

**CITY OF OAKLAND**  
OFFICE OF THE CITY CLERK  
**AGENDA REPORT**

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

TO: Office of the City Manager  
ATTN: Deborah Edgerly  
FROM: Police Department  
DATE: April 6, 2004

2004 MAR 25 PM 12: 38

2004 MAR 11 PM 12: 39

**RE: A Report and Proposed Resolution in Support of Assembly Bill 1878 (Chan) to Amend the California Vehicle Code to Provide Additional Traffic Enforcement Strategies to Address Problems Associated with Motorized Scooters**

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### **SUMMARY**

This report requests Council's support for a change in State legislation to assist California cities in addressing the increasing problems associated with motorized scooters. Over the past year, the Police Department and city leaders have received numerous complaints regarding the noisy, unsafe, and illegal operation of motorized scooters. In response, the Police Department drafted legislation to require operators of motorized scooters to be licensed and the vehicles to be registered. The proposed legislation would also prohibit modification to the scooters that would result in increased noise levels. The proposed bill would also include the authority for a city or county to adopt an ordinance regulating the operation of scooters in their jurisdiction. The legislation was introduced by Assemblywoman Wilma Chan on February 4, 2004 as AB 1878 (Attachment A).

### **FISCAL IMPACT**

The City may realize some increase in citation and tow revenue from enforcement of the California Vehicle Code Sections (CVC) created as a result of this legislation. However, staff cannot project what that revenue might be.

The proposed legislation may result in a reduction in sales (and subsequent sales tax revenue) of motorized scooters and after-market products by retailers.

### **BACKGROUND**

For the past two years, the City of Oakland has attempted to develop strategies to address the problems associated with motorized scooters, most of which center around the noisy, unsafe, and illegal operation of the vehicles. Furthermore, the scooters have become a popular means of conveyance for criminals involved in drug sales and street robberies.

As the popularity of the scooters has increased, so have the injuries associated with their unsafe and illegal operation. In 2001, the Consumer Product Safety Commission reported a 200% increase in injuries associated with scooters. Last year a 33-year-old Oakland man was killed

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while improperly operating a scooter. And, on February 7, 2004, a 12-year-old Vallejo boy died after he lost control of his scooter and collided with a truck.

The noise associated with the operation of gas powered motorized scooters now plagues once quiet neighborhoods. Most of the noise is associated with modifications made to increase scooter performance and speed. This engine noise has been the subject of numerous calls to the Police Department emergency dispatch center, a major focus of discussion at Neighborhood Crime Prevention Committee (NCPC) meetings, and the topic of several irate e-mails sent to the Police Department and city officials.

Existing California Vehicle Code (CVC) law defines the vehicles and allows unlicensed operation by people 16 years of age and older. The law does not require the vehicles to be registered and CVC language is ambiguous on the issue of after-market modification and noise. The CVC prohibits cities from passing local legislation to remedy the issues mentioned above. Therefore, new state legislation is needed to regulate the operation of motorized scooters.

The Police Department, school district, and elected officials have tried to find solutions to the problem. These efforts have included stakeholder identification, community meetings, outreach, education, and enforcement. Absent specific legal requirements, businesses selling the motorized scooters and users of the vehicles have been reluctant to cooperate.

### **KEY ISSUES AND IMPACTS**

Assembly Bill 1878 will establish clear guidelines concerning the legal operation of motorized scooters. It will require operators to be 16 years of age and possess a valid California Driver's License. It is hoped this will improve operator safety by ensuring a basic knowledge of traffic laws as well as the laws that apply to motorized scooters. It will also allow police departments to impound scooters under existing laws related to the unlawful operation of motor vehicles.

The new set of laws will require that the motorized scooter be registered with the California Department of Motor Vehicles. This will enable law enforcement agencies to better report, track, and recover motorized scooters that have been lost, stolen, or involved in a criminal offense.

Existing law requires a manufacturer of motorized scooters, as defined, to provide each buyer with a specified disclosure regarding insurance policies and related coverage. AB 1878 would additionally require manufacturers to provide a specified disclosure that advises the buyers that they may not modify or alter the exhaust system to cause it to be amplified or create excessive noise in violation of existing law.

Finally, AB 1878 includes the authority for a city or county to adopt an ordinance that regulates the operation of these scooters on local streets and highways and would delete the authority of a city or county to adopt an ordinance that regulates the registration of these scooters.

## SUSTAINABLE OPPORTUNITIES

**Economic** - There are no economic opportunities identified in this report.

**Environmental** - The original legislative intent in allowing the use of motorized scooters on state roads was to relieve severe traffic congestion and air pollution problems. While these good intentions are still applicable, it can now be seen that the 1999 law stopped short of providing adequate controls to limit the noise pollution created by some of the vehicles. This legislation serves to fill that gap.

**Social Equity** - The City has received letters from residents complaining that the noise and illegal operations of motorized scooters has resulted in decisions not to improve their existing property and to consider moving out of Oakland. Effort placed into enacting this proposed legislation and subsequent enforcement will serve to reinforce their confidence.

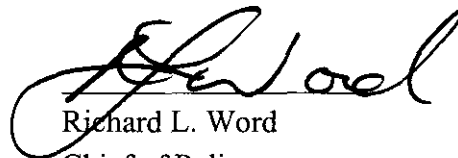
## DISABILITY AND SENIOR CITIZEN ACCESS

There are no disability or senior citizen access issues contained in this report.

## RECOMMENDATION

Accept this report and support the proposed amendments to the California Vehicle Code as outlined in Assembly Bill 1878 as part of the City's State Legislative Agenda.

Respectfully submitted,



Richard L. Word  
Chief of Police

Attachment A: AB1878 Text

Prepared by: David Kozicki, Lieutenant of Police  
Special Operations Division, Traffic Section  
Bureau of Field Operations

APPROVED AND FORWARDED TO  
THE PUBLIC SAFETY COMMITTEE:



Office of the City Manager

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BILL NUMBER: **AB 1878**            INTRODUCED  
BILL TEXT

INTRODUCED BY    Assembly Member Chan

FEBRUARY 4, 2004

An act to amend Sections 407.5, 4000, 12500, 12509, 12804.9, 21224, 21225, and 21235 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1878, as introduced, Chan.    **Motor scooters.**

(1) Existing law requires a manufacturer of motorized scooters, as defined, to provide each buyer of those scooters with a specified disclosure regarding insurance policies and related coverage.

This bill would additionally require those manufacturers to provide a specified disclosure to those buyers that advises the buyers that they may not modify or alter the exhaust system to cause it to be amplified or create an excessive noise in violation of existing law.

(2) Under existing law, a person may not operate a motorized scooter when the operator is under the age of 16 years.

This bill instead would prohibit a person from operating a motorized scooter unless that person holds a valid Class C driver's license or instruction permit.

This bill would also prohibit a person from operating, driving, moving, or leaving standing upon a highway, or in an offstreet public parking facility, a motorized scooter unless it is registered and the appropriate fees have been paid, as provided under the bill, and would prohibit modifying or altering the exhaust system of a scooter in violation of existing amplification and noise law.

(3) Existing law specifies that the statutes governing motorized scooters do not prevent a city or county, by ordinance, from regulating, among other things, the registration of motorized scooters if that regulation is not in conflict with the Vehicle Code.

This bill would include the authority for a city or county to adopt an ordinance that regulates the operation of these scooters on local streets and highways and would delete the authority to adopt an ordinance that regulates the registration of these scooters.

(4) Because, under existing law, a violation of the Vehicle Code is a crime, this bill would impose a state-mandated local program by creating new crimes.

(5) 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.

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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:

SECTION 1. Section 407.5 of the Vehicle Code, as amended by Section 2 of Chapter 979 of the Statutes of 2002, is amended to read:

407.5. (a) A "motorized scooter" is any two-wheeled device that has handlebars, is designed to be stood or sat upon by the operator, and is powered by an electric motor that is capable of propelling the device with or without human propulsion. For purposes of this section, an electric personal assistive mobility device, as defined in Section 313, a motorcycle, as defined in Section 400, a motor-driven cycle, as defined in Section 405, a motorized bicycle or moped, as defined in Section 406, or a toy, as defined in Section 108550 of the Health and Safety Code, is not a motorized scooter.

