



Traffic Information Bulletin

Los Angeles Police Department

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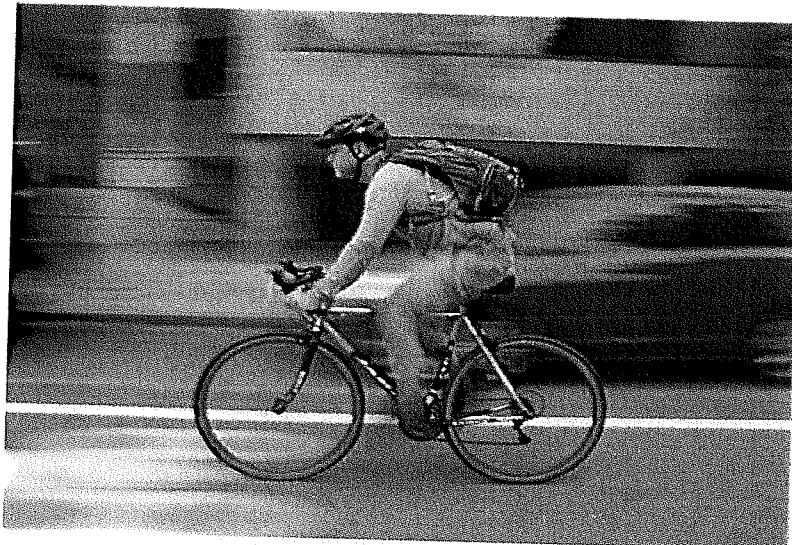
January 6, 2015

Non-Conventional Conveyance Enforcement

This bulletin discusses the proper enforcement and follow-up action(s) to be taken in regards to bicycles, motor-driven cycles, scooters, skateboards, pocket bikes, and other non-conventional conveyances. Various California Vehicle Code (CVC) and Los Angeles Municipal Code (LAMC) and Department procedures pertaining to these modes of transportation when operated on a highway which includes the sidewalk, are identified. The CVC sections discussed in this Bulletin should not be enforced when the conveyances are operated on private property.

Bicycles

Bicyclists have all of the rights and are subject to all of the provisions as the driver of a vehicle, as specified under Section 21200 CVC. It is important that officers know and understand the differences regarding bicycles and their operation on the roadway, sidewalk and within a bicycle lane. The operator of a bicycle who is involved in a collision resulting in an injury to another person is required under Section 20001(a) CVC to remain at the collision scene, identify one's self and render aid. Also, the operator of a bicycle who is involved in a collision where there is only property damage shall remain at the collision scene and identify one's self as required by Section 20002(a) CVC.



The operator of a bicycle is subject to the following CVC and LAMC Sections:

Rules of the road

- 21650.1 CVC While on the roadway, a bicycle must be operated in the same direction as a vehicle.
- 21202(a) CVC Bicyclists must ride as close to the right of the roadway as practicable except to turn left or avoid hazards.
- 21203 CVC Bicyclists may not hitch a ride on other vehicles.
- 21204(a) CVC & 21204 (b) CVC Both a bicyclist and a passenger may only ride on a permanently attached seat.
- 21205 CVC If a bicyclist is carrying anything while riding, at least one hand must remain free.
- 21208(a) CVC If a bicycle is operating at a speed slower than traffic and there is a bicycle lane available, the bicyclist must ride in the bicycle lane.
- 21208 (b) CVC A bicyclist must signal and safely exit the bicycle lane.
- 21210 CVC A bicycle may be parked on the sidewalk but it must not obstruct pedestrian traffic.
- 56.15.1 LAMC When riding on the sidewalk a bicyclist must ride with due regard for pedestrians.
- 56.15.2 LAMC Bicycles are not allowed to be ridden on Ocean Front Walk.

Equipment

- 21201(a) CVC Bicycles are required to be equipped with a brake able to make one wheel skid on dry level clean pavement.
- 21201(b) CVC The handlebars of a bicycle may not be higher than the shoulders of the rider.
- 21201(c) CVC The pedals must not be so high that the rider cannot support the bicycle with one foot on the ground.

During the hours of **darkness**, a bicycle is required to have the following:

- 21201(d)(1) CVC Headlamp visible from 300 feet from the front.
- 21201(d)(2) CVC Red reflector visible from 500 feet from the rear.
- 21201(d)(3) CVC White or yellow reflector on front/rear of each pedal visible for 200 feet.
- 21201(d)(4) CVC White or yellow reflector on each side forward of center of bicycle and white or red reflector on each side to the rear of the center of the bicycle.
- 21212(a) CVC A bicyclist under 18 years of age must wear a helmet.

Laws for Vehicles

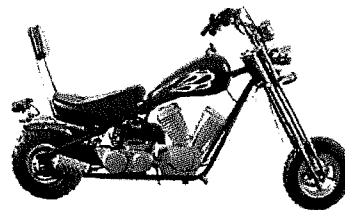
- 21209(a) CVC Vehicles are not allowed to drive in the bicycle lane
- 21760 CVC Three Feet for Safety Act – Overtaking and Passing bicycles
(Effective September 16, 2014)

- 21760(b) CVC A driver of a motor vehicle overtaking and passing a bicycle that is proceeding in the same direction on a highway shall pass in compliance with the requirements of this article applicable to overtaking and passing a vehicle, and shall do so at a safe distance that does not interfere with the safe operation of the overtaken bicycle, having due regard for the size and speed of the motor vehicle and the bicycle, traffic conditions, weather, visibility, and the surface and width of the roadway.
- 21760(c) CVC A driver of motor vehicle shall 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.
- 21760(d) CVC If the driver of a motor vehicle is unable to comply with subdivision (c), due to traffic or roadway conditions, the driver shall slow to a speed that is reasonable and prudent, and may pass only when doing so would not endanger the safety of the operator of the bicycle, taking into account the size and speed of the motor vehicle and bicycle, traffic conditions, weather, visibility, and surface and width of the highway.

Motorcycles

Section 400(a) CVC states that a motorcycle is any 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, and weighing less than 1,500 pounds. This Section includes "motor-driven cycles" that have an engine displacement more than 150 cubic centimeters (cc).

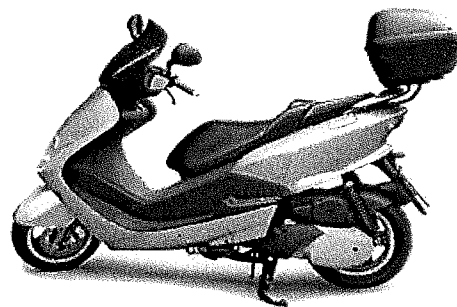
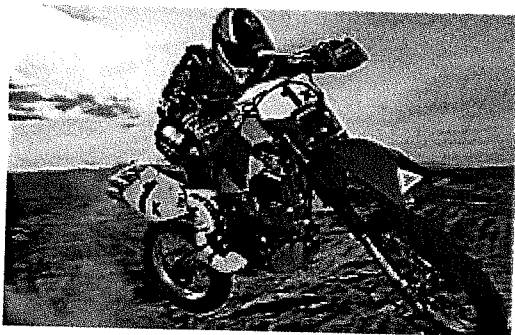
- *Operator must be licensed*
- *Vehicle must be registered and insured*
- *Street legal*



NOTE: A 5-horse power (HP) gas powered engine displaces more than 150 cc.

Motor-Driven Cycles

Section 405 CVC states that a motor-driven cycle is any motorcycle with a motor that displaces less than 150 cubic centimeters. A motor-driven cycle does not include a motorized bicycle as defined in Section 406 CVC, which is explained below. A motor-driven cycle qualifies as a "vehicle" as defined in Section 670 CVC and is subject to licensing, registration, safety equipment, and insurance requirements when operated on a public street or highway. However, in many instances, certain motor-driven cycles do not qualify for registration pursuant to the California Department of Motor Vehicles (DMV) requirements and therefore cannot be registered, such as a motorcycle dirt bike which is meant for off road use only.



When an officer observes the operation of a motor-driven cycle on a public street or highway and enforcement action is taken, the following procedures apply:

Licensing

When a motor-driven cycle is driven on a public street or highway, the operator must have a valid driver license of any class or a California Identification Card with a motorcycle endorsement or a motor-driven cycle operator endorsement (M2). If the cycle operator does not have a valid driver license or a California Identification Card with a motorized bicycle operator endorsement, the operator may be cited for Section 12500(b) CVC. The decision to impound shall adhere to the Department's impound policy.

Registration

A motor-driven cycle must have proof of registration when operated on a public street or highway. If the vehicle is not currently registered, it is in violation of Section 4000(a)(1) CVC and is subject to impound under the authority of Section 22651(o)(1) CVC. A hold for Area detectives should be noted on the Vehicle Report, California Highway Patrol Form 180. The decision to impound shall adhere to the Department's impound policy.

Insurance

A motor-driven cycle qualifies as a vehicle and the operator must have proof of insurance available when operating the vehicle on a public street or highway. The officer shall note the insurance company name and policy number or write "NONE" in the financial responsibility box on the traffic citation.

Safety Equipment

The operator of a motor-driven cycle must comply with all safety equipment requirements listed in the CVC including the wearing of a helmet. If a violator operates a motor-driven cycle on a public street or highway and the operator and/or passenger are not wearing a motorcycle helmet approved by the United States Department of Transportation (DOT), it is a violation of Section 27803(b) or 27803(c) CVC.

Area Auto Detective Responsibilities

If the motor-driven cycle is capable of being registered pursuant to DMV criteria, current vehicle impound release procedures should be followed. When an impound involves a motor-driven cycle that cannot be registered with the DMV, the following vehicle release procedures apply:

- The violator (or his/her agent) must possess a valid driver license or motor-driven cycle endorsement;
- The violator must present documentation from the DMV advising that the vehicle cannot be registered;
- The auto detective shall advise the violator that they must pay all appropriate Official Police Garage (OPG) towing and storage fees; and,
- The violator and/or vehicle owner shall be advised that if the vehicle does not qualify for operation on a public street or highway and if it is operated on any public street or highway in the future, the vehicle will be subject to enforcement and impoundment.

Pocket Bikes

Officers commonly use the term "mini bike" to describe what is actually classified as a "pocket bike." The term "mini bike" does not exist in the CVC and should not be used to describe any type of conveyance. Section 473(a) CVC defines a pocket bike as "a 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 CVC. A pocket bike is not a motor-driven cycle and cannot be registered. It is considered to be an unsafe vehicle and unfit for the road as outlined in Section 4751(d) CVC.



Per Section 21720 CVC, it is an infraction to operate a pocket bike "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."

Section 21721(a) CVC authorizes an officer to impound a pocket bike for a minimum of 48 hours when the operator has been issued a Traffic Notice-To-Appear (citation) for Section 21720 CVC. Impoundment under this Section is discretionary.

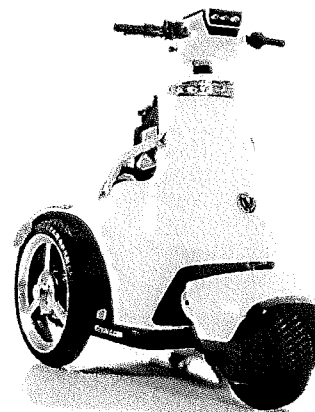
NOTE: Section 21721(d) CVC mandates that an agency release a seized pocket bike to the owner, violator, or the violator's agent after 48 hours. The violator or owner must pay all impound fees prior to gaining a release of the pocket bike from the concerned OPG.

Since pocket bikes cannot be operated on any roadway and are not designed for such use, pocket bikes and the operators are not subject to DMV registration, licensing, helmet or financial responsibility requirement. However, if a pocket bike is being operated on a roadway then the rider can be cited for being on a pocket bike as well as driver's license requirements for a motorcycle and for not wearing a helmet if applicable.

Motorized Bicycles 406(a)CVC and 406(b)CVC

Section 406(a) CVC

Motorized bicycles as defined in Section 406(a) CVC are conveyances which have a larger motor that is capable of going faster than a traditional human powered bicycle, and utilizes an automatic transmission.



Section 406(a) CVC states a motorized bicycle or "moped" is any two-wheeled or three-wheeled device having full operative pedals for propulsion by human power, or having **no pedals** if powered solely by electrical energy, and an automatic transmission and a motor which produces less than 2 gross brake horsepower and is capable of propelling the device at a maximum speed of not more than 30 miles per hour on level ground. A motorized bicycle must comply with all provisions in Section 24015 CVC, including headlamp, tail lamp, stop lamp, side and rear reflex reflectors and adequate brakes.