

January 22, 2025 Template

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF [THE COUNTY OF MARIN] AUTHORIZING THE MARIN  
ELECTRIC BICYCLE SAFETY PILOT PROGRAM**

The [Board of Supervisors of the County of Marin] ordains as follows.

**SECTION 1. FINDINGS**

The [Board of Supervisors] makes the following findings.

1. The popularity and growth of electric bicycle use has grown in Marin, and with it concern about the safety of riders and all road users.
2. Data collected from October 2023 to January 2025 of 911 responses by Marin County Emergency Medical Services to e-bike accidents countywide shows that youth aged 10-15 were **5 times more likely** to suffer a serious e-bike injury than any adult age group.
3. California Vehicle Code section 312.5(a) classifies electric bicycles into three classes, all electric bicycles are equipped with fully operable pedals and an electric motor that produces less than 750 watts of power. Class 1 consists of low-speed pedal-assisted electric bicycles equipped with a motor *incapable* of exclusively propelling the bicycle (and providing assistance at speeds no greater than 20 miles per hour). Class 2 consists of throttle-assisted electric bicycles equipped with a motor that may be used exclusively to propel the bicycle (and providing assistance at speeds no greater than 20 miles per hour). Class 3 consists of pedal-assisted electric bicycles equipped with a motor that provides assistance only when the rider is pedaling, that ceases to provide assistance when the bicycle reaches a speed of 28 miles per hour, and is equipped with a speedometer.
4. On September 30, 2024, the California Legislature passed Assembly Bill 1778, which authorizes Marin County and local entities within Marin County to enact ordinances or resolutions providing for a pilot program, to be called the Marin Electric Bicycle Safety Pilot Program, which may prohibit any person under 16 years of age from operating a Class 2 electric bicycle and may require any person operating a Class 2 electric bicycle to wear a bicycle helmet.
5. Assembly Bill 1778 includes a requirement that participating jurisdictions submit a report to the Legislature that includes, among other things, the total number of traffic stops initiated for violations, the results of the traffic stops, and the actions taken by peace officers during the traffic stops, and data relating to electric bicycle crashes, including the ages of those involved in each reported crash.
6. Assembly Bill 1778 further requires the County [and local authority] to administer a public information campaign for at least 30 calendar days prior to the enactment of the ordinance or resolution.
7. The Board seeks to authorize and establish a pilot program as provided for by Assembly Bill 1778.

**SECTION 2. ADDING CHAPTER 15.xx TO THE [MARIN COUNTY] CODE**

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The [Board/Council] hereby authorizes the Marin Electric Bicycle Safety Pilot Program within the [County of Marin's] jurisdiction in accordance with the requirements of the Vehicle Code § 21214.5, *et seq.* and, in furtherance of this authorization, Chapter 15.xx is hereby added to the [Marin County] Code.

## **Chapter x.xx – Marin Electric Bicycle Safety Pilot Program**

### **15.xx.xxx – Purpose and Scope**

The provisions of this Chapter are intended to enact the program authorized by Vehicle Code § 21214.5, *et seq.*, [in the unincorporated areas of Marin County on all public roadways, highways, and other areas where Class 2 Electric Bicycles are allowed under federal, state, and local law].

### **15.xx.xxx – Definitions**

For purposes of this Chapter, the following definitions apply:

1. Class 2 Electric Bicycle is defined as it is defined in Vehicle Code section 312.5(a)(2).

### **15.xx.xxx – Prohibitions and Restrictions**

1. No person under sixteen (16) years of age shall operate a Class 2 Electric Bicycle.
2. No person shall operate a Class 2 Electric Bicycle without wearing a bicycle helmet, that complies with Vehicle Code section 21213(b).

### **15.xx.xxx – Violations**

1. Within sixty (60) days of the effective date this Chapter comes into effect, any violation of this ordinance shall be punishable by warning notices.
2. Beginning on the sixty-first (61) day after the date this Chapter comes into effect, and thereafter until this Chapter expires, the following violation shall be punishable as follows:
  - a. A violation of the prohibition set forth in 15.xx.xxx(1), shall be an infraction, punishable by a fine of twenty-five dollars (\$25). A fee shall not be imposed upon a citation of this infraction if the parent or legal guardian of the person who violated the prohibition delivers proof to the issuing agency within 120 days after the citation was issued that the person has completed an electric bicycle safety and training course pursuant to Streets and Highways Code section 894, or an electrical bicycle safety course offered by any local jurisdiction, if one is available.
  - b. A violation of the prohibition set forth in 15.xx.xxx(2), shall be an infraction punishable by a fine of twenty-five dollars (\$25). A fee shall not be imposed upon a citation of this infraction if the person who violated the requirement, or, if that person is an unemancipated minor, their parent or guardian, delivers proof to the issuing agency within 120 days after the citation was issued that the person has a helmet meeting the requirements specified in Vehicle Code section 21212(a)

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and the person has completed a safety course established pursuant to Streets and Highways Code section 894, or an electrical bicycle safety course offered by any local jurisdiction, if one is available.

- 3. No record of any violation of this Chapter shall be transmitted to any Superior Court of the State of California.
- 4. If this Chapter is violated by a person who is an unemancipated minor, the parent or legal guardian having control or custody of the minor shall be jointly and severally liable with the minor for the amount of any fine imposed pursuant to this subdivision.

**15.xx.xxx – Expiration of Program**

Marin Electric Bicycle Safety Pilot Program shall become inoperative on January 1, 2029, and as of that date is repealed.

**SECTION 3 – VALIDITY.**

If any section, subsection, sentence, clause, or phrase of the provisions of this Ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining provisions adopted under this Ordinance. The [Board of Supervisors of Marin County] hereby declares that it would have adopted the ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases thereof shall be declared invalid.

**SECTION 4 – EFFECTIVE DATE AND PUBLICATION.**

This ordinance shall be and is hereby declared to be in full force and effect thirty (30) days from and after the date of its passage and shall be published once before the expiration of fifteen (15) days after its passage, with the names of the [supervisors] voting for and against the same in the *Marin Independent Journal*, a newspaper of general circulation published in the County of Marin.

**PASSED AND ADOPTED** at a regular meeting of the [Board of Supervisors of the County of Marin, State of California,] held on \_\_\_\_\_, by the following vote:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
President of the [Board of Supervisors  
of the County of Marin, State of California]