(b) A device meeting the definition in subdivision (a) that is powered by a source other than electrical power is also a motorized scooter.

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

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

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

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

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

(d) (1) *A manufacturer of motorized scooters shall provide a disclosure to a buyer that advises the buyer that the buyer may not modify or alter the exhaust system to cause that system to amplify or create an excessive noise.*

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

*(A) The disclosure shall be printed in not less than 14-point*

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*boldface type on a single sheet of paper that contains no information other than the disclosure.*

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

*"YOU MAY NOT MODIFY OR ALTER THE EXHAUST SYSTEM OF THIS SCOOTER TO CAUSE IT TO AMPLIFY OR CREATE EXCESSIVE NOISE PER VEHICLE CODE SECTIONS 27150, 27150.3, AND 27151.*

(e) ~~The amendments made by this section shall become operative on March 1, 2003, and this~~ This section shall remain in effect only until January 1, 2008, and as of that date is repealed, unless a later enacted statute ~~—~~ that is enacted before January 1, 2008, deletes or extends that date.

SEC. 2. Section 407.5 of the Vehicle Code, as added by Section 3 of Chapter 979 of the Statutes of 2002, is amended to read:

407.5. (a) A "motorized scooter" is any two-wheeled device that has handlebars, is designed to be stood or sat upon by the operator, and is powered by an electric motor that is capable of propelling the device with or without human propulsion. For purposes of this section, a motorcycle, as defined in Section 400, a motor-driven cycle, as defined in Section 405, a motorized bicycle or moped, as defined in Section 406, or a toy, as defined in Section 108550 of the Health and Safety Code, is not a motorized scooter.

(b) A device meeting the definition in subdivision (a) that is powered by a source other than electrical power is also a motorized scooter.

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

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

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

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

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

(d) (1) *A manufacturer of motorized scooters shall provide a disclosure to a buyer that advises the buyer that the buyer may not*

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modify or alter the exhaust system to cause that system to amplify or create an excessive noise.

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

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

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

"YOU MAY NOT MODIFY OR ALTER THE EXHAUST SYSTEM OF THIS SCOOTER TO CAUSE IT TO AMPLIFY OR CREATE EXCESSIVE NOISE PER VEHICLE CODE SECTIONS 27150, 27150.3, AND 27151.

(e) This section shall become operative on January 1, 2008.

SEC. 3. Section 4000 of the Vehicle Code is amended to read:

4000. (a) (1) ~~No~~ A person shall ~~may not~~ drive, move, or leave standing upon a highway, or in an offstreet public parking facility, any motor vehicle, motorized scooter, trailer, semitrailer, pole or pipe dolly, or logging dolly, unless it is registered and the appropriate fees have been paid under this code or registered under the permanent trailer identification program, except that an off-highway motor vehicle ~~which~~ that displays an identification plate or device issued by the department pursuant to Section 38010 may be driven, moved, or left standing in an offstreet public parking facility without being registered or paying registration fees.

(2) For purposes of this subdivision, "offstreet public parking facility" means either of the following:

(A) Any publicly owned parking facility.

(B) Any privately owned parking facility for which no fee for the privilege to park is charged and which is held open for the common public use of retail customers.

(3) This subdivision does not apply to any motor vehicle stored in a privately owned offstreet parking facility by, or with the express permission of, the owner of the privately owned offstreet parking facility.

(b) ~~No~~ A person ~~shall~~ may not drive, move, or leave standing upon a highway any motor vehicle, as defined in Chapter 2 (commencing with Section 39010) of Part 1 of Division 26 of the Health and Safety Code, ~~which~~ that has been registered in violation of Part 5 (commencing with Section 43000) of that Division 26.

(c) Subdivisions (a) and (b) do not apply to off-highway motor vehicles operated pursuant to Sections 38025 and 38026.5.

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(d) This section does not apply, following payment of fees due for registration, during the time that registration and transfer is being withheld by the department pending the investigation of any use tax due under the Revenue and Taxation Code.

(e) Subdivision (a) does not apply to a vehicle that is towed by a tow truck on the order of a sheriff, marshal, or other official acting pursuant to a court order or on the order of a peace officer acting pursuant to this code.

(f) Subdivision (a) applies to a vehicle that is towed from a highway or offstreet parking facility under the direction of a highway service organization when that organization is providing emergency roadside assistance to that vehicle. However, the operator of a tow truck providing that assistance to that vehicle is not responsible for the violation of subdivision (a) with respect to that vehicle. The owner of an unregistered vehicle that is disabled and located on private property ~~shall~~ obtain a permit from the department pursuant to Section 4003 prior to having the vehicle towed on the highway.

(g) For purposes of this section, possession of a California driver's license by the registered owner of a vehicle shall give rise to a rebuttable presumption that the owner is a resident of California.

SEC. 4. Section 12500 of the Vehicle Code is amended to read:

12500. (a) ~~No~~ A person ~~shall~~ may not drive a motor vehicle upon a highway, unless the person then holds a valid driver's license issued under this code, except those persons who are expressly exempted under this code.

(b) ~~No~~ A person ~~shall~~ may not drive ~~any~~ a motorcycle, motor-driven cycle, or motorized bicycle upon a highway, unless the person then holds a valid driver's license or endorsement issued under this code for that class, except those persons who are expressly exempted under this code, or those persons specifically authorized to operate motorized bicycles or motorized scooters with a valid driver's license of any class, as specified in subdivision (g) of Section 12804.9.

(c) ~~No~~ A person ~~shall~~ may not drive a motor vehicle in or upon any offstreet parking facility, unless the person then holds a valid driver's license of the appropriate class or certification to operate the vehicle. As used in this subdivision, "offstreet parking facility" means any offstreet facility held open for use by the public for parking vehicles and includes any publicly owned facilities for offstreet parking, and privately owned facilities for offstreet parking where no fee is charged for the privilege to park and which are held open for the common public use of retail



customers.

(d) ~~No~~ A person shall ~~shall~~ may not drive a motor vehicle or combination of vehicles that is not of a type for which the person is licensed.

SEC. 5. Section 12509 of the Vehicle Code is amended to read:

12509. (a) Except as otherwise provided in subdivision (f) of Section 12514, the department, for good cause, may issue an instruction permit to any physically and mentally qualified person who meets one of the following requirements and who applies to the department for an instruction permit:

(1) Is age 15 years and 6 months or over and has successfully completed approved courses in automobile driver education and driver training as provided in paragraph (3) of subdivision (a) of Section 12814.6.

(2) Is age 15 years and 6 months or over and has successfully completed an approved course in automobile driver education and is taking driver training as provided in paragraph (3) of subdivision (a) of Section 12814.6.

(3) Is age 15 years and 6 months and enrolled and participating in an integrated driver education program as provided in subparagraph (B) of paragraph (3) of subdivision (a) of Section 12814.6.

(4) Is over the age of 16 years and is applying for a restricted driver's license pursuant to Section 12814.7.

(5) Is over the age of 17 years and 6 months.

(b) The applicant shall qualify for and be issued an instruction permit within 12 months from the date of the application.

(c) An instruction permit issued pursuant to subdivision (a) shall entitle the applicant to operate a vehicle, subject to the limitations imposed by this section and any other provisions of law, upon the highways for a period not exceeding 24 months from the date of the application.

(d) Except as provided in Section 12814.6, ~~any~~ a person, while having in his or her immediate possession a valid permit issued pursuant to paragraphs (1) to (3), inclusive, of subdivision (a), may operate a motor vehicle, other than a motorcycle, motorized scooter, or a motorized bicycle, when accompanied by, and under the immediate supervision of, a California licensed driver with a valid license of the appropriate class, 18 years of age or over whose driving privilege is not on probation. Except as provided in subdivision (e), an accompanying licensed driver at all times shall occupy a position within the driver's compartment that would enable the accompanying licensed driver to assist the person in controlling the vehicle as may be necessary to avoid a collision and to provide immediate guidance in the safe operation of the vehicle.

