

Date of Hearing: June 29, 2015

ASSEMBLY COMMITTEE ON TRANSPORTATION

Jim Frazier, Chair

SB 530 (Pan) – As Amended June 25, 2015

FOR VOTE ONLY

SENATE VOTE: 35-0

SUBJECT: Pedicabs.

SUMMARY: Creates a new category of pedicabs, as defined, and establishes a set of operational requirements, as specified. Specifically, **this bill:**

- 1) Expands the definition of pedicab to include a four-wheeled device that is primarily or exclusively pedal-powered, has a seating capacity for eight or more passengers, cannot travel in excess of 15 miles per hour, and is used for transporting passengers for hire, as specified.
- 2) Specifies certain equipment requirements related to this new category of pedicabs including seatbelts for all passengers, seat backs, breaks, reflectors, headlights, and grab rails.
- 3) Specifies that all operating pedicabs must meet the abovementioned requirements by January 1, 2017, in order to remain in operation.
- 4) Prohibits a pedicab, as defined, from having a seating capacity for more than 15 passengers.
- 5) Requires a pedicab, as defined, to be authorized by a local ordinance or resolution to operate within the applicable local jurisdiction.
- 6) Requires a pedicab, as defined, to have proof of financial responsibility, as specified.
- 7) Requires the pedicab operator to be at least 21 years of age and hold a valid driver's license.
- 8) Provides that for pedicabs where alcohol is consumed by passengers, the pedicab service is required to:
 - a) Obtain authorization by the appropriate local authority through the approval of a local ordinance or resolution;
 - b) Provide an on-board safety monitor who is at least 21 years of age whenever alcohol is being consumed;
 - c) Have both the operator and safety monitor complete either the Licensee Education on Alcohol and Drugs program implemented by the Department of Alcoholic Beverage Control or a training course utilizing the curriculum recommended by the Responsible Beverage Service Advisory Board; and,
 - d) Permit only passengers that are 21 years of age or older if alcohol is being consumed.

- 9) Prohibits the safety monitor from supervising passengers while being under the influence of any alcoholic beverage and be subject to certain violations, as specified.
- 10) Provides that a license or permit issued by the Department of Alcoholic Beverage Control is not required to be obtained by a pedicab, as defined, if the pedicab operator or its employees do no sell, serve, or furnish any alcoholic beverage to any passenger, as specified.
- 11) Makes technical conforming changes.

EXISTING LAW:

- 1) Defines a vehicle as a device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved exclusively by human power or used exclusively upon stationary rails or tracks.
- 2) Defines pedicabs as either a bicycle that has three or more wheels, that transports, or is capable of transporting passengers on seats attached to the bicycle, that is operated by a person, and is being used for transporting passengers for hire, or a bicycle that pulls a trailer, sidecar, or similar device, that transports passengers on seats attached to a trailer or similar device, that is operated by a person, and is used for transporting passengers, as specified.
- 3) Specifies that 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, including, but not limited to, provisions relating to driving under the influence of alcoholic beverages or drugs.
- 4) Any person possessing any can, bottle, or other receptacle containing any alcoholic beverage that has been opened, or a seal broken, or the contents of which have been partially removed, in any city, county, or city and county owned park or other city, county, or city and county owned public place, or any recreation and park district, or any regional park or open-space district shall be guilty of an infraction if the city, county, or city and county has enacted an ordinance that prohibits the possession of those containers in those areas or the consumption of alcoholic beverages in those areas.

FISCAL EFFECT: Unknown

COMMENTS: Originally established in Europe, this type of pedal-powered vehicle, otherwise known as a party bike, beer bike, or pedibus, has rapidly grown in popularity throughout cities in the United States. Cities such as Portland, Denver, and Sacramento all permit some form of this transportation services within their city. These human pedal-powered vehicles can generally seat up to fifteen passengers with the steering and breaking controlled by a driver who does not provide pedaling power. Additionally, these pedal-powered vehicle's typically are used to offer guided riding tours through tourist and entertainment areas, many times accompanied with stops to local bars and restaurants.

The author introduced SB 530 to establish a set of safety standards for this new category of pedicab service (party bikes). Currently party bike businesses are licensed by the host city without any state involvement. This has created some uncertainty about how to properly classify party bikes or how to prescribe any particular set of safety standards. While there have been no reported or known party bike accidents within California, incidents have occurred in other states.

For example, in 2013, a party bike in Minneapolis tipped over while traveling downhill towards the end of its tour.

Within California, party bike companies currently operate under conditions which vary in each municipality. SB 530 establishes a basic set of uniform standards by requiring party bikes to be equipped with certain safety equipment, requiring party bike operators to meet particular requirements, and requiring all party bike operators to meet these requirements before January 1, 2017. The author notes that this industry is growing rapidly, and that California should address regulation at the state level before any significant public safety issues arise.

SB 530 was heard by this committee on June 23, 2015, and failed passage. The author requested reconsideration and has amended SB 530 to address several concerns that were discussed at that hearing.

Double referral: This bill will be referred to the Assembly Government Organization Committee should it pass out of this committee.

REGISTERED SUPPORT / OPPOSITION:

Support

BikeSD

California Travel Association

City Cruiser – San Diego

Greater Palm Springs Convention and Visitors Bureau

Honorable Roberta MacGlashan, Sacramento County Supervisor

Jake's on 6th

La Puerta

Off the Chain

Pedal On, LLC – San Diego

Social Cycle San Diego/Palm Springs

Social Syndicate

The Local Eatery and Drinking Hole

The Local Pacific Beach

Wonderland Ocean Pub

27 private citizens

Opposition

California Police Chiefs Association

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