

CHAPTER 4
ENFORCEMENT GUIDELINES—OTHER MODES OF TRANSPORTATION

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CHAPTER 4

ENFORCEMENT GUIDELINES—OTHER MODES OF TRANSPORTATION

1. PURPOSE.

a. Laws relating to the operation of certain other modes of transportation require unique handling procedures when taking enforcement action. This chapter provides direction to officers contemplating enforcement action against the operators of bicycles, nonmotorized scooters, skateboards, in-line and roller skates, electric bicycles, electrically motorized boards (EMB), motorized bicycles/mopeds, pedicabs, motorized scooters, pocket bikes/miniature motorcycles, electric personal assistive mobility devices, low-speed vehicles, and off-highway motor vehicles.

b. The variety of transportation devices available to consumers increases each year. Technological advancements add to the speed and complexity of new and existing devices. With the increasing number of people using alternative modes of transportation, it is important all road users use courtesy, caution, and common sense when sharing the road. Enforcement contacts, regardless of whether or not a citation is written, should be viewed as opportunities to educate roadway users on behaviors which put themselves and others at risk.

2. MOTORCYCLE HELMET REQUIREMENTS.

a. Authority.

(1) Section 27803 of the California Vehicle Code (CVC) was enacted to help reduce injuries to operators and passengers of motorcycles, motor-driven cycles, and/or motorized bicycles/mopeds. Section 27803 CVC requires all operators and passengers of these vehicles to wear a motorcycle safety helmet, certified by the manufacturer at the time of sale to meet federal standards, **while on a highway.**

(2) Section 27803(f) CVC exempts a person operating or riding in a fully enclosed three-wheeled motor vehicle from the requirement to wear a safety helmet if the vehicle is not less than seven feet in length and not less than four feet in width, has an unladen weight of 900 pounds or more, and meets or exceeds all of the requirements of the CVC, the Federal Motor Vehicle Safety Standards (FMVSS) for motorcycles, and the rules and regulations adopted by the U.S. Department of Transportation (DOT) and the National Highway Traffic Safety Administration.

(3) A motorcycle safety helmet is any helmet certified by the manufacturer at the time of sale to meet FMVSS. The specific requirements are contained in FMVSS Standard No. 218 (Title 49 Code of Federal Regulations [49 CFR], Part 571). This standard requires each helmet be labeled permanently and legibly so the label(s) can be read showing:

(a) Manufacturer's name.

(b) Model designation.

(c) Size.

(d) Month and year of manufacture.

(e) The symbol "DOT" should appear on the bottom edge of the posterior portion of the outer surface of the helmet, in a color that contrasts with the helmet color.

(4) Proper use of the safety helmet is defined in Section 27803(e) CVC. The helmet shall be worn on the head with straps fastened and be of a size that fits the person's head securely, without excessive lateral or vertical movement.

b. Policy. Enforcement of Section 27803 CVC shall apply to all persons whether they are the operator of, or the passenger on, a motorcycle, a motor-driven cycle, or a motorized bicycle/moped **operated on a highway**. This includes an operator or passenger of a three-wheeled motorcycle and passengers seated in a sidecar attached to a motorcycle or motorized bicycle.

c. Procedure.

(1) As the result of several court decisions and the terms of a partially vacated injunction placed against the Department, it is extremely difficult to cite motorcyclists for wearing helmets not in compliance with FMVSS Standard No. 218. Therefore, officers shall not attempt to make this determination prior to or during an enforcement stop.

(2) Officers shall not cite for hard shell beanie-type helmets.

(3) Officers shall not seize any helmet, or purported helmet, as evidence.

(4) Supervisor approval shall be obtained before citing a motorcyclist for wearing any type of head covering an officer determines is not a motorcycle helmet.

(5) A photograph of the noncompliant head covering should be obtained at the

time of the stop as evidence to support the violation.

(6) Section 27803(b) CVC should be used to cite the operator of a motorcycle, a motor-driven cycle, or motorized bicycle/moped for not wearing a safety helmet, or for allowing a passenger to ride without a motorcycle safety helmet.

NOTE: Normally, the driver should not be issued a CHP 215, Notice to Appear, for a passenger 16 years of age or older not wearing a motorcycle safety helmet when the passenger has been issued a CHP 215 for a violation of Section 27803(c) CVC.

(7) Section 27803(c) CVC should be used to cite the passenger of a motorcycle, motor-driven cycle, or motorized bicycle/moped for not wearing a motorcycle safety helmet.

(8) Officers shall focus enforcement action on the following:

(a) Motorcyclists not wearing any type of head covering. (This violation shall not be correctable.)

(b) Motorcyclists wearing a head covering which is obviously not a motorcycle helmet, such as a Styrofoam™ bicycle helmet, football helmet, ball cap, scarf, stocking cap, leather aviator cap, or any variation of a fabric cap, et al. (This violation shall be correctable.)

3. HELMET USE—BICYCLES, NONMOTORIZED SCOOTERS, SKATEBOARDS, IN-LINE AND ROLLER SKATES, ELECTRIC BICYCLES, ELECTRICALLY MOTORIZED BOARDS.

a. Authority.

(1) Bicycles, Nonmotorized Scooters, Skateboards, In-Line or Roller Skates. Section 21212(a) CVC provides a person under 18 years of age shall not operate or ride as a passenger upon a bicycle, a nonmotorized scooter, or a skateboard, nor shall they wear in-line or roller skates unless the person under 18 years of age is wearing a properly fitted and fastened bicycle safety helmet.

(2) Electric Bicycles. Section 21213 CVC provides no person under 16 years of age shall operate a Class 3 electric bicycle; and, a person shall not operate a class 3 electric bicycle, or ride as a passenger on a Class 3 electric bicycle, unless wearing a properly fitted and fastened bicycle helmet.

(3) Electrically Motorized Boards. Section 21292 CVC provides a person shall

not operate an EMB upon a highway, bikeway, or any other public bicycle path, sidewalk, or trail, unless that person is wearing a properly fitted and fastened bicycle helmet.

b. Policy.

(1) Officers shall not arbitrarily stop operators of bicycles, nonmotorized scooters, skateboards, in-line or roller skates, electric bicycles, or EMBs to determine compliance with this law. However, officers observing obvious violations of this law should take appropriate action to educate and enforce the law. Particular attention should be directed toward proper fastening and helmet fit.

(2) Officers should use their best judgment when handling violations committed by minors under 14 years of age. These violations may be recorded following the parental notification program procedures as outlined in Highway Patrol Manual (HPM) 100.9, Enforcement Documents Manual, Chapter 1, CHP 215, Notice to Appear.

4. BICYCLES, ELECTRIC BICYCLES, ELECTRICALLY MOTORIZED BOARDS, AND MOTORIZED BICYCLES/MOPEDS.

a. Authority.

(1) Bicycles.

(a) Section 231 CVC defines a bicycle as a device upon which any person may ride, propelled exclusively by human power through a belt, chain, or gears, and having one or more wheels.

(b) Section 21200(a)(1) CVC states, "A person riding a bicycle or operating a pedicab upon a highway has all the rights and is subject to all the provisions applicable to the driver of a vehicle by this division (Division 11), including, but not limited to, provisions concerning driving under the influence of alcoholic beverages or drugs, and by Division 10 (commencing with Section 20000), Section 27400, Division 16.7 (commencing with Section 39000), Division 17 (commencing with Section 40000.1), and Division 18 (commencing with Section 42000), except those provisions which by their very nature can have no application."

(c) Section 21200(a)(2) CVC states, "A person operating a bicycle on a Class I bikeway, as defined in subdivision (a) of Section 890.4 of the Streets and Highways Code, has all the rights and is subject to all the provisions

applicable to the driver of a vehicle pursuant to Section 20001, except those provisions which by their very nature can have no application.”

(d) Bicycles are not included within the definition of a motor vehicle, Section 415 CVC. Therefore, sections such as 23109 and 13353 CVC, specifically addressing violations involving motor vehicles, are not applicable to bicycles.

(2) Electric Bicycles.

(a) Effective January 1, 2016, Section 312.5 CVC was added to define an electric bicycle. Pursuant to Section 312.5(b) CVC, a person riding an electric bicycle is subject to the provisions of Sections 21200 through 21212 CVC regarding the operation of bicycles. An electric bicycle is a bicycle equipped with fully operable pedals and an electric motor of less than 750 watts, which fall into one of three classes, each with specific operating requirements. See Table 4-1.

Table 4-1. Classification of Electric Bicycles and Motorized Bicycles/Mopeds				
	Electric Bicycle Class 1	Electric Bicycle Class 2	Electric Bicycle Class 3	Motorized Bicycle/Moped
Definition	Low-speed or low-speed pedal assisted	Low-speed throttle assisted	Speed pedal-assisted	Motorized bicycle or moped
Type of Motor Assistance	Motor provides assistance only when rider is pedaling	Motor may be used to exclusively propel the bicycle	Motor provides assistance only when rider is pedaling	Fully operative pedals for propulsion by human power, or having no pedals if powered solely by electrical energy
Maximum Motor Assistance	Motor ceases to provide assistance when the bicycle reaches 20 miles per hour (mph)	Motor is not capable of providing assistance when the bicycle reaches 20 mph	Motor ceases to provide assistance when the bicycle reaches 28 mph	Maximum speed of not more than 30 mph on level ground
Power Rating	750 watts	750 watts	750 watts	Automatic transmission and a motor that produces less than four gross brake horsepower
Driver License Requirement	No	No	No	Yes, M2

Helmet Requirement	Under 18, bicycle helmet	Under 18, bicycle helmet	Bicycle helmet for rider and passenger	Motorcycle helmet for driver and passenger
Additional Equipment	No	No	Must be equipped with a speedometer	Mirror, brake, lights, horn, reflectors, and muffler required

Table 4-1. Classification of Electric Bicycles and Motorized Bicycles/Mopeds (continued)				
Age Requirement	No	No	16 years old	16 years old
Use Restrictions (unless authorized by local authority)	No restrictions	No restrictions	No restrictions	Not permitted on bicycle path or trail, bikeway, bicycle lane, equestrian trail, or hiking or recreational trail, unless adjacent to a roadway

(b) Section 24016(b) CVC classifies electric bicycles as bicycles, not a motor vehicle.

(c) Section 24016(d) CVC prohibits a person from tampering or modifying an electric bicycle so as to change the speed capability of the bicycle unless the person replaces the label indicating the classification required in subdivision (c) of Section 312.5 CVC.

(3) A Motorized Bicycle/Moped.

(a) Effective January 1, 2016, Section 406 CVC defines a motorized bicycle/moped as a two-wheeled or three-wheeled device having fully operative pedals for propulsion by human power or having no pedals if powered solely by electrical energy, and an automatic transmission and a motor that produces less than four gross brake horsepower, capable of propelling the device at a maximum speed of not more than 30 mph on level ground. See Figure 4-1.



Figure 4-1. Example of a motorized bicycle and moped.

(b) A motorized bicycle/moped is not an electric bicycle or motorcycle. When an officer is considering enforcement action, a moped is treated the same as a bicycle and must follow the rules of the road the same as a bicycle.

(c) Section 24015 CVC requires motorized bicycles/mopeds be equipped with headlights, taillights, brake lights, side and rear reflectors, horn, a mirror, a muffler, and adequate brakes.

(4) Electrically Motorized Boards.

(a) Effective January 1, 2016, Section 313.5 CVC defines an EMB as a wheeled device with a floorboard designed to be stood upon when riding that is not greater than 60 x 18 inches, and transports only one person. An EMB is colloquially known as a “hoverboard.” Electrically motorized skateboards are also included in the definition of EMBs. See Figure 4-2



Figure 4-2. Examples of electrically motorized boards.

(b) An EMB shall only operate on a highway with a speed limit of 35 mph or less, unless it is operated entirely within a designated Class II or Class IV bikeway. See Annex A.

(c) Operating requirements for EMBs are included in Table 4-2.

Table 4-2. Electrically Motorized Board	
Type of Motor Assistance	Electric propulsion system; may also be powered by human propulsion
Maximum Motor Assistance	Maximum speed of 20 mph on a paved, level surface
Power Rating	Less than 1,000 watts
Driver License Requirement	No
Helmet Requirement	Bicycle helmet required
Age Requirement	16 years of age or older to operate on a highway
Additional Equipment	Front facing white light, rear red reflector, white or yellow reflector on each side. Option for the operator to wear the lighting and reflective wear.
Speed Restrictions	Maximum speed of 15 mph
Use restrictions (Unless authorized by local authority)	An EMB may be operated on a highway, bikeway, or any other public bicycle path, sidewalk, or trail. Can only ride on roads with a speed limit of ≤ 35 mph, unless within a Class II or IV bikeway.

(d) The EMB does not meet the definition of an electric personal assistive mobility device per Section 313 CVC (devices up to 750 watts and 12.5 mph).

(e) Pursuant to Section 21968 CVC, a motorized skateboard is not allowed on any sidewalk, roadway, bikeway, bike path or trail, equestrian trail, hiking or recreational trail.

b. Policy.

(1) Officers shall take appropriate enforcement action for violations of CVC sections governing the operation of bicycles, electric bicycles, and EMBs. When completing enforcement documents and crash reports, these devices shall be coded as follows:

(a) Bicycles shall be coded as vehicle type 04.

(b) Electric bicycles shall be coded as miscellaneous vehicle type 91.

(c) Electric Motorized Boards shall be coded as miscellaneous vehicle

type 93.

(d) Motorized bicycles/mopeds shall be coded as passenger vehicle type 05.

(2) Officers should use their best judgment when handling violations committed by minors under 14 years of age. These violations may be recorded following the parental notification program procedures as outlined in HPM 100.9, Chapter 1.

(3) When incidences of aggressive driving or aggressive bicycling are observed, officers should take every opportunity to educate and enforce the law.

(4) Bicycling is allowed on all conventional streets and highways and some freeways. Signs are posted at on-ramps of freeways where bicycling is not permitted and at off-ramps where bicyclists must exit.

c. Procedure.

(1) Driving/Riding Under the Influence. Persons arrested for operating a bicycle, EMB, or motorized bicycle while under the influence of alcohol and/or drugs, should be handled according to the provisions contained in HPM 70.4, Driving Under the Influence Enforcement Manual.

(a) Section 21200.5 CVC makes it a misdemeanor for anyone to ride a bicycle upon a highway while under the influence of alcohol and/or drugs.

(b) Section 21296 CVC prohibits a person from operating an **EMB** upon a highway while under the influence of alcohol and/or drugs.

(c) Section 23152 CVC makes it unlawful for a person who is under the influence of any alcoholic beverage, drug, or combined influence of alcohol and drugs, to drive a vehicle including a **motorized bicycle/moped**.

(2) Right Curb/Roadway Edge. Section 21202 CVC states that every person operating a bicycle upon a roadway at a speed less than the normal speed of traffic shall ride as close as practicable to the right-hand curb or edge of the roadway, except:

(a) When passing slower moving vehicles or bicycles that are directly impeding their line of travel.

(b) When preparing to make a left turn or approaching a place where a right turn is authorized.

(c) When reasonably necessary to avoid conditions (including, but not

limited to, fixed or moving objects, vehicles, bicycles, pedestrians, animals, surface hazards, or substandard width lanes) that make it unsafe to continue along the right-hand curb or edge.

(d) When riding on a one-way street with more than two lanes, bicyclists may ride as near the left-hand curb or edge of the roadway as practicable.

(3) Lane Sharing. California law does not prohibit vehicles from sharing one lane, as long as they can stay within the lane and not conflict with each other (e.g., two motorcycles riding abreast in one lane). When a group of bicyclists are traveling slower than the normal speed of traffic in a travel lane, and none of the exceptions in Section 21202 CVC apply, a bicyclist riding to the left of another is not riding as close as practicable to the right-hand curb edge of the roadway and is therefore in violation of Section 21202 CVC.

(4) Bike Lanes. Section 21208 CVC provides rules for bicyclists traveling upon a roadway containing a bicycle lane. Generally, any person operating a bicycle upon the roadway at a speed less than the normal speed of traffic shall ride within the bicycle lane.

(a) The bicyclist may move out of the bike lane only in the following situations:

1 When overtaking and passing another bicycle, vehicle, or pedestrian within the lane or about to enter the lane if the overtaking and passing cannot be done safely within the lane.

2 When preparing for a left turn at an intersection or into a private road or driveway.

3 When reasonably necessary to leave the bicycle lane to avoid debris or other hazardous conditions.

4 When approaching a place where a right turn is authorized.

(b) No person operating a bicycle shall leave a bicycle lane until the movement can be made with reasonable safety and then only after giving an appropriate signal (in the manner provided in Section 22111 CVC) in the event that any vehicle may be affected by the movement.

(5) Three Feet Law. Section 21760 CVC, known as the Three Feet for Safety Act, prohibits motorists from overtaking or passing a bicycle unless it can be done in a safe manner and at a distance that does not interfere with the safe operation of the overtaken bicycle.

(a) The law requires a motorist not overtake or pass a bicycle proceeding in the same direction on a highway at a distance of less than three feet between any part of the motor vehicle and any part of the bicycle or its operator.

(b) Before overtaking or passing a bicycle and there is another lane of traffic proceeding in the same direction available, the motorist is required to make a lane change into another available lane if practicable.

(c) If the motorist is unable to comply with the three foot requirement due to traffic or roadway conditions, the motorist shall slow to a speed that is reasonable and prudent and may pass only when doing so would not endanger the safety of the bicyclist, taking into account the size and speed of the motor vehicle and bicycle, traffic conditions, weather, visibility, and surface and width of the highway.

(6) Two-lane Highway Use by Slow-Moving Vehicle. Bicyclists must be cognizant of 21656 CVC requirements on a two-lane highway where passing is unsafe because of traffic in the opposite direction or other conditions. Any slow-moving vehicle (or one or more bicyclists), behind which five or more vehicles have formed in line, shall turn off the roadway at the nearest place designated as a turnout by signs, or wherever sufficient area for a safe turnout exists, to permit the vehicles following to proceed. The slow-moving vehicle regulation applies to bicyclists as Section 21200 CVC states a person riding a bicycle or operating a pedicab upon a highway has all the rights and is subject to all the provisions applicable to the driver of a vehicle.

(7) Competitive Cycling Events.

(a) Commanders should refer to HPM 11.1, Administrative Procedures Manual, Chapter 6, Reimbursable Services, for direction regarding encroachment permits and reimbursable services that may be required for competitive cycling events occurring in their Area.

(b) Participants in an approved competitive bicycling event are exempt from specific provisions of the CVC as specified in the encroachment permit. This does not include bicyclists who leave the approved route or course and interfere with normal traffic.

5. PEDICABS.

a. General. There are two classes of pedicabs, the more traditional rickshaw style with two passengers, and more recently regulated pedicabs, also known as “party bikes” and “bike bars” with up to 15 passengers. The “party bike” owners, in accordance with local ordinance or resolution, may allow alcohol to be consumed on

board, requiring both an operator and an onboard safety monitor.

b. Authority.

