shall be allocated as follows:

1 (1) Seventy-two and one-half percent of the amount collected
 2 shall be deposited in a special account of the county health
 3 department, to be used for bicycle, nonmotorized scooter,
 4 skateboard, and in-line and roller skate safety education and for
 5 assisting low-income families in obtaining approved bicycle
 6 helmets for children under the age of 18 years, either on a loan or
 7 purchase basis. The county may contract for the implementation
 8 of this program, which, to the extent practicable, shall be operated
 9 in conjunction with the child passenger restraint program pursuant
 10 to Section 27360.

11 (2) Two and one-half percent of the amount collected shall be
 12 deposited in the county treasury to be used by the county to
 13 administer the program described in paragraph (1).

14 (3) If the violation occurred within a city, 25 percent of the
 15 amount collected shall be transferred to and deposited in the
 16 treasury of that city. If the violation occurred in an unincorporated
 17 area, this 25 percent shall be deposited and used pursuant to
 18 paragraph (1).

19 *SEC. 7. Article 5.3 (commencing with Section 21240) is added*
 20 *to Chapter 1 of Division 11 of the Vehicle Code, to read:*

21
 22 *Article 5.3. Operation of Standup Electric Scooters*
 23

24 *21240. (a) A standup electric scooter operated upon a highway*
 25 *during darkness shall be equipped with the following:*

26 *(1) Except as provided in subdivision (b), a lamp emitting a*
 27 *white light that, while the standup electric scooter is in motion,*
 28 *illuminates the highway in front of the operator and is visible from*
 29 *a distance of 300 feet in front and from the sides of the standup*
 30 *electric scooter.*

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

35 *(3) A white or yellow reflector on each side visible from the*
 36 *front and rear of the standup electric scooter from a distance of*
 37 *200 feet.*

38 *(b) A lamp or lamp combination, emitting a white light, attached*
 39 *to the operator and visible from a distance of 300 feet in front and*

1 *from the sides of the standup electric scooter, may be used in lieu*
2 *of the lamp required by paragraph (1) of subdivision (a).*

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

9 *21241. The operator of a standup electric scooter shall not do*
10 *any of the following:*

11 *(a) Operate a standup electric scooter unless it is equipped with*
12 *a brake that will enable the operator to make a braked wheel skid*
13 *on dry, level, clean pavement.*

14 *(b) Operate a standup electric scooter with a passenger in*
15 *addition to the operator.*

16 *(c) Operate a standup electric scooter carrying a package,*
17 *bundle, or article that prevents the operator from keeping at least*
18 *one hand upon the handlebars.*

19 *(d) Operate a standup electric scooter on the highway with the*
20 *handlebars raised so that the operator must elevate his or her*
21 *hands above the level of his or her shoulders in order to grasp the*
22 *normal steering grip area.*

23 ~~SEC. 7.~~

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