

RESOLUTION NO. 2025-XXXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS
PROHIBITING PERSