



CITY OF HUNTINGTON BEACH
2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648-2702

GRACEY VAN DER MARK
MAYOR

March 8, 2024

The Honorable Lori Wilson
Chair, Assembly Transportation Committee
California State Assembly
1021 O Street
Sacramento, CA 95814

RE: AB 1773 (Dixon) – SUPPORT

Dear Chair Wilson,

The City of Huntington Beach writes to express our support of Assembly Bill 1773, by Assembly Member Dixon, which restores local authority to regulate the use of bicycles and electric bicycles (E-Bikes) on public boardwalks.

The public boardwalks in Huntington Beach is one of the attributes that makes our city a destination spot for many tourists, and we take great pride in making them safe. The popularity of E-bikes has created numerous public safety issues, due to the high speed of travel and inexperienced riders.

AB 1773 adds public boardwalk to the existing definition of recreational trail which clarifies our City's ability to make our boardwalk safe for those who ride E-bikes and pedestrians.

For these reasons, the City of Huntington Beach supports AB 1773 and requests your Aye vote when it comes before your committee.

Sincerely,

Cc: Members, Assembly Transportation Committee
The Honorable Diane Dixon



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The Honorable Lori Wilson
Chair, Assembly Transportation Committee
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RE: AB 1774 (Dixon) – SUPPORT

Dear Chair Willson,

The City of Huntington Beach writes to express its support for Assembly Bill 1774, authored by Assembly Member Dixon, which will prohibit the sale of a product or device that modifies the speed ability of an electric bicycle.

California law caps the top speed of an electric bike at 28 miles per hour. E-bikes are exempt from driver's licenses and license plate requirements.

Unfortunately, modifications that increase the maximum speed of electric bikes are easy to purchase and install. Increasing the maximum speed creates serious safety issues on our local streets, sidewalks and public areas.

AB 1774 is necessary to allow local governments to maintain safety where electric bikes are used.

For these reasons, the City of Huntington Beach requests your support for AB 1774 when it comes before your committee.

Sincerely,

Cc: Members, Assembly Transportation Committee
The Honorable Diane Dixon



AB-1773 Vehicles: electric bicycles. (2023-2024)

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Date Published: 02/22/2024 09:00 PM

AMENDED IN ASSEMBLY FEBRUARY 22, 2024

CALIFORNIA LEGISLATURE— 2023–2024 REGULAR SESSION

ASSEMBLY BILL

NO. 1773

Introduced by Assembly Member Dixon

January 03, 2024

~~An act to amend Section 21100 of the Vehicle Code, relating to vehicles.~~ *An act to amend Section 21207.5 of the Vehicle Code, relating to vehicles.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1773, as amended, Dixon. ~~Vehicles: bicycles on boardwalks.~~ *Vehicles: electric bicycles.*

Existing law prohibits the use of a motorized bicycle on a bicycle path or trail, bikeway, bicycle lane, equestrian trail, or hiking or recreational trail, as specified, unless the governing body of a local public agency, which has jurisdiction over the path or trail, permits the operation. Existing law authorizes a governing body of a local public agency, which has jurisdiction over the path or trail, to prohibit the use of an electric bicycle on an equestrian trail, or hiking or recreational trail. A violation of the Vehicle Code is a crime and a person convicted of an infraction for a violation of either the Vehicle Code or a local ordinance adopted pursuant to the code is subject to a specified fine schedule, except as otherwise provided.

This bill would clarify that a recreational trail for these purposes includes a boardwalk, as defined, regardless of whether the facility also provides bicycle access. Notwithstanding specified law, the bill would impose a fine, not to exceed \$35, against a person convicted of an infraction for a violation of an ordinance prohibiting or regulating electric bicycles on recreational trails. By expanding the scope of a crime, 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.

~~Existing law authorizes a local authority to adopt rules and regulations by ordinance or resolution regarding the operation of bicycles on public sidewalks.~~

~~This bill would additionally authorize a local authority to adopt rules and regulations by ordinance or resolution regarding the operation of bicycles on boardwalks:~~

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

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

SECTION 1. *Section 21207.5 of the Vehicle Code is amended to read:*

21207.5. (a) Notwithstanding Sections 21207 and 23127 of this code, or any other law, a motorized bicycle shall not be operated on a bicycle path or trail, bikeway, bicycle lane established pursuant to Section 21207, equestrian trail, or hiking or recreational trail, unless it is within or adjacent to a roadway or unless the local authority or the governing body of a public agency having jurisdiction over the path or trail permits, by ordinance, that operation.

(b) The local authority or governing body of a public agency having jurisdiction over an equestrian trail, or hiking or recreational trail, may ~~prohibit~~, *prohibit or regulate*, by ordinance, the operation of an electric bicycle or any class of electric bicycle on that trail.

