

## Motorized Bicycles, Scooters and Motor-Driven Cycles — Laws and Rules

Motor-driven cycles, electric bicycles, electrically motorized boards and some motorized scooters are widely used by members of the campus community, and present a unique public safety challenge. There are a variety of small gas and electrically motorized vehicles and devices with different legal requirements under state law and University policy, and a number of safety concerns that we must be prepared to address. Included within is guidance on identifying and enforcing relevant California Vehicle Code violations and campus rules and regulations.

**Electric Bicycles** all have functioning pedals. They are divided into three classifications (1, 2 & 3). Class 1 & 2 may look very similar to a regular, human-powered bicycle. Class 3 may look similar to a bicycle however it is also required to have a speedometer. All riders on Class 3 electric bicycles must wear a bicycle helmet. The following are examples of electric bicycles:



*Electric bicycles as described in VC 312.5 are subject to the following restrictions (including bicycle restrictions commencing with VC 21200):*

Class 1 electric bicycles are subject to the following:

- Electric motor-assisted only when pedaling,
- Maximum motor-assisted speed of 20 MPH,
- Must wear bicycle helmet, if under age 18,
- Eligible for all classes of bikeways.

Class 2 electric bicycles are subject to the following:

- May be propelled solely by electric motor, or motor-assisted while pedaling,
- Maximum motor-assisted speed of 20 MPH,
- Must wear bicycle helmet, if under age 18,
- Eligible for all classes of bikeways.

Class 3 electric bicycles are subject to the following:

- Electric motor-assisted only when pedaling,
- Maximum motor-assisted speed of 28 MPH,
- Must be at least 16 years old
- Bicycle helmet **REQUIRED**,
- Eligible for Class 2, 3 and 4 bikeways only

**Electrically-motorized boards** are designed for one person only, and must be stood upon. They can have one or more wheels. They may also be propelled solely by human power. Below are examples of electrically-motorized boards:



*Electrically motorized boards as described in VC 313.5 are subject to the following restrictions:*

The operator of an electrically motorized board must:

- Be 16 years of age or older (cite VC 21291),
- Wear a bicycle helmet (cite VC 21292),
- Use forward lighting equipment and side and rear reflectors during darkness (cite VC 21293, et al),
- Only operate on highway with speed limit of less than 35 (cite VC 21294(a)), and cannot exceed 15 MPH (cite VC 21294(b)),
- Only operate at a speed prudent for conditions [similar to VC 22350] (cite VC 21294(c)),
- Not be under the influence of drugs or alcohol (cite VC 21296(a)).

In addition to the applicable California Vehicle Codes, the Berkeley Municipal Code (BMC) section 14.32.060: Regulating the Use of Skateboards may apply. For example, individuals who are riding a skateboard in the roadway in an unsafe manner (e.g. weaving in and out of lanes of traffic) may be cited for the BMC violation. According to current interpretation from local traffic court judges, an electric skateboard is still a skateboard, so the BMC may apply to both electrically-motorized and non-motorized skateboards. Electrically motorized boards are not considered “motorized skateboards” (those propelled by gasoline motor.)

For campus regulations, electrically-motorized boards are considered “wheeled devices” and are subject to the same restrictions as skateboards and roller-skates. See the UC Berkeley Traffic & Parking Code, Chapter 9 for details (cite VC 21113(a)).

**Motor-driven cycles** are simply motorcycles with small engines (less than 150cc), and which do not qualify as motorized bicycles. Most motor-driven cycles have gas-power engines, but an electric cycle with a top speed over 30 MPH and/or an engine that exceeds 750 watts (1 HP) would also be considered a motor-driven cycle. Motor-driven cycles should have a motorcycle license plate attached to the rear. The following are examples of motor-driven cycles:



*Motor-driven cycles as described in VC 405 are subject to the following restrictions:*

- Must have a valid driver's license with M1 endorsement
- Must be registered
- Must have minimum insurance
- Must display any issued license plate
- Must have current registration tabs and the operator must present registration paperwork

The operator and any passenger must wear an approved motorcycle helmet (typically displaying a 'DOT' emblem)

Motor-driven cycles are subject to those specific sections of the vehicle code that describe operation and equipment of motor-driven cycles, in addition to other applicable rules of the road. Motor-driven cycles are generally prohibited (by signage) from operation on freeways per VC 21960(a).

**Motorized bicycles or mopeds** have a variety of forms and might not be obvious at first glance. Some motorized bicycles are simply standard bicycles with motors attached. Other motorized bicycles or mopeds have an appearance that resembles motor-driven cycles, but due to their technical specifications they are not classified as such.

The following are examples of motorized bicycles and mopeds:



Motorized bicycles or mopeds as described in VC 406(a) are subject to the following restrictions:

- Be 16 years of age,
- Possess valid driver's license with M2 Endorsement,
- Have a license plate,
- Wear a bicycle helmet,
- Limited to Class 2 & 3 bikeways only.

Motorized bicycles are described in VC 406 as a type of "device" rather than a "motor vehicle" and are NOT subject to motor financial responsibility requirements (VC 16028(a)).

**Motorized scooters** are usually recognizable – some have seats, but the defining characteristic of a motorized scooter is having a handlebar & floorboard designed to allow operation while standing. Motorized scooters have two wheels and might have either a gas or electric motor. Several laws specifically pertain to motorized scooters and are described later in this bulletin for your reference. However, some things thought of as “scooters” do not meet the legal definition:

- “Segway scooters” are defined as “electric personal assistive mobility devices” (EPAMD) in VC 313, and persons using them are considered pedestrians per VC 467. Laws pertaining to the proper equipment and operation of EPAMDs are found in VC 21281 and VC 21281.5.
- “Mobility scooters,” described as motorized tricycles and motorized quadricycles in VC 407, are also considered pedestrians per VC 467. Mobility scooters (such as the Lark, Pride, and Shoprider brands) may only be operated by senior citizens (62 years of age or older per VC 13000) or persons with limited mobility due to physical disability.

The following are examples of motorized scooters:



Motorized scooters as described in VC 407.5(a) or (b) are subject to the following restrictions:

- Must have a valid driver’s license of any class (cite VC 21235(d)),
- Must wear a bicycle helmet (cite VC 21235(c)),
- Must not carry any passenger (cite VC 21235(e))

Motorized scooters are exempt from motor vehicle registration and financial responsibility requirements, and for those purposes are not considered a motor vehicle (per VC 21224(a)).

The operator of a motorized scooter is subject to all other applicable rules of the road (cite the appropriate section, but the requirement is described in VC 21221). Additionally, there are several vehicle codes that specifically apply to motorized scooter operation and equipment:

- Motorized scooters may not be operated on a roadway with a posted speed limit of greater than 25 mph unless within a bicycle lane (VC 21235(b)).
- On any roadway, a motorized scooter must be operated in a bicycle lane if one is present, except when safely passing, turning or avoiding a hazard (VC 21229(a)).
- On roadways with a posted speed limit of 25 mph or less where no bicycle lane is present, the operator of a motorized scooter shall ride as close to the right curb as possible, except to pass or turn left (VC 21228(a)).
- Motorized scooters may not be operated on the sidewalk except to enter/exit property (VC 21235(g)).
- Motorized scooters operated on any highway during darkness must have a forward-facing white lamp visible to 300 feet (VC 21223(a)(1)), a red reflector to the rear visible to 500 feet (VC 21223(a)(2)) and a white or yellow reflector on each side visible from a distance of 200 feet (VC 21223(a)(3)). The forward-facing white lamp and the red reflector (or material) may be attached to the operator per VC 21223(b) & (c).
- The maximum lawful speed for a motorized scooter is 15 MPH (VC 22411).

## **CAMPUS RULES & REGULATIONS**

Operation of electric bicycles, electrically-motorized boards, motor-driven cycles and motorized scooters on University property is subject to regulation by the vehicle code as well as by the UC Berkeley Traffic and Parking Code (UCTC) as authorized by VC 21113(a). For the purpose of enforcing the UCTC, a motor-driven cycle should be considered a motorcycle, electric and motorized bicycles should be considered to be bicycles, and motorized scooters should be considered a type of wheeled device. Motorized bicycles and motorized scooters are “vehicles” but not “motor vehicles” under the UCTC.

Motorcycles and motor-driven cycles may only park in campus lots in designated motorcycle spaces, and require a motorcycle permit during those times that permits are required, Monday through Friday from 0730 to 1700 hours. After 1700 hours, and on weekends, motorcycles and motor-driven cycles may park in car spaces that are not otherwise prohibited but must possess a valid parking permit or pay the daily parking fee. There is no campus regulation that restricts any electric bicycles or motorized scooters from parking at bicycle racks. Additionally, mopeds with moped plates can park in designated campus motorcycle spaces with the purchase and display of a valid motorcycle parking permit.

According to the UC Berkeley “Rules of Conduct in Campus Buildings:”

- Riding mopeds, bicycles, skateboards, roller blades, or skates is prohibited in buildings or on walkways where hazards could be created by their use. In accordance with the fire marshal policy, vehicles may not be stored in any public spaces, hallways, corridors, or stairwells, or attached to railings. Bicycles may be stored in non-public space sanctioned, or authorized, in buildings by departments or building coordinators/managers.

Students in violation of any campus rule may be referred to the Center for Student Conduct and Community Standards (SCCS) under section 102.25 of the Code of Student Conduct (CSC). For campus rules violations involving faculty or staff, you may consider contacting the employee’s supervisor, or documenting a report and forwarding it to the appropriate conduct office as necessary. Non-affiliates may be detained per the California Code of Regulations (CCR’s). Refusal to comply with a campus rule may still be sufficient basis to exclude a non-affiliate from campus per PC 626.6 with supervisor approval.