(1) Section 467.5 (a) and (b) CVC defines a pedicab as a bicycle that has three or more wheels, is used for transporting passengers for hire, and may pull a trailer, sidecar, or similar device, which is also used for transporting passengers for hire. See Figure 4-3.



Figure 4-3. Examples of pedicabs as defined in Section 467.5 CVC.

(2) Party Bikes Defined. Effective January 1, 2016, Section 467.5(c) CVC adds to the definition of a pedicab to include a four-wheeled device that is primarily or exclusively pedal-powered, has a seating capacity of eight or more passengers, cannot travel in excess of 15 mph, and is used for transporting passengers for hire. See Figure 4-4.



Figure 4-4. Example of a party bike pedicab as defined in Section 467.5(c) CVC.

(3) Operating Requirements. Section 21215(c) CVC provides additional requirements for a pedicab as defined in Section 467.5(c):

(a) A seating capacity for not more than 15 passengers.

(b) The pedicab operator shall be at least 21 years of age, have a valid California driver license, and at all times, be able to establish a minimum amount of \$1.5 million insurance coverage for the pedicab.

(c) The pedicab must be equipped with seatbelts for all passengers, seat backs, brakes, reflectors, headlights, and grab rails.

(d) The pedicab shall not load or unload passengers on roadways or in the middle of highways. It may not be operated on any highway with a speed limit in excess of 30 mph or on any freeway.

(e) Pedicabs shall be operated as close as practicable to the right-hand curb or edge of the roadway, except when necessary to overtake another vehicle, to avoid a stationary object, or when preparing to make a left turn.

(4) Onboard Consumption of Alcohol. Section 21215.2 CVC establishes requirements for pedicabs which allow onboard consumption of alcoholic beverages, including a requirement the pedicab be staffed by both an operator (driver) and an onboard safety monitor. Additional operating requirements for pedicabs as defined in Section 467.5[c] CVC include:

(a) The onboard consumption of alcoholic beverages shall be authorized by local ordinance or resolution.

(b) An onboard safety monitor, who is 21 years of age or older, shall be present whenever alcohol is being consumed by passengers during the operation of the pedicab. The onboard safety monitor shall not be under the influence of any alcoholic beverage. The onboard safety monitor shall be considered as driving the pedicab while it is operating for the purpose of subjecting the safety monitor to driving under the influence provisions beginning with Section 23152 CVC.

(c) Both the operator of the pedicab and the onboard safety monitor shall have completed either the Licensee Education on Alcohol and Drugs program implemented by the Department of Alcoholic Beverage Control or a comparably certified course.

(d) Alcoholic beverages may only be supplied by the passengers and must be in enclosed, sealed, unopened, and labeled containers prior to consumption on the pedicab. Passengers who are pedaling the pedicab are not operators.

(e) All passengers on the pedicab must be 21 years or older when alcohol is consumed during operation of the pedicab. Alcohol beverages may only be consumed while passengers are physically on board and within the pedicab.

c. Policy.

(1) Officers shall take appropriate enforcement action for violations of the local ordinances governing the operation of a pedicab.

(2) The operator of the pedicab as defined in Section 467.5(c) CVC is required to annually report all pedicab crashes to the CHP.

6. MOTORIZED SCOOTERS.

a. Authority.

(1) Section 407.5 CVC defines a motorized scooter as any two-wheeled device that has handlebars, a floorboard that is designed to be stood upon when riding and is powered by an electric motor. This device may also have a driver seat and footrests in place of the floorboard and may be powered by human propulsion. See Figure 4-5.



Figure 4-5. Examples of motorized scooters.

(a) A device meeting this definition that is powered by a source other than electrical power (e.g., a gasoline-powered two-stroke engine) is also a motorized scooter.

(b) The following devices are not motorized scooters:

1 An electric personal assistive mobility device as defined in Section 313 CVC.

2 A motorcycle as defined in Section 400 CVC.

3 A motor-driven cycle as defined in Section 405 CVC.

4 A motorized bicycle or moped as defined in Section 406 CVC.

(2) Section 21221 CVC provides the basis for motorized scooter enforcement.

b. Policy. Officers shall take appropriate enforcement action for violations of CVC sections governing the operation of motorized scooters.

(1) Enforcement actions involving a motorized scooter shall be coded as miscellaneous vehicle type 94 on the CHP 215 and CHP 555, Traffic Crash Report.

(2) Officers should use their best judgment when handling violations committed by minors under 14 years of age. These violations may be recorded following the parental notification program procedures as outlined in HPM 100.9, Chapter 1.

c. Procedure.

(1) Riding Under the Influence. Section 21221.5 CVC makes it a misdemeanor for anyone to ride a motorized scooter upon a highway while under the influence of alcohol and/or drugs. Persons arrested for violation of Section 21221.5 CVC should be handled according to the provisions contained in HPM 70.4.

(2) Equipment. Section 21223 CVC requires motorized scooters operated during darkness to be equipped with lamps and reflectors as specified. Section 21226 CVC requires motorized scooters to be equipped with a muffler which is in constant operation, properly maintained to prevent any excessive or unusual noise, and prohibits modifying the exhaust system to amplify or increase the noise level.

(3) Right Curb/Roadway Edge. Section 21228 CVC states that any person operating a motorized scooter upon a highway at a speed less than the normal speed of traffic shall ride as near the right-hand curb or right edge of the roadway as practicable, except under specific situations.

(4) Bike Lanes. Section 21229 CVC requires that whenever a Class II bicycle lane has been established on a roadway, any person operating a motorized scooter upon the roadway must ride within the bicycle lane, except when moving from an established bicycle lane as specified. See Annex A for bikeway classifications.

(5) Prohibitions. Sections 21235 and 22411 CVC prohibit the operation of a motorized scooter as follows:

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

- (b) On a highway with a speed limit in excess of 25 mph:
 - 1 Unless the motorized scooter is operated within a Class II or Class IV bikeway.
 - 2 By ordinance or resolution, a local authority may authorize the operation of a motorized scooter outside of a Class II or Class IV bikeway on a highway with a speed limit of up to 35 mph.
- (c) Unless wearing a properly fitted and fastened bicycle safety helmet if the operator is under 18 years of age.
- (d) Without either a valid driver's license or instruction permit.
- (e) With any passengers in addition to the operator.
- (f) While carrying any package, bundle, or article preventing the operator from keeping at least one hand on the handlebars.
- (g) On a sidewalk, except as necessary to enter or leave adjacent property.
- (h) With the handlebars raised so that the operator's hands must be elevated above shoulder level to grasp the normal steering grip area.
- (i) May not leave or park a motorized scooter on its side, or in any other position, on a sidewalk, so that there is not an adequate path for pedestrian traffic.
- (j) While on the roadway, may not attach the motorized scooter or the operator to any other vehicle on the roadway.
- (k) While on any authorized highway or bikeway, a motorized scooter may not be driven in excess of 15 mph pursuant to Section 22411 CVC.

7. POCKET BIKES/MINIATURE MOTORCYCLES.

- a. General. Miniature motorcycles, better known as pocket bikes, have become increasingly popular and are operated on the highways by people of all ages. Pocket bikes are generally between 18 and 22 inches tall and are not manufactured with conforming 17-digit vehicle identification numbers (VIN). The lack of conforming VINs indicate manufacturers intended pocket bikes to be operated on private property and not for use on a highway.
- b. Authority.

(1) Section 473 CVC defines a pocket bike as a two-wheeled motorized device that has a seat or saddle for the use of the rider which is not designed or manufactured for highway use. Pocket bike does not include an off-highway motorcycle as defined in Section 436 CVC. See Figure 4-6.



Figure 4-6. Example of a pocket bike/miniature motorcycle.

c. Policy. Enforcement actions involving pocket bikes/miniature motorcycles shall be coded as party type other and miscellaneous motor vehicle type 96 on the CHP 215 and CHP 555.

d. Procedure.

(1) Operation. Section 21720 CVC prohibits pocket bikes from being operated on a sidewalk, roadway, or any other part of a highway, or on a bikeway, bicycle path or trail, equestrian trail, hiking or recreational trail, or on public lands open to off-highway motor vehicle use.

(2) Seizure. Section 21721 CVC authorizes a peace officer to cause the removal and seizure of a pocket bike, upon a violation of Section 21720 CVC. Pocket bikes do not meet the classification of a motor vehicle for highway use and may only be seized as property. The use of a tow truck is not authorized.

8. ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE.

a. Authority.

(1) Section 313 CVC defines an electric personal assistive mobility device (EPAMD) as a self-balancing, non-tandem two-wheeled device that is not greater than 20 inches deep and 25 inches wide, can turn in place, transports only one person, with an electric propulsion system averaging less than 750 watts (1 horsepower), the maximum speed (when powered solely by a propulsion system on a paved level surface) is no more than 12.5 mph (e.g., Segway™ Human Transporter). See Figure 4-7.



Figure 4-7. Example of an electric personal assistive mobility device.

(2) Section 467 CVC includes an EPAMD as a conveyance allowed under the definition of a pedestrian.

b. Policy.

(1) Officers shall take appropriate enforcement action for violations of local ordinances governing the operation of an EPAMD.

(2) Enforcement actions involving an EPAMD shall be coded as miscellaneous vehicle type 60 (Pedestrian) on the CHP 215 and CHP 555.

c. Procedure.

(1) Equipment. Section 21281 CVC specifies an EPAMD be equipped with:

(a) Front, rear, and side reflectors.

(b) A system that enables the operator to bring the device to a controlled stop.

(c) A sound emitting device that can be activated by the operator.

(d) If operated during hours of darkness, a lamp emitting a white light.

(2) Operation.

(a) Section 21281.5 CVC specifies an EPAMD shall not be operated at a speed greater than is reasonable and prudent having due regard for weather, visibility, pedestrians, and other conveyance traffic.

(b) To assure the safety of persons using sidewalks, bike paths, pathways, trails, bike lanes, streets, roads, and highways,

Section 21282 CVC allows local jurisdictions to regulate the time, place, and operation of an EPAMD.

9. LOW-SPEED VEHICLES.

a. Authority. Section 385.5 CVC defines a low-speed vehicle (LSV), also known as a neighborhood electric vehicle, as a motor vehicle which:

(1) Has four wheels.

(2) Can attain a speed of more than 20 mph within a mile and not more than 25 mph on a paved level surface.

(3) Has a gross vehicle weight rating of less than 3,000 pounds.

b. Policy.

(1) Officers observing obvious violations made by an LSV operator shall take appropriate action to educate the operator and enforce the law.

(2) Enforcement actions involving LSVs shall be coded as miscellaneous vehicle type 97 on the CHP 215 and CHP 555.

c. Procedure.

(1) Engine Types. A low-speed vehicle may be equipped with a combustion engine, electric motor, or other propulsion system.

(2) Certification. Pursuant to Section 21253 CVC, only vehicles which have been specifically certified by their manufacturer as complying with FMVSS Standard No. 500 (49 CFR, Part 571) may be registered or operated as an LSV.

(a) Golf carts and other vehicles which have not been specifically certified by their manufacturer as complying with FMVSS Standard No. 500 may not be registered or operated as LSVs.

(b) There is no provision in the CVC for existing vehicles to be retrofitted or converted to comply with the provisions of FMVSS Standard No. 500, except as may be accomplished and certified by the vehicle manufacturer.

(3) Rules of the Road. Pursuant to Section 21251 CVC, the driver of an LSV is required to obey the same rules of the road and driving regulations as the driver of any other motor vehicle, including possession of a valid driver license, current vehicle registration, and proof of financial responsibility. Officers shall take

appropriate enforcement action for an observed violation of Section 21251 CVC.

(4) Registration. Section 4023 CVC exempts an LSV operated pursuant to Section 21115 or 21115.1 CVC from registration requirements.

(5) Impeding Traffic. Officers shall take appropriate enforcement action for a violation of Section 22400(a) CVC, impeding traffic, if an LSV is observed traveling on a highway at such a slow speed as to impede or block the normal and reasonable movement of traffic.

(6) Speed Restrictions. Generally, LSV's are not intended for speeds in excess of 25 mph and may be considered unsafe at greater speeds.

(a) Officers observing an LSV traveling on a highway in excess of 25 mph shall take appropriate enforcement action for a violation of applicable equipment requirements and/or Section 22350 CVC, unsafe speed for conditions.

(b) An LSV exceeding a speed of 25 mph is no longer entitled to the relaxed equipment standards established for an LSV but is required to comply with all provisions of the CVC, which includes appropriate lighting, tire, brake, and other equipment requirements.

10. OFF-HIGHWAY MOTOR VEHICLES.

a. Authority.

(1) Section 38001(a) CVC applies to off-highway motor vehicles as defined in Sections 38006 CVC on lands, other than a highway, that are open and accessible to the public, including any land acquired, developed, operated, or maintained, in whole or in part, with money from the Off-Highway Vehicle Trust Fund, except on private lands where permission has been granted to operate a motor vehicle.

(2) Pursuant to Section 38001(a) CVC, the term highway does not include fire trails, logging roads, service roads regardless of surface composition, or other roughly graded trails and roads upon which vehicular travel by the public is permitted.

- b. Policy. CHP is **not** responsible for off-highway enforcement of Division 16.5 CVC except on highways designated as combined-use highways pursuant to General Order 40.5, Combined Use Highways. However, this does not preclude enforcement when violations are observed from a highway or incidental to the performance of regular assigned duties.

(2) Responding to a violation or crash involving an off-highway vehicle, requires a determination of whether the road meets the exception to highway in Section 38001(a) CVC. Roadway composition alone shall not be used to determine which roads qualify as a roughly graded road. To make a determination, the officer should use the following criteria:

- (a) Motorist and public safety.
- (b) Traffic volume.
- (c) Vehicle types using the roadway.
- (d) Property use of adjacent property owners.
- (e) Physical characteristics of the roadway.

- c. Procedure.

(1) Citizens' Complaints. A citizens' complaint against motor vehicles operating off highway should be referred to the appropriate police or sheriff's department for investigation.

(2) Enforcement. Appropriate enforcement action should be taken whenever any off-highway motor vehicle is operated, transported, or towed upon a highway in violation of any applicable provision of the CVC.

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ANNEX A

CALIFORNIA BIKEWAY CLASSIFICATIONS

State of California

STREETS AND HIGHWAYS CODE

DIVISION 1. STATE HIGHWAYS

Chapter 8. Nonmotorized Transportation

Article 3. California Bicycle Transportation Act

§ 890

890.4. As used in this article, “bikeway” means all facilities that provide primarily for, and promote, bicycle travel. For purposes of this article, bikeways shall be categorized as follows:

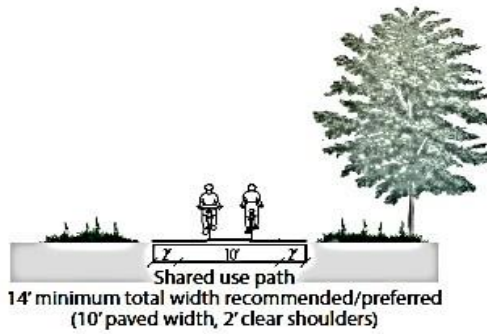
- (a) Bike paths or shared use paths, also referred to as “Class I bikeways,” which provide a completely separated right-of-way designated for the exclusive use of bicycles and pedestrians with crossflows by motorists minimized.
- (b) Bike lanes, also referred to as “Class II bikeways,” which provide a restricted right-of-way designated for the exclusive or semi exclusive use of bicycles with through travel by motor vehicles or pedestrians prohibited, but with vehicle parking and crossflows by pedestrians and motorists permitted.
- (c) Bike routes, also referred to as “Class III bikeways,” which provide a right-of-way on-street or off-street, designated by signs or permanent markings and shared with pedestrians and motorists.
- (d) Cycles tracks or separated bikeways, also referred to as “Class IV bikeways,” which promote active transportation and provide a right-of-way designated exclusively for bicycle travel adjacent to a roadway and which are separated from vehicular traffic. Types of separation include, but are not limited to, grade separation, flexible posts, inflexible physical barriers, or on-street parking.

(Amended by Stats. 2015, Ch. 451, Sec. 17. (SB 491) Effective January 1, 2016.)

CLASS I

Shared Use Path

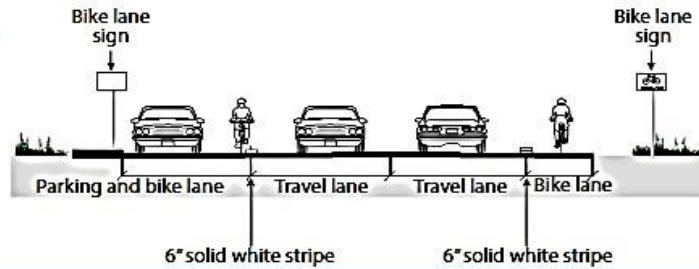
Provides a completely separate right of way for the exclusive use of bicycles and pedestrians with crossflow minimized.



CLASS II

Bike Lane

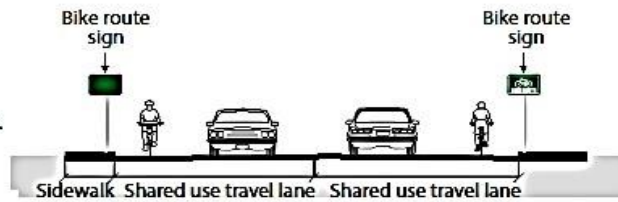
Provides a striped lane for one-way bike travel on a street or highway.



CLASS III

Bike Route

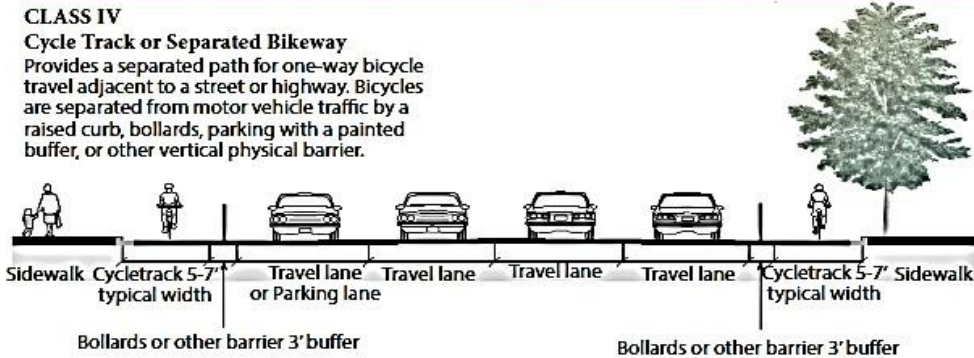
Signed Shared Roadway
Provides for shared use with pedestrian or motor vehicle traffic, typically on lower volume roadways.



CLASS IV

Cycle Track or Separated Bikeway

Provides a separated path for one-way bicycle travel adjacent to a street or highway. Bicycles are separated from motor vehicle traffic by a raised curb, bollards, parking with a painted buffer, or other vertical physical barrier.



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