(c) The Department of Parks and Recreation may prohibit the operation of an electric bicycle or any class of electric bicycle on any bicycle path or trail within the department's jurisdiction.

(d) (1) For purposes of this section, a "recreational trail" includes a boardwalk, regardless of whether the facility also provides bicycle access.

(2) For purposes of this section, a "boardwalk" means a walkway adjacent to an ocean beach that is no more than three miles in length and provides pedestrian access to beach recreational areas.

(3) Notwithstanding Section 42001, if a local authority enacts an ordinance pursuant to subdivision (b) that applies specifically to electric bicycles on a boardwalk, and not to bicycles propelled exclusively by human power, a person convicted of an infraction for a violation of that ordinance shall be punished by a fine not exceeding thirty-five dollars (\$35).

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.*

~~SECTION 1. Section 21100 of the Vehicle Code is amended to read:~~

~~21100. Local authorities may adopt rules and regulations by ordinance or resolution regarding all of the following matters:~~

~~(a) Regulating or prohibiting a procession or assemblage on the highways;~~

~~(b) Licensing and regulating the operation of vehicles for hire and drivers of passenger vehicles for hire;~~

~~(c) Regulating traffic by means of traffic officers;~~

~~(d) Regulating traffic by means of official traffic control devices meeting the requirements of Section 21400;~~

~~(e) (1) Regulating traffic by means of a person given temporary or permanent appointment for that duty by the local authority when official traffic control devices are disabled or otherwise inoperable, at the scene of an accident or disaster, or at a location that may require traffic direction for orderly traffic flow;~~

~~(2) A person shall not be appointed pursuant to this subdivision unless and until the local authority has submitted to the commissioner or to the chief law enforcement officer exercising jurisdiction in the enforcement of traffic laws within the area in which the person is to perform the duty, for review, a proposed program of instruction for the training of a person for that duty and unless and until the commissioner or other chief law enforcement officer approves the proposed program. The commissioner or other chief law enforcement officer shall approve a proposed program if they reasonably determine that the program will provide sufficient training for persons assigned to perform the duty described in this subdivision;~~

~~(f) Regulating traffic at the site of road or street construction or maintenance by a person authorized for that duty~~

by the local authority:

~~(g)(1)Licensing and regulating the operation of tow truck service or tow truck drivers whose principal place of business or employment is within the jurisdiction of the local authority, excepting the operation and operators of any auto dismantlers' tow vehicle licensed under Section 11505 or any tow truck operated by a repossessing agency licensed under Chapter 11 (commencing with Section 7500) of Division 3 of the Business and Professions Code and its registered employees.~~

~~(2)The Legislature finds that the safety and welfare of the general public is promoted by permitting local authorities to regulate tow truck service companies and operators by requiring licensure, insurance, and proper training in the safe operation of towing equipment, thereby ensuring against towing mistakes that may lead to violent confrontation, stranding motorists in dangerous situations, impeding the expedited vehicle recovery, and wasting state and local law enforcement's limited resources.~~

~~(3)This subdivision does not limit the authority of a city or city and county pursuant to Section 12111.~~

~~(h)Operation of bicycles and, as specified in Section 21114.5, electric carts by physically disabled persons or persons 50 years of age or older, on public sidewalks and boardwalks.~~

~~(i)Providing for the appointment of nonstudent school crossing guards for the protection of persons who are crossing a street or highway in the vicinity of a school or while returning thereafter to a place of safety.~~

~~(j)Regulating the methods of deposit of garbage and refuse in streets and highways for collection by the local authority or by any person authorized by the local authority.~~

~~(k)Regulating or authorizing the removal by peace officers of vehicles unlawfully parked in a fire lane, as described in Section 22500.1, on private property. A removal pursuant to this subdivision shall be consistent, to the extent possible, with the procedures for removal and storage set forth in Chapter 10 (commencing with Section 22650).~~

~~(l)Regulating mobile billboard advertising displays, as defined in Section 395.5, including the establishment of penalties, which may include, but are not limited to, removal of the mobile billboard advertising display, civil penalties, and misdemeanor criminal penalties for a violation of the ordinance or resolution. The ordinance or resolution may establish a minimum distance that a mobile billboard advertising display shall be moved after a specified time period.~~

~~(m)Licensing and regulating the operation of pedicabs for hire, as defined in Section 467.5, and operators of pedicabs for hire, including requiring one or more of the following documents:~~

~~(1)A valid California driver's license.~~

~~(2)Proof of successful completion of a bicycle safety training course certified by the League of American Bicyclists or an equivalent organization as determined by the local authority.~~

