

CPSC Meeting Log: Marin County

CPSC Attendees	Alex Hoehn-Saric Anna Laitin Mitchele Viterise
Date of Meeting	Wednesday, January 31st at 11:00 am
Date of Log Creation	Tuesday, February 6, 2024
Log Creator	Annie Campbell

ATTENDEES
Mary Sackett, Supervisor, Marin County Talia Smith, Principal Analyst, Office of the County Executive, Marin County Laura Morgan-Kessler, Partner, Carpi & Clay David Wetmore, Partner, Carpi & Clay

MEETING NOTES:

The following meeting summary and attachments were provided by Laura Morgan-Kessler following the meeting.

- Supervisor Sackett provided an overview of how Marin County began its interest around the topics of safety of e-bikes and how these bikes are marketed to children and teens.
- The County has seen an increase in severe injuries in teens as a result of e-bike accidents.
- The County is beginning to more closely track data associated with these accidents to better discuss possible solutions to reduce these significant injuries.
- Supervisor Sackett discussed the following issues that the County believes is attributing to the safety issues surrounding e-bikes and young riders: teens riding these bikes tandem as a result of the larger seat size, riders not wearing helmets, the ability to easily modify the bikes to greatly increase the speed, and the lack of proper and timely services of the bikes by the owners.



Assemblymember Damon Connolly, 12th District
AB 1778 – E-BIKE SAFETY AND REGULATIONS
FACT SHEET

BACKGROUND

To ride or drive a vehicle with a motor in California, the rider must be at least 16 years old and possess a valid driver's license. The only exceptions are three classes of electric bicycles. The difference among the three classes is whether they have a throttle. Classes 1 and 3 are "pedal-assisted" electric bicycles, meaning they must be pedaled manually, similar to a traditional bicycle, to propel forward. Class 2 is for "low speed throttled-assisted" electric bicycles. Persons operating electric bicycles are not subject to the provisions of the Vehicle code relating to financial responsibility, driver's licenses, registration, and license plate requirements.

To qualify as a Class 2 e-bike, a throttle bicycle must have a motor less than 750 watts that is "not capable" of providing assistance when the bike reaches 20 mph. If the motor is capable of assisting when the bike is going faster than 20 mph, it does not qualify as a Class 2 e-bike. Vehicles with throttles and top speeds of more than 20 MPH are not "E-Bikes" under California law. They are "Motorcycles" or "Motor Vehicles." Riders must be 16 and have a driver's license.

Manufacturers and distributors of all three classes of bikes must "permanently affix in a prominent location" a label with the "classification number, top assisted speed, and motor wattage of the electric bicycle" VC § 312.5(c). It is illegal for anyone to "tamper with or modify" an electric bicycle "so as to change the speed capability of the bicycle, unless he or she appropriately replaces" the label VC § 24016(d). E-bike riders and passengers under 18 are subject to the same helmet requirement as other bicycle riders and passengers. All of them must wear "a properly fitted and fastened bicycle helmet" that meets government standards VC § 21213(b).

ISSUE

New [data](#) from the Marin County Health Department shows that from October 10th to November 10th of 2023, the rate of e-bike-related accidents for youth was nine times higher than similar accidents of people over 20 years old. The report also showed that 22 percent of all 911 calls in the same period were for e-bike-related accidents and 71 percent of responses for all bike accidents among 10- to 19-year-olds were e-bike-related.

Since starting to collect specific data in October, Marin County public health and EMS officials have found that 3 out of every 4 bicycle accidents among school aged children were e-bike related. Physicians have reported that these injuries are not just scraped knees and bruised elbows, but rather, the kinds of injuries you would expect to see in accidents involving higher-speed vehicles, such as internal bleeding, pelvic fractures, damage to vital organs, and brain trauma.

EXISTING LAW

Existing law defines an electric bicycle and classifies electric bicycles into 3 classes with different restrictions. Under existing law, a "class 2 electric bicycle" is a bicycle equipped with a motor that may be used exclusively to propel the bicycle, and that is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.