(e) ~~Any~~ A person while having in his or her immediate possession a valid permit issued pursuant to

paragraphs (1) to (3), inclusive, of subdivision (a), who is age 15 years and 6 months or over and who has successfully completed approved courses in automobile education and driver training as provided in paragraph (3) of subdivision (a) of Section 12814.6, and ~~any~~ a person while having in his or her immediate possession a valid permit issued pursuant to subdivision (a) who is age 17 years and 6 months or over, may, in addition to operating a motor vehicle pursuant to subdivision (d), also operate a motorcycle , *motorized scooter*, or a motorized bicycle, except that the person shall not operate a motorcycle , *motorized scooter*, or a motorized bicycle during hours of darkness, shall stay off any freeways that have full control of access and no crossings at grade and shall not carry any passenger except an instructor licensed under Chapter 1 (commencing with Section 11100) of Division 5 of this code or a qualified instructor as defined in Section 18252.2 of the Education Code.

(f) ~~Any~~ A person while having in his or her immediate possession a valid permit issued pursuant to paragraph (4) of subdivision (a), may only operate a government-owned motor vehicle, other than a motorcycle , *motorized scooter*, or a motorized bicycle, when taking ~~the~~ a driver training instruction administered by the California National Guard ~~as required by paragraph (2) of subdivision (a) of Section 21814.7~~ .

(g) The department may also issue an instruction permit to a person who has been issued a valid driver's license to authorize the person to obtain driver training instruction and to practice that instruction in order to obtain another class of driver's license or an endorsement.

(h) The department may further restrict permits issued under subdivision (a) as it may determine to be appropriate to assure the safe operation of a motor vehicle by the permittee.

SEC. 6. Section 12804.9 of the Vehicle Code is amended to read:

12804.9. (a) (1) The examination shall include all of the following:

(A) A test of the applicant's knowledge and understanding of the provisions of this code governing the operation of vehicles upon the highways.

(B) A test of the applicant's ability to read and understand simple English used in highway traffic and directional signs.

(C) A test of the applicant's understanding of traffic signs and signals, including the bikeway signs, markers, and traffic control devices established by the Department of Transportation.

(D) An actual demonstration of the applicant's ability to exercise ordinary and reasonable control in operating a motor vehicle by driving it under the supervision of an examining officer. The applicant shall submit to an examination appropriate to the type of

motor vehicle or combination of vehicles he or she desires a license to drive, except that the department may waive the driving test part of the examination for any applicant who submits a license issued by another state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico if the department verifies through any acknowledged national driver record data source that there are no stops, holds, or other impediments to its issuance. The examining officer may request to see evidence of financial responsibility for the vehicle prior to supervising the demonstration of the applicant's ability to operate the vehicle. The examining officer may refuse to examine an applicant who is unable to provide proof of financial responsibility for the vehicle, unless proof of financial responsibility is not required by this code.

(E) A test of the hearing and eyesight of the applicant, and of other matters that may be necessary to determine the applicant's mental and physical fitness to operate a motor vehicle upon the highways, and whether any grounds exist for refusal of a license under this code.

(2) The examination for a class A or class B license under subdivision (b) shall also include a report of a medical examination of the applicant given not more than two years prior to the date of the application by a health care professional. As used in this subdivision, "health care professional" means a person who is licensed, certified, or registered in accordance with applicable state laws and regulations to practice medicine and perform physical examinations in the United States of America. Health care professionals are doctors of medicine, doctors of osteopathy, physician assistants, and advanced practice nurses, or doctors of chiropractic who are clinically competent to perform the medical examination presently required of motor carrier drivers by the Federal Highway Administration. The report shall be on a form approved by the department, the Federal Highway Administration, or the Federal Aviation Administration. In establishing the requirements, consideration may be given to the standards presently required of motor carrier drivers by the Federal Highway Administration.

(3) Any physical defect of the applicant, ~~which~~ that , in the opinion of the department, is compensated for to ensure safe driving ability, shall not prevent the issuance of a license to the applicant.

(b) In accordance with the following classifications, any applicant for a driver's license shall be required to submit to an examination appropriate to the type of motor vehicle or combination of vehicles the applicant desires a license to drive:

(1) Class A includes the following:

(A) ~~Any~~ A combination of vehicles, if any vehicle being towed has a gross vehicle weight rating of more

than 10,000 pounds.

(B) ~~Any~~ A vehicle towing more than one vehicle.

(C) ~~Any~~ A trailer bus.

(D) The operation of all vehicles under class B and class C.

(2) Class B includes the following:

(A) ~~Any~~ A single vehicle with a gross vehicle weight rating of more than 26,000 pounds.

(B) ~~Any~~ A single vehicle with three or more axles, except any three-axle vehicle weighing less than 6,000 pounds.

(C) ~~Any~~ A bus except a trailer bus.

(D) ~~Any~~ A farm labor vehicle.

(E) ~~Any~~ A single vehicle with three or more axles or a gross vehicle weight rating of more than 26,000 pounds towing another vehicle with a gross vehicle weight rating of 10,000 pounds or less.

(F) ~~Any~~ A house car over 40 feet in length, excluding safety devices and safety bumpers.

(G) The operation of all vehicles covered under class C.

(3) Class C includes the following:

(A) ~~Any~~ A two-axle vehicle with a gross vehicle weight rating of 26,000 pounds or less, including when the vehicle is towing a trailer or semitrailer with a gross vehicle weight rating of 10,000 pounds or less.

(B) Notwithstanding subparagraph (A), ~~any~~ a two-axle vehicle weighing 4,000 pounds or more unladen when towing a trailer coach not exceeding 9,000 pounds gross.

(C) ~~Any~~ A house car of 40 feet in length or less.

(D) ~~Any~~ A three-axle vehicle weighing 6,000 pounds or less gross.

(E) ~~Any~~ A house car of 40 feet in length or less or vehicle towing another vehicle with a gross vehicle weight rating of 10,000 pounds or less, including when a tow dolly is used. ~~No~~ A person driving a vehicle ~~shall~~ may not tow another vehicle in violation of Section 21715.

(F) (i) ~~Any~~ A two-axle vehicle weighing 4,000 pounds or more unladen when towing either a trailer coach or a fifth-wheel travel trailer not exceeding 10,000 pounds gross vehicle weight rating, when the towing of the trailer is not for compensation.

(ii) ~~Any~~ A two-axle vehicle weighing 4,000 pounds or more unladen when towing a fifth-wheel travel trailer exceeding 10,000 pounds, but not exceeding 15,000 pounds, gross vehicle weight rating, when the towing of the trailer is not

for compensation, and if the person has passed a specialized written examination provided by the department relating to the knowledge of this code and other safety aspects governing the towing of recreational vehicles upon the highway.

The authority to operate combinations of vehicles under this subparagraph ~~shall~~ may be granted by endorsement on a class C license upon completion of that written examination.

(G) ~~Any~~ A vehicle or combination of vehicles with a gross combination weight rating or a gross vehicle weight rating, as those terms are defined in subdivisions (g) and (h), respectively, of Section 15210, of 26,000 pounds or less, if all of the following conditions are met:

(i) Is operated by a farmer, an employee of a farmer, or an instructor credentialed in agriculture as part of an instructional program in agriculture at the high school, community college, or university level.

(ii) Is used exclusively in the conduct of agricultural operations.

(iii) Is not used in the capacity of a for-hire carrier or for compensation.

(H) A motorized scooter.

(I) Class C does not include ~~any~~ a two-wheel motorcycle or ~~any~~ a two-wheel motor-driven cycle.

(4) Class M1. ~~Any~~ A two-wheel motorcycle or a motor-driven cycle. Authority to operate ~~vehicles~~ a vehicle included in a class M1 license may be granted by endorsement on a class A, B, or C license upon completion of an appropriate examination.

(5) Class M2. ~~Any~~ A motorized bicycle or moped, or ~~any~~ a bicycle with an attached motor, except a motorized bicycle described in subdivision (b) of Section 406 ~~and a motorized scooter described in Section 407.5~~. Authority to operate vehicles included in class M2 may be granted by endorsement on a class A, B, or C license upon completion of an appropriate examination. Persons holding a class M1 license or endorsement may operate vehicles included in class M2 without further examination.

(c) ~~No~~ A driver's license or driver certificate ~~shall be~~ is not valid for operating ~~any~~ a commercial motor vehicle, as defined in subdivision (b) of Section 15210, any other motor vehicle defined in paragraph (1) or (2) of subdivision (b), or any other vehicle requiring a driver to hold any driver certificate or any driver's license endorsement under Section 15275, unless a medical certificate approved by the department, the Federal Highway

Administration, or the Federal Aviation Administration, that has been issued within two years of the date of the operation of that vehicle, is within the licensee's immediate possession, and a copy of the medical examination report from which the certificate was issued is on file with the department. Otherwise, the license ~~shall be~~ is valid only for operating class C vehicles that are not commercial vehicles, as defined in subdivision (b) of Section 15210, and for operating class M1 or M2 vehicles, if so endorsed, that are not commercial vehicles, as defined in subdivision (b) of Section 15210.

(d) A license or driver certificate issued prior to the enactment of Chapter 7 (commencing with Section 15200) ~~shall be~~ is valid to operate the class or type of vehicles specified under the law in existence prior to that enactment until the license or certificate expires or is otherwise suspended, revoked, or canceled.

(e) The department may accept a certificate of driving skill that is issued by an employer, authorized by the department to issue a certificate under Section 15250, of the applicant, in lieu of a driving test, on class A or B applications, if the applicant has first qualified for a class C license and has met the other examination requirements for the license for which he or she is applying. The certificate may be submitted as evidence of the applicant's skill in the operation of the types of equipment covered by the license for which he or she is applying.

(f) The department may accept a certificate of competence in lieu of a driving test on class M1 or M2 applications, when the certificate is issued by a law enforcement agency for its officers who operate class M1 or M2 vehicles in their duties, if the applicant has met the other examination requirements for the license for which he or she is applying.

(g) The department may accept a certificate of satisfactory completion of a novice motorcyclist training program approved by the commissioner pursuant to Section 2932 in lieu of a driving test on class M1 or M2 applications, if the applicant has met the other examination requirements for the license for which he or she is applying. The department shall review and approve the written and driving test used by a program to determine whether the program may issue a certificate of completion.

(h) Notwithstanding subdivision (b), ~~any~~ a person holding a valid California driver's license of any class may operate a short-term rental motorized bicycle without taking any special examination for the operation of a motorized bicycle, and without having a class M2 endorsement on that license.

As used in this ~~paragraph~~ subdivision , "short-term" means 48 hours or less.

(i) ~~No~~ A person under the age of 21

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years ~~shall~~ may not be issued a class M1 or M2 license or endorsement unless he or she provides evidence satisfactory to the department of completion of a motorcycle safety training program that is operated pursuant to Article 2 (commencing with Section 2930) of Chapter 5 of Division 2.

(j) ~~Drivers~~ A driver of a vanpool ~~vehicles~~ vehicle may operate with class C licenses but shall possess evidence of a medical examination required for a class B license when operating vanpool vehicles. In order to be eligible to drive the vanpool vehicle, the driver shall keep in the vanpool vehicle a statement, signed under penalty of perjury, that he or she has not been convicted of reckless driving, drunk driving, or a hit-and-run offense in the last five years.

(k) A class M license issued between January 1, 1989, and December 31, 1992, shall permit the holder to operate any motorcycle, motor-driven cycle, or motorized bicycle until the expiration of the license.

~~(l) This section shall become operative on January 1, 2004.~~

SEC. 7. Section 21224 of the Vehicle Code is amended to read:

21224. (a) A person operating a motorized scooter is not subject to the provisions of this code relating to financial responsibility, ~~registration, and license plate requirements,~~ and, ~~for those purposes~~ that purpose, a motorized scooter is not a motor vehicle.

(b) A motorized scooter is exempt from the equipment requirements in Division 12 (commencing with Section 24000), except for Sections 24003 and 27400, Article 4 (commencing with Section 27450) of Chapter 5 of Division 12, and Section 27602.

(c) Notwithstanding subdivision (b), any motorized scooter may be equipped with equipment authorized by Division 12 (commencing with Section 24000).

(d) Any motorized scooter equipped with lighting equipment that is authorized by Division 12 (commencing with Section 24000) shall meet the lighting requirements in Article 1 (commencing with Section 24250) of Chapter 2 of Division 12 for that equipment.

SEC. 8. Section 21225 of the Vehicle Code is amended to read:

21225. This article does not prevent a local ~~authorities~~ authority, by ordinance, from regulating the ~~registration of motorized scooters and the~~ parking and operation of motorized scooters on pedestrian or bicycle facilities *and local streets and highways*, if ~~the~~ that regulation is not in conflict with this code.

SEC. 9. Section 21235 of the Vehicle Code is amended to read:

21235. The operator of a motorized scooter shall not do any of the following:

**Attachment A**

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

(b) Operate a motorized scooter on a highway with a speed limit in excess of 25 miles per hour unless the motorized scooter is operated within a class II bicycle lane.

(c) Operate a motorized scooter without wearing a properly fitted and fastened bicycle helmet that meets the standards described in Section 21212.

(d) Operate a motorized scooter ~~when the operator is under the age of 16 years~~ without a valid driver's license or instruction permit .

(e) Operate a motorized scooter with any passengers in addition to the operator.

(f) Operate a motorized scooter carrying any package, bundle, or article that prevents the operator from keeping at least one hand upon the handlebars.

(g) Operate a motorized scooter upon a sidewalk, except as may be necessary to enter or leave adjacent property.

(h) Operate a motorized scooter on the highway with the handlebars raised so that the operator must elevate his or her hands above the level of his or her shoulders in order to grasp the normal steering grip area.

(i) Leave a motorized scooter lying on its side on any sidewalk, or park a motorized scooter on a sidewalk in any other position, so that there is not an adequate path for pedestrian traffic.

(j) Attach the motorized scooter or himself or herself while on the roadway, by any means, to any other vehicle on the roadway.

(k) Operate, drive, move, or leave standing upon a highway, or in an offstreet public parking facility, unless it is registered and the appropriate fees have been paid under this code as specified in Section 4000.

(l) Modify or alter the exhaust system of this scooter to cause it to amplify or create excessive noise in violation of Section 27150, 27150.3, or 27151.

SEC. 10. 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.



OFFICE OF THE CITY CLERK

# OAKLAND CITY COUNCIL

*[Signature]*  
City Attorney

2004 MAR 25 PM 12:38

RESOLUTION No. \_\_\_\_\_

C.M.S.

2004 MAR 11 PM 12:39

## RESOLUTION IN SUPPORT OF ASSEMBLY BILL 1878 (CHAN) TO AMEND THE CALIFORNIA VEHICLE CODE TO PROVIDE ADDITIONAL TRAFFIC ENFORCEMENT STRATEGIES TO ADDRESS PROBLEMS ASSOCIATED WITH MOTORIZED SCOOTERS

**WHEREAS**, the noisy, unsafe, and illegal operation of motorized scooters in the City of Oakland has increased significantly since the vehicles were first introduced in 1999; and

**WHEREAS**, existing state law in the California Vehicle Code (CVC) prohibits the local regulation of matters preempted by the CVC; and

**WHEREAS**, the best efforts of the City to educate the public and business community about their responsibilities regarding the safe and legal operation and modification of motorized scooters have not yielded significant improvements in motorized scooter operations; and

**WHEREAS**, despite Police Department efforts to enforce existing laws related to the safe and legal operation of motorized scooters the problem continues to be an issue in Oakland neighborhoods; and

**WHEREAS**, one 33-year-old Oakland man and a 12-year-old Vallejo boy have died from injuries associated with the unsafe and illegal operation of motorized scooters; and

**WHEREAS**, in 2001 the Consumer Product Safety Commission reported a 200% increase in injuries associated with motorized scooters; and

**WHEREAS**, State Assemblywoman Wilma Chan has introduced Assembly Bill 1878 to require operators of motorized scooters to have a valid license, for the vehicles to be registered, for advisements to be given on the prohibition against illegal modifications, and to allow greater local regulation; now, therefore be it

**RESOLVED:** That the City Council of the City of Oakland hereby supports the passage of Assembly Bill 1878.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN and PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_

*10.1200*  
**ORA/COUNCIL**

CEDA FLOYD  
City Clerk and Clerk of the Council  
of the City of Oakland, California

APR 06 2004