~~(3)A valid California identification card and proof of successful completion of the written portion of the California driver's license examination administered by the department. The department shall administer, without charging a fee, the original driver's license written examination on traffic laws and signs to a person who states that they are, or intend to become, a pedicab operator and who holds a valid California identification card or has successfully completed an application for a California identification card. If the person achieves a passing score on the examination, the department shall issue a certificate of successful completion of the examination bearing the person's name and identification card number. The certificate shall not serve in lieu of successful completion of the required examination administered as part of any subsequent application for a driver's license. The department is not required to enter the results of the examination into the computerized record of the person's identification card or otherwise retain a record of the examination or results.~~

~~(n)(1)This section does not authorize a local authority to enact or enforce an ordinance or resolution that establishes a violation if a violation for the same or similar conduct is provided in this code, nor does it authorize a local authority to enact or enforce an ordinance or resolution that assesses a fine, penalty, assessment, or fee for a violation if a fine, penalty, assessment, or fee for a violation involving the same or similar conduct is provided in this code.~~

~~(2)This section does not preclude a local authority from enacting parking ordinances pursuant to existing authority in Chapter 9 (commencing with Section 22500) of Division 11.~~

~~(e)(1)Regulating advertising signs on motor vehicles parked or left standing upon a public street. The ordinance or resolution may establish a minimum distance that the advertising sign shall be moved after a specified time period:~~

~~(2)Paragraph (1) does not apply to any of the following:~~

~~(A)Advertising signs that are permanently affixed to the body of, an integral part of, or a fixture of a motor vehicle for permanent decoration, identification, or display and that do not extend beyond the overall length, width, or height of the vehicle.~~

~~(B)If the license plate frame is installed in compliance with Section 5201, paper advertisements issued by a dealer contained within that license plate frame or any advertisements on that license plate frame.~~

~~(3)As used in paragraph (2), "permanently affixed" means any of the following:~~

~~(A)Painted directly on the body of a motor vehicle.~~

~~(B)Applied as a decal on the body of a motor vehicle.~~

~~(C)Placed in a location on the body of a motor vehicle that was specifically designed by a vehicle manufacturer, as defined in Section 672, and licensed pursuant to Section 11701, in compliance with both state and federal law or guidelines, for the express purpose of containing an advertising sign.~~



AB-1774 Vehicles: electric bicycles. (2023-2024)

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Date Published: 01/03/2024 09:00 PM

CALIFORNIA LEGISLATURE— 2023–2024 REGULAR SESSION

ASSEMBLY BILL

NO. 1774

Introduced by Assembly Member Dixon

January 03, 2024

An act to amend Section 24016 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1774, as introduced, Dixon. Vehicles: electric bicycles.

Existing law defines an electric bicycle as a bicycle equipped with fully operable pedals and an electric motor of less than 750 watts, and requires electric bicycles to comply with specified equipment and manufacturing requirements. Existing law prohibits a person from tampering with or modifying an electric bicycle so as to change the speed capability of the bicycle, unless they appropriately replace the label indicating the classification required, as specified. A violation of the Vehicle Code is a crime.

This bill would clarify that the exception to this prohibition only applies if the bicycle continues to meet the definition of an electric bicycle. This bill would prohibit a person from selling a product or device that can modify the speed capability of an electric bicycle such that it no longer meets the definition of an electric bicycle. Because the bill would prohibit a person from selling certain products, the violation of which would be a crime, the 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 Local Program: yes

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

SECTION 1. Section 24016 of the Vehicle Code is amended to read:

24016. (a) An electric bicycle described in subdivision (a) of Section 312.5 shall meet the following criteria:

(1) Comply with the equipment and manufacturing requirements for bicycles adopted by the United States Consumer Product Safety Commission (16 C.F.R. 1512.1, et seq.).

(2) Operate in a manner so that the electric motor is disengaged or ceases to function when the brakes are applied, or operate in a manner such that the motor is engaged through a switch or mechanism that, when released or activated, will cause the electric motor to disengage or cease to function.

(b) A person operating an electric bicycle is not subject to the provisions of this code relating to financial responsibility, driver's licenses, registration, and license plate requirements, and an electric bicycle is not a motor vehicle.

(c) Every manufacturer of an electric bicycle shall certify that it complies with the equipment and manufacturing requirements for bicycles adopted by the United States Consumer Product Safety Commission (16 C.F.R. 1512.1, et seq.).

(d) A person shall not tamper with or modify an electric bicycle described in subdivision (a) of Section 312.5 so as to change the speed capability of the bicycle, unless ~~he or she~~ *the bicycle continues to meet the definition of an electric bicycle under subdivision (a) of Section 312.5 and the person* appropriately replaces the label indicating the classification required in subdivision (c) of Section 312.5.

(e) A person shall not sell a product or device that can modify the speed capability of an electric bicycle such that it no longer meets the definition of an electric bicycle under subdivision (a) of Section 312.5.

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.