Under existing law, a "class 3 electric bicycle" is a bicycle equipped with a speedometer and 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. Existing law prohibits a person under 16 years of age from operating a class 3 electric bicycle. Existing law requires a person operating, or riding upon, a class 3 electric bicycle to wear a helmet

THIS BILL

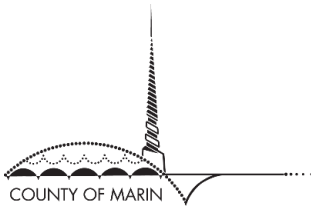
AB 1778 would prohibit individuals under the age of 16 from operating Class 2 electric bicycles. Class 2 e-bikes are operated with a throttle, and are not pedal assisted. While regulated to go no more than 20 miles per hour, too often they are being used at higher speeds with modifications. This legislation targets Class 2 due to the increased risk. They can reach maximum speed much faster than class 1 e-bikes, and are more difficult to stop. Setting an age limit will significantly reduce accidents and help ensure our streets remain safe for everyone.

FOR MORE INFORMATION

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E-Bike Safety and Regulations for Youth

MARIN COUNTY EMERGENCY MEDICAL SERVICES DATA SHOWS
E-BIKE ACCIDENTS FOR CHILDREN **9X HIGHER** THAN FOR ADULTS

E-bike accident data

From 2019 to 2022, the number of 911 responses in Marin related to all bicycle accidents rose 110% among school-aged youth. Pediatricians and emergency room physicians were also alarmed by the increasing severity of the trauma injuries.

In response, in October 2023 the County's Emergency Medical Services (EMS) authorities began distinguishing 911 responses to e-bike accidents, versus conventional bicycles. In the first few months of collecting this data, Marin responders saw that:

- 22% of all 911 bicycle accidents were related to e-bikes. This figure was **71% for school-aged children**.
- Rate of **e-bike accidents for 10 to 19 year olds was 9x higher** than the rate of accidents for those older than 20.

Classes of e-bikes

Class 1: Pedal-assisted, can go up to 20mph. **Operable for all ages**, helmet not required not for riders over 18.

Class 2: Throttle-operated, can go up to 20mph. **Currently operable for all ages**, helmet not required not for riders over 18.

Class 3: Pedal-assisted, can go up to 28mph. **Existing law requires riders to be over 16**, and all riders to wear a helmet.

In December 2023, Marin Health and Human Services issued a Public Health Advisory and public Press Release on e-bikes about the importance of helmet use, following the rules of the road, and encouraging choosing Class 1 e-bikes for children and youth.

CA regulations for Class 2

California Assemblymember Damon Connolly and Marin County Supervisor Mary Sackett also proposed Assembly Bill 1778 this year, which would set a 16-year old age limit for operating Class 2 e-bikes in California, and require all ages to wear a

helmet. Essentially, regulating Class 2 e-bikes as Class 3 e-bikes already are.

Class 1 e-bikes, which are pedal-assisted and do not have a motor – would remain operable for youth under 16.

Role for federal regulators

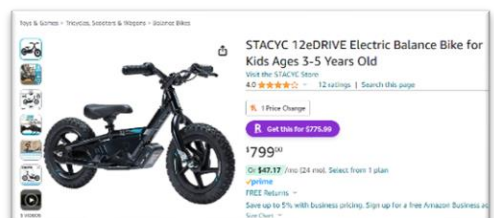
AB 1778 would be a critical step in improving safety for children and youth in California, and would follow state legislation in recent years that has regulated Class 3 e-bikes.

However, we urge the Consumer Product Safety Commission to look at implementing needed regulations on a national level. Some electric motorcycles are falsely advertised online as Class 2 e-bikes, when they actually exceed the 20mph and wattage limits. Additionally, turning kits – which remain legal to purchase – can increase the speed of a Class 2 throttle bike well-beyond 20mph.

Most concerning, companies continue to advertise their e-bikes directly to very young children and youth, even though the Consumer Product Safety Commission “does not recommended” them for riders under 16 years old.



A “kids” e-bike manufacturer.



A Class 2 e-bike marketed to “Kids Ages 3-5 Years Old”.