

AMENDED IN ASSEMBLY JULY 13, 2023

AMENDED IN ASSEMBLY MAY 15, 2023

AMENDED IN ASSEMBLY MARCH 9, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 530

Introduced by Assembly Member Boerner

February 8, 2023

An act to amend Section ~~11~~ of the ~~County Water Authority Act~~ (~~Chapter 545 of the Statutes of 1943~~), *21213 of the Vehicle Code*, relating to ~~water~~ *vehicles*.

LEGISLATIVE COUNSEL'S DIGEST

AB 530, as amended, Boerner. ~~County Water Authority Act: exclusion of territory: procedure. Vehicles: electric bicycles.~~

Existing law defines an electric bicycle and classifies electric bicycles into 3 classes with different restrictions. Under existing law, an electric bicycle is a bicycle and rules pertaining to the operation of bicycles apply to electric bicycles. Existing law prohibits a person under 16 years of age from operating a class 3 electric bicycle. A violation of the Vehicle Code is a crime.

This bill would prohibit a person under 12 years of age from operating an electric bicycle of any class. The bill would state the intent of the Legislature to create an e-bike license program with an online written test and a state-issued photo identification for those persons without a valid driver's license, prohibit persons under 12 years of age from riding e-bikes, and create a stakeholders working group composed of the Department of Motor Vehicles, the Department of the California Highway Patrol, the Transportation Agency, bicycle groups, policy and

fiscal staff, and other relevant stakeholders to work on recommendations to establish an e-bike training program and license. Because the bill would prohibit certain persons from riding electric bicycles, the violation of which would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~The County Water Authority Act provides for the formation of county water authorities and grants to those authorities specified powers with regards to providing water service. The act provides 2 methods of excluding territory from any county water authority, one of which is that a public agency whose corporate area as a unit is part of a county water authority may obtain exclusion of the area by submitting to the electors within the public agency, at any general or special election, the proposition of excluding the public agency’s corporate area from the county water authority. Existing law requires that, if a majority of the electors approve the proposition, specified actions take place to implement the exclusion.~~

~~This bill would additionally require the public entity to submit the proposition of excluding the public agency’s corporate area from the county water authority to the electors within the territory of the county water authority. The bill would require the 2 elections to be separate; however, the bill authorizes both elections to run concurrently. The bill would require a majority vote for withdrawal in both elections for the withdrawal of the public agency from the territory of the county water authority.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
 State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. *It is the intent of the Legislature to enact*
- 2 *legislation to create an e-bike license program with an online*
- 3 *written test and a state-issued photo identification for those persons*
- 4 *without a valid driver’s license, prohibit persons under 12 years*
- 5 *of age from riding e-bikes, and create a stakeholders working*

1 *group composed of the Department of Motor Vehicles, the*
2 *Department of the California Highway Patrol, the Transportation*
3 *Agency, bicycle groups, policy and fiscal staff, and other relevant*
4 *stakeholders to work on recommendations to establish an e-bike*
5 *training program and license.*

6 *SEC. 2. Section 21213 of the Vehicle Code is amended to read:*

7 21213. (a) A person under 16 years of age shall not operate a
8 class 3 electric bicycle.

9 (b) A person shall not operate a class 3 electric bicycle, or ride
10 upon a class 3 electric bicycle as a passenger, upon a street,
11 bikeway, as defined in Section 890.4 of the Streets and Highways
12 Code, or any other public bicycle path or trail, unless that person
13 is wearing a properly fitted and fastened bicycle helmet that meets
14 the standards of either the American Society for Testing and
15 Materials (ASTM) or the United States Consumer Product Safety
16 Commission (CPSC), or standards subsequently established by
17 those entities. This helmet requirement also applies to a person
18 who rides upon a class 3 electric bicycle while in a restraining seat
19 that is attached to the bicycle or in a trailer towed by the bicycle.

20 (c) *A person under 12 years of age shall not operate an electric*
21 *bicycle of any class.*

22 *SEC. 3. No reimbursement is required by this act pursuant to*
23 *Section 6 of Article XIII B of the California Constitution because*
24 *the only costs that may be incurred by a local agency or school*
25 *district will be incurred because this act creates a new crime or*
26 *infraction, eliminates a crime or infraction, or changes the penalty*
27 *for a crime or infraction, within the meaning of Section 17556 of*
28 *the Government Code, or changes the definition of a crime within*
29 *the meaning of Section 6 of Article XIII B of the California*
30 *Constitution.*

31 ~~SECTION 1. Section 11 of the County Water Authority Act~~
32 ~~(Chapter 545 of the Statutes of 1943), as amended by Section 3 of~~
33 ~~Chapter 1408 of the Statutes of 1985, is amended to read:~~

34 ~~Sec. 11. (a) Exclusion of territory from any county water~~
35 ~~authority may be effected by either of the following methods:~~

36 ~~(1) Territory excluded from the portion of the corporate area of~~
37 ~~any public agency that lies within the exterior boundaries of a~~
38 ~~county water authority, the public agency being a unit of the~~
39 ~~authority, and that exclusion occurs in accordance with the~~
40 ~~provisions of law applicable to those exclusions, shall thereby be~~

1 ~~excluded from and shall no longer be a part of the authority;~~
2 ~~provided, that the taxable property within the excluded territory~~
3 ~~shall continue to be taxable by the county water authority for the~~
4 ~~purpose of paying the bonded or other indebtedness outstanding~~
5 ~~or contracted for at the time of the exclusion and until the bonded~~
6 ~~or other indebtedness has been satisfied; provided further, that if~~
7 ~~the taxable property within the excluded territory or any part~~
8 ~~thereof shall be, at the time of the exclusion, subject to special~~
9 ~~taxes levied, or to be levied, by the county water authority pursuant~~
10 ~~to terms and conditions previously fixed under paragraph~~
11 ~~subdivision (e) or (d) of Section 10 for the annexation of the~~
12 ~~excluded territory or part thereof to the county water authority,~~
13 ~~the taxable property within the excluded territory or part thereof~~
14 ~~so subject to those special taxes shall continue to be taxable by the~~
15 ~~county water authority for the purpose of raising the aggregate~~
16 ~~sums to be raised by the levy of special taxes upon taxable property~~
17 ~~within the respective annexing areas pursuant to terms and~~
18 ~~conditions for the annexation or annexations as so fixed and until~~
19 ~~the aggregate sums have been so raised by the special tax levies.~~

20 ~~Exclusion of territory from a county water authority pursuant to~~
21 ~~this paragraph shall not occur if two or more public agencies that~~
22 ~~are included in a county water authority as separate units are subject~~
23 ~~to a reorganization of their boundaries under applicable provisions~~
24 ~~of law that would result in an exchange or transfer, but not an~~
25 ~~overlapping, of territory that is entirely within the county water~~
26 ~~authority. The boundaries of those agencies within the county~~
27 ~~water authority, upon that reorganization and the filing with the~~
28 ~~secretary of the county water authority of a copy of the certificate~~
29 ~~of completion prepared, executed, and filed by the executive officer~~
30 ~~of the local agency formation commission responsible therefore~~
31 ~~constitute the boundaries of the agencies for all purposes of the~~
32 ~~county water authority, without action by the board of directors~~
33 ~~of the county water authority. If the exchange includes territory~~
34 ~~subject to special conditions and tax levies pursuant to the terms~~
35 ~~of annexation at the time the territory became a part of the county~~
36 ~~water authority, the territory shall continue to be subject to those~~
37 ~~conditions and to be taxable by the county water authority or those~~
38 ~~levies.~~

39 ~~From and after the effective date of the inclusion of the territory~~
40 ~~by the including public agency, the territory shall be considered~~

1 to be a part of the corporate area of the including agency; provided,
2 however, that, if the taxable property within the territory, or any
3 portion thereof, is subject to special taxes levied or to be levied
4 by the county water authority pursuant to terms and conditions
5 previously fixed under subdivision (c) or (d) of Section 10 for the
6 annexation of the territory or portion thereof to the county water
7 authority, then the taxable property within the territory shall
8 continue to be taxable by the county water authority for the purpose
9 of raising the aggregate sums to be raised by the levy of the special
10 taxes pursuant to the terms and conditions for the annexation or
11 annexations as so fixed and until the aggregate sums have been so
12 raised by the special tax levy.

13 (2) Any public agency whose corporate area as a unit has
14 become or is a part of any county water authority may obtain the
15 exclusion of the area therefrom by elections conducted in the
16 following manner:

17 (A) (i) The governing body of any public agency may submit
18 to the electors thereof at any general or special election the
19 proposition of excluding from the county water authority the
20 corporate area of the public agency. Notice of the election shall
21 be given in the manner provided in subdivision (c) of Section 10.
22 The election shall be conducted and the returns thereof canvassed
23 in the manner provided by law for the conduct of elections in the
24 public agency. If a majority of electors voting thereon vote in favor
25 of withdrawal, the result thereof shall be certified by the governing
26 body of the public agency to the board of directors of the county
27 water authority.

28 (ii) The governing body of any public agency may submit to
29 the electors within the territory of the county water authority at
30 any general or special election the proposition of excluding from
31 the county water authority the corporate area of the public agency.
32 Notice of the election shall be given in the manner provided in
33 subdivision (c) of Section 10. The election shall be conducted and
34 the returns thereof canvassed in the manner provided by law for
35 the conduct of elections in the public agency. If a majority of
36 electors within the territory of the county water authority voting
37 thereon vote in favor of withdrawal, the result thereof shall be
38 certified by the governing body of the public agency to the board
39 of directors of the county water authority.

1 ~~(iii) The elections conducted pursuant to this subparagraph shall~~
 2 ~~be separate elections; however, they may run currently with one~~
 3 ~~another. A majority vote in both elections for withdrawal is~~
 4 ~~necessary for the withdrawal of the public agency from the territory~~
 5 ~~of the county water authority.~~

6 ~~(B) A certificate of the proceedings shall be made by the~~
 7 ~~secretary of the county water authority and filed with the Secretary~~
 8 ~~of State. Upon the filing of the certificate, the corporate area of~~
 9 ~~the public agency shall be excluded from the county water authority~~
 10 ~~and shall no longer be a part thereof; provided, that the taxable~~
 11 ~~property within the excluded area shall continue to be taxable by~~
 12 ~~the county water authority for the purpose of paying the bonded~~
 13 ~~and other indebtedness of the county water authority outstanding~~
 14 ~~or contracted for at the time of the exclusion and until the bonded~~
 15 ~~or other indebtedness has been satisfied; provided further, that if~~
 16 ~~the taxable property within the excluded area or any part thereof~~
 17 ~~is, at the time of the exclusion, subject to special taxes levied or~~
 18 ~~to be levied by the county water authority pursuant to the terms~~
 19 ~~and conditions previously fixed under subdivision (c) or (d) of~~
 20 ~~Section 10 for the annexation of the excluded area or part thereof~~
 21 ~~to the county water authority, the taxable property within the~~
 22 ~~excluded area or part thereof so subject to the special taxes shall~~
 23 ~~continue to be taxable by the county water authority for the purpose~~
 24 ~~of raising the aggregate sums to be raised by the levy of special~~
 25 ~~taxes upon taxable property within the respective annexing areas~~
 26 ~~pursuant to the terms and conditions for the annexation or~~
 27 ~~annexations as so fixed and until the aggregate sums have been so~~
 28 ~~raised by the special tax levies. Upon the filing of the certificate~~
 29 ~~of proceedings, the Secretary of State shall, within 10 days, issue~~
 30 ~~a certificate reciting the filing of the papers in the Secretary of~~
 31 ~~State's office and the exclusion of the corporate area of the public~~
 32 ~~agency from the county water authority. The Secretary of State~~
 33 ~~shall transmit the original of the certificate to the secretary of the~~
 34 ~~county water authority and shall forward a certified copy thereof~~
 35 ~~to the county clerk of the county in which the county water~~
 36 ~~authority is situated.~~

37 ~~(b) Whenever territory is excluded from any public agency in~~
 38 ~~accordance with paragraph (1) of subdivision (a), the governing~~
 39 ~~body, or clerk thereof, of the public agency shall file with the board~~
 40 ~~of directors of the county water authority a statement of the change~~

1 of boundaries of the public agency, setting forth the legal
2 description of the boundaries of the public agency, as so changed,
3 and of the part thereof within the county water authority, which
4 statement shall be accompanied by a map or plat indicating the
5 boundaries.

6 (e) ~~Whenever any territory has been excluded from any public~~
7 ~~agency prior to the effective date of this section, under conditions~~
8 ~~that would have resulted in the exclusion of the territory from a~~
9 ~~county water authority had paragraph (1) of subdivision (a) then~~
10 ~~been in effect, upon compliance with the following provisions of~~
11 ~~this paragraph, the territory shall be excluded from and shall no~~
12 ~~longer be a part of, the authority, the last-mentioned provisions~~
13 ~~being as follows:~~

14 (1) ~~The governing body of the public agency may adopt an~~
15 ~~ordinance that, after reciting that the territory has been excluded~~
16 ~~from the public agency by proceedings previously taken under~~
17 ~~statutory authority, and after referring to the applicable statutes~~
18 ~~and to the date or dates upon which the exclusion became effective,~~
19 ~~shall describe the territory and shall determine and declare that the~~
20 ~~territory shall be, and thereby is, excluded from the county water~~
21 ~~authority.~~

22 (2) ~~The governing body, or clerk thereof, of the public agency~~
23 ~~shall file a certified copy of the ordinance with the Secretary of~~
24 ~~State. Upon the filing of the certified copy of the ordinance in the~~
25 ~~office of the Secretary of State, the territory shall be excluded~~
26 ~~from, and shall no longer be a part of, the county water authority;~~
27 ~~provided, that the taxable property within the excluded territory~~
28 ~~shall continue to be taxable by the county water authority for the~~
29 ~~purpose of paying the bonded or other indebtedness outstanding~~
30 ~~or contracted for at the time of the exclusion, and until the bonded~~
31 ~~or other indebtedness has been satisfied; provided further, that if~~
32 ~~the taxable property within the excluded territory or any part~~
33 ~~thereof is, at the time of the exclusion, subject to special taxes~~
34 ~~levied or to be levied by the county water authority pursuant to~~
35 ~~terms and conditions previously fixed under subdivision (c) or (d)~~
36 ~~of Section 10 for the annexation of the excluded territory or part~~
37 ~~thereof to the county water authority, the taxable property within~~
38 ~~the excluded territory or part thereof so subject to the special taxes~~
39 ~~shall continue to be taxable by the county water authority for the~~
40 ~~purpose of raising the aggregate sums to be raised by the levy of~~

1 special taxes upon taxable property within the respective annexing
2 areas pursuant to the terms and conditions for the annexation or
3 annexations as so fixed, and until the aggregate sums have been
4 so raised by the special tax levies.

5 (3) Upon the filing of the certified copy of the ordinance, the
6 Secretary of State shall, within 10 days issue a certificate describing
7 the territory, reciting the filing of certified copy of the ordinance
8 and the exclusion of the territory from the county water authority,
9 and declaring that the territory is no longer a part of the county
10 water authority. The Secretary of State shall transmit the original
11 of the certificate to the secretary of the county water authority and
12 shall forward a certified copy of the certificate to the county clerk
13 of the county in which the county water authority is situated.

14 (d) Whenever any territory has been exchanged or transferred
15 pursuant to law prior to January 1, 1986, among two or more public
16 agencies that are included in a county water authority as separate
17 units, the territory shall not be deemed excluded from the county
18 water authority, notwithstanding the failure of the county water
19 authority to give its consent to the exchange or transfer of the
20 territory, if there has been filed with the board of directors of the
21 county water authority prior to January 1, 1986, a statement of the
22 change of boundaries of the agencies, as so changed, and of the
23 part within the county water authority, which statement shall be
24 accompanied by a map or plat indicating those boundaries.