



Enforcement and Handling of Electric Bicycles, Motorcycles and Motorized Scooters

As electric vehicles become more prevalent in the communities we serve, deputies and CSOs are encountering them more frequently. This memo is intended to provide information about how to enforce, transport, record, and document these modes of transportation in most scenarios faced in the field. There may be other scenarios not addressed in this memo which require alternative steps.

The California Vehicle Code defines the different classifications of modes of transportation. It is important to identify and understand which mode of transportation you are dealing with to enforce the appropriate law. This bulletin only refers to the California Vehicle Code. Each municipality may have additional laws and regulations that may be applicable.

IDENTIFICATION OF MODE OF TRANSPORTATION:

E-bicycles - CVC 312.5 E-bicycles are broken down into three classifications and must have an electric motor of less than 750 watts. Class 1 and Class 2 are similar to regular bicycles and have the same general regulations. They can be identified as pedal assisted with an electric motor that reaches a maximum of 20 mph. Class 1 and Class 2 riders under the age of 18 must wear a helmet. Class 3 E-bicycles have added regulations on age (must be 16 years or older) and where they may be ridden. Additionally, all ages must wear a helmet when riding a Class 3 E-bicycle. Class 3 E-bicycles can be identified as pedal powered and assisted with an electric motor that ceases to provide power at 28 mph. E-bicycles are required to have a sticker identifying their classification when sold, but often they are removed. If it does not have functional pedals, it is NOT an E-bicycle. All three classes of E-bicycles are PROPERTY and therefore CANNOT be towed or impounded

Motorized Scooters – CVC 407.5(a) Motorized Scooters are two-wheeled devices with a floorboard or seat and are powered by an electric motor. Motorized Scooters have regulations on age, speed, and where they may be ridden. Additionally, riders may not carry passengers and must have a Driver License or Instructional Permit. Motorized Scooters are PROPERTY and therefore CANNOT be towed or impounded.

Motorcycles/Motor Driven Cycles – CVC 400/405 A motorcycle is a motor vehicle having a seat or saddle for the use of the rider and is designed to travel with not more than three wheels in contact with the ground. A motor driven cycle is a classification of motorcycle that displaces less than 150 cc. Many E-motorcycles perform and have features similar to off-road motorcycles (dirt bikes). Motorcycles and Motor Driven Cycles are not manufactured with pedals; however, some E-motorcycles have aftermarket kits used to disguise them as E-bicycles. Motorcycles and Motor Drive Cycles require a Driver License and motorcycle endorsement along





with registration and insurance requirements just like other motor vehicles. E-Motorcycles and Motor Drive Cycles are VEHICLES and therefore MAY be towed or impounded.

Moped/Motorized Bicycle – CVC 406(a) A two- or three-wheel devices that may or may not have fully operative pedals with a maximum speed not more than 30 mph. Motorized Bicycles require a Driver License and motorcycle endorsement. mopeds and Motorized Bicycles are VEHICLES and therefore MAY be towed or impounded.

HOW TO DETERMINE CLASS OF E-BICYCLES:

E-bicycles are required to have a sticker indicating their classification at the time of sale. These stickers are often removed. Other ways to help determine the classification of the E-bicycle include looking up the E-bicycle specifications in the user manual (most are available online). If Radar/Lidar trained deputies see the E-bicycle in motion prior to stopping it, they may be able to determine speed by using visual estimation and Lidar/Radar verification. If there is a digital speedometer, some have the ability to recall past speeds. Lastly and least reliable, you can also ask the rider if they know the classification. Note: Modifying/Tampering with an e-bicycle to increase the speed is a violation of CVC 24016(d).

WHAT TO DO WITH E-BICYCLES AND MOTORIZED SCOOTERS:

Stolen / Lost / Recovered: If there is a serial number, the E-bicycle or Motorized Scooter is documented/reported to teletype to get an appropriate FCN. Teletype will enter the E-bicycle/Motorized Scooter into the Stolen Vehicle System (SVS), HOWEVER, NO CHP-180 needs to be completed. If the serial number is not known, the E-bicycle or Motorized Scooter is not entered into SVS and is documented in FBR only, as appropriate for the type of report being taken. E-motorcycles, Mopeds, and Motorized Bicycles are vehicles and should be treated as any other stolen vehicle.

Collisions: If an E-bicycle is involved in a collision and damaged to a point where it cannot be ridden away, or the rider is taken to the hospital, DO NOT TOW THE E-BICYCLES. Every effort should be made to release the E-bicycle to a responsible party at the scene. If no responsible party can take possession, the E-bicycle should be transported to the area station and booked into property/evidence in the same manner as any other property. If it was damaged in a collision or if there is doubt as to whether it is an E-bicycle or Motor Driven Cycle, the best decision could be to store it for safe keeping. Options for transporting E-bicycle should be discussed in advance with your Patrol Sergeant and your station or area CSO.

If the E-bicycle is equipped with a lithium battery, which has been compromised, and there is a concern of fire or chemicals leaking from the battery, the Deputy/CSO will notify their Patrol Sergeant. The Patrol Sergeant will contact the Property and Evidence Sergeant (or Department Commander after hours) to be notified and determine whether the E-bicycle needs to be moved to a secure location. The E-bicycle will remain at the station, in a well-ventilated area, until collected by Property and Evidence.





DOCUMENTATION: For FBR/Teletype purposes only, E-bicycles should be entered under the "Vehicle" tab and not the "Property/Evidence" tab. E-bicycles shall be documented with Teletype as a vehicle. THIS IS ONLY FOR DOCUMENTATION PURPOSES FOR FBR/TELETYPE.

OVERALL: While VEHICLES may legally be towed for violations such as driving while suspended, E-bicycles are not eligible. E-bicycles are more similarly related to a cell phone or credit card and treated like property. CHP-180's are NOT necessary when dealing with E-bicycles.

Any further questions may be directed to the Traffic Office at [REDACTED] or the Field Training Bureau.





Orange County Sheriff's Department E-Bicycle/Motorcycle Enforcement Guide



Class 1 / Class 2



Class 3



Moped/Motorized Bicycle



Motorized Scooter

Equipped with an electric motor and pedal assisted (Class 1) and/or throttle assisted (Class 2), reaches the **speed of 20 miles per hour.**

CVC 312.5(a)(1)/(2)

MOVING:

- CVC 21200.5 DUI Alcohol/Drugs on Bicycle (M)
- CVC 21202(a) Right half of Roadway
- CVC 21203 Hitching rides on vehicles
- CVC 21204(b) Passenger must be seat on permanent seat/Passenger under 4 yrs/40 lbs must be seated away from moving parts
- CVC 21205 Carrying articles, not holding handlebars
- CVC 21211(b) Impede/Block others on bicycle trail/path
- CVC 21212(a) Under 18 must wear helmet
- CVC 21456.2(a) Failure to obey traffic control signs
- CVC 21650.1 Travel same direction of vehicles (on roadway)
- CVC 22110(a)/(b)/(c) Failure to use hand and arm signals

EQUIPMENT:

- CVC 21201(a) Wheel brake required
- CVC 21201(b) Handlebar height no higher than shoulders
- CVC 21201(c) Operator able to reach ground
- CVC 21201(d)(1-4) Lights/reflectors during darkness
- CVC 21204(a) Must have permanent seat attached
- CVC 24016(d) Modify/Tamper to increase speed

*Property-CANNOT BE TOWED/IMPOUNDED

Equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the **speed of 28 miles per hour** and equipped with a speedometer.

CVC 312.5(a)(3)

MOVING:

- CVC 21200.5 DUI Alcohol/Drugs on Bicycle (M)
- CVC 21201(c) Operator able to reach ground
- CVC 21202(a) Right half of Roadway
- CVC 21203 Hitching rides on vehicles
- CVC 21204(b) Passenger must be seat on permanent seat/Passenger under 4 yrs/40 lbs must be seated away from moving parts
- CVC 21205 Carrying articles, not holding handlebars
- CVC 21207.5 Riding on bicycle trail/path/lane, hiking/equestrian/recreation trail
- CVC 21211(b) Impede/Block others on bicycle trail/path
- CVC 21213(a) Under 16 yrs. old operating
- CVC 21213(b) No helmet (Any Age)
- CVC 21456.2(a) Failure to obey traffic control signs
- CVC 21650.1 Travel same direction of vehicles (on roadway)
- CVC 22110(a)/(b)/(c) Failure to use hand and arm signals

EQUIPMENT:

- CVC 21201(a) Wheel brake required
- CVC 21201(b) Handlebar height no higher than shoulders
- CVC 21201(d)(1-4) Lights/reflectors during darkness
- CVC 21204(a) Must have permanent seat attached
- CVC 24016(d) Modify/Tamper to increase speed

*Property-CANNOT BE TOWED/IMPOUNDED

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 4 gross brake horsepower and can propel the device at a **maximum speed of not more than 30 miles per hour.**

CVC 406(a)

MOVING:

- CVC 23152(a)-(g) DUI Alcohol/Drugs (M)
- CVC 14601.1(a) Suspended Driver (M)
- CVC 12500(a) Unlicensed Driver (M)
- CVC 12500(b) M1 or M2 Endorsement Required (M)
- CVC 23127 Unauthorized. Vehicle on trail/path (M)
- CVC 27803(b) Driver DOT Helmet required
- CVC 27803(c) Passenger DOT Helmet required

EQUIPMENT:

- CVC 5030 Special License Plate required
- CVC 5037(a) License Plate attached
- CVC 5200(b) Rear Plate required
- CVC 24600(a) Tail Lamp required
- CVC 24603(a) Brake Light required
- CVC 24607(a) Rear Red Reflector required
- CVC 25650.5 Lighted Headlamp as engine runs
- CVC 26311(a) Brakes required both wheels
- CVC 26709(a) One rearview mirror required
- CVC 27000(a) Horn required
- CVC 27465(b)(1) Bald Tires
- CVC 4000(a)(1) Registration required
- CVC 16028(a) Proof of Insurance

*VEHICLE -May be TOWED OR IMPOUNDED

Two-wheeled device that has handlebars, has either a floorboard that is designed to be stood upon when riding or a seat and footrests in place of the floorboard, and is powered by an electric motor. This device may also be designed to be powered by human propulsion.

CVC 407.5(a)

MOVING:

- CVC 21221.5 DUI Alcohol/Drugs (M)
- CVC 21228 Must ride on right side of roadway
- CVC 21229(a) Must ride in bicycle lane
- CVC 21229(b) Unsafe movement out of bicycle lane
- CVC 21235(b) Shall NOT ride on HWY posted higher than 25 MPH unless in Bicycle Lane
- CVC 21235(c) Helmet required (Under 18)
- CVC 21235(d) Must have valid DL or Instruction permit
- CVC 21235(e) No passengers
- CVC 21235(f) Carrying load preventing at least one hand on handlebar
- CVC 21235(g) Riding on sidewalk prohibited
- CVC 21235(h) Handlebars above shoulders on HWY
- CVC 21235(i) Leave on side blocking sidewalk/pathway
- CVC 21235(j) Ride while attached to a vehicle
- CVC 22411 Shall not exceed 15 MPH (Max Speed)

EQUIPMENT:

- CVC 21235(a) Must have mechanical brake
- CVC 21223(a)(1) Front light during darkness visible 300'
- CVC 21223(a)(2) Rear red reflector visible 500'
- CVC 21223(a)(3) Side reflector white or yellow visible 200'
- CVC 21226(b) Adequate muffler / Excessive noise
- CVC 21226(d) Modified exhaust system

*Property-CANNOT BE TOWED/IMPOUNDED

All Misdemeanors (Including CVC 12500(a)/(b)) and CVC 21212(a) cites for Juveniles shall be assigned to Juvenile Justice Center for court

This is a guide only. Always refer to CVC, Department Policy, and the OCSD Patrol Operations Manual (POM) for further clarification

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Orange County Sheriff's Department E-Bicycle/Motorcycle Enforcement Guide



Motorcycle

Motor Driven Cycles

Pocket Bikes

<p>Motor vehicle having a seat or saddle for the use of the rider, designed to travel on not more than three wheels in contact with the ground.</p> <p>A motor vehicle that has four wheels in contact with the ground, two of which are a functional part of a sidecar, is a motorcycle if the vehicle otherwise comes within the definition of subdivision (a).</p> <p style="text-align: right;">CVC 400(a)/(b)</p> <p>MOVING: CVC 23152(a)-(g) DUI Alcohol/Drugs (M) CVC 23127 Unauthorized Vehicle on trail/path (M) CVC 12500(a) Unlicensed Driver (M) CVC 12500(b) M1 or M2 Endorsement Required (M1 not required for 3 wheel) CVC 14601.1(a) Suspended Driver (M) CVC 27803(b) Driver DOT Helmet required (Unless fully enclosed) CVC 27803(c) Passenger DOT Helmet required (Unless fully enclosed)</p> <p>EQUIPMENT: CVC 5200(b) Rear Plate required CVC 5201(a) License Plate clearly visible/Secure/Horizontal/ 12" from ground/Rear mounted CVC 24012 Turn signal 9" apart a rear/16" apart at front CVC 24953(a) Turn signal forward/rear facing CVC 24600(a) Tail Lamp required CVC 24600(f) Tail Lamp min 15" from ground CVC 24601 License plate light required, must be white CVC 24603(a) Brake Light required CVC 24603(c) Brake Light min 15" from ground CVC 24607(a) Rear Red Reflector required CVC 25650.5 Lighted Headlamp as engine runs CVC 26311(a) Brakes required both wheels CVC 26709(a) One rearview mirror required CVC 27000(a) Horn required CVC 27150(a) Muffler required CVC 27155 Fuel Tank Cap required CVC 27465(b)(1) Bald Tires CVC 4000(a)(1) Registration required CVC 16028(a) Proof of Insurance</p> <p>*VEHICLE -May be TOWED OR IMPOUNDED</p>	<p>Any motorcycle with a motor that displaces less than 150 cubic centimeters.</p> <p style="text-align: right;">CVC 405</p> <p>MOVING: CVC 23152(a)-(g) DUI Alcohol/Drugs (M) CVC 23127 Unauthorized. Vehicle on trail/path (M) CVC 12500(a) Unlicensed Driver (M) CVC 12500(b) M1 Endorsement Required (M) CVC 14601.1(a) Suspended Driver (M) CVC 27803(b) Driver DOT Helmet required CVC 27803(c) Passenger DOT Helmet required</p> <p>EQUIPMENT: CVC 24600(a) Tail Lamp required CVC 24600(f) Tail Lamp min 15" from ground CVC 24601 License plate light required, must be white CVC 24603(a) Brake Light required CVC 24603(c) Brake Light min 15" from ground CVC 24607(a) Rear Red Reflector required CVC 25650.5 Lighted Headlamp as engine runs CVC 26311(a) Brakes required both wheels CVC 26709(a) One rearview mirror required CVC 27000(a) Horn required CVC 27150(a) Muffler required CVC 27155 Fuel Tank Cap required CVC 27465(b)(1) Bald Tires CVC 4000(a)(1) Registration required CVC 16028(a) Proof of Insurance</p> <p>*VEHICLE -May be TOWED OR IMPOUNDED</p>	<p>Two-wheeled motorized device that has a seat or saddle for the use of the rider, and that is not designed or manufactured for highway use. "Pocket bike" does not include an off-highway motorcycle, as defined in Section 436.</p> <p style="text-align: right;">CVC 473(a)</p> <p>MOVING: CVC 21720 May NOT operate on sidewalk, roadway, bicycle/equestrian/hiking/recreational path/trails or public lands</p> <p>IMPOUND: CVC 21721(a) Pocket Bike (Held for Min. 48 hrs)</p> <p>*VEHICLE -May be TOWED OR IMPOUNDED</p>
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	Pedal Operated	Max Speed (MPH)	Minimum Age (YRS)	Driver License Required	Registration/ License Plate Required	Helmet Required	Allowed on Bike Paths/Trails	Allowed on Sidewalk	Allowed on the Roadway
Bicycle	YES	N/A	N/A	NO	NO	UNDER 18 VC 21212(a)	YES	YES	YES
Class 1 E-Bike	YES	20	N/A	NO	NO	UNDER 18 VC 21212(a)	YES	YES	YES
Class 2 E-Bike	YES	20	N/A	NO	NO	UNDER 18 VC 21212(a)	YES	YES	YES
Class 3 E-Bike	YES	28	16 VC 21213(a)	NO	NO	YES VC 21213(b)	NO ¹ VC 21207.5	YES	YES
Motorized Scooter	NO	15	15 ½	YES VC 21235(d)	NO	UNDER 18 VC 21235(c)	YES	NO VC 21235(g)	=/>25 MPH ST UNLESS IN BIKE LN VC 21235(b)
Moped/Motorized Bike	YES/NO	N/A	15 ½	YES VC 12500(b)	YES VC 4000(a)(1)	YES VC 27803(b)	NO ¹ VC 23127	NO VC 21663	YES
Motorcycle	NO	N/A	15 ½	YES VC 12500(b)	YES VC 4000(a)(1)	YES VC 27803(b)	NO VC 23127	NO VC 21663	YES
Motor Driven Cycles	NO	N/A	15 ½	YES VC 12500(b)	YES VC 4000(a)(1)	YES VC 27803(b)	NO VC 23127	NO VC 21663	YES
Pocket Bikes	NO	N/A	N/A	N/A	N/A	N/A	NO VC 21720	NO VC 21720	NO VC 21720
Off Highway Motorcycle	NO	N/A	N/A	N/A	YES VC 38170(b)	YES VC 27803(b)	NO VC 23127	NO VC 21663	NO VC 38025
Low Speed Vehicle VC 385.5	NO	25	15 ½	YES VC 12500(a)	YES VC 4000(a)(1)	NO	NO VC 23127	NO VC 21663	=/>35 MPH ST VC 21260
Golf Cart VC 345	NO	15	N/A	NO	NO	NO	ONLY IF DESIGNATED	NO VC 21663	=/> 25 MPH ST VC 21716

¹ Unless local ordinance is adopted authorizing use on trails/paths

TOW AUTHORITIES FOR DL OR REGISTRATION REQUIRED

CVC 22651(o)(1) Unregistered/Expired Registration

CVC 22651(p) No Licensed Driver Present (Not legally parked)

CVC 14602.6(a) Suspended Driver or Never been issued a DL (30 Day Impound)

CVC 23109.2(a)(1) Reckless Driving (30 Day Impound)

CVC 21721(a) Pocket Bike (Held for Min. 48 hrs)

OTHER MOTOR VEHICLE VIOLATIONS:

CVC 23103 Reckless Driving - (a) on HWY, (b) Off Street Parking Facility (M)

CVC 23109(c) Exhibition of Speed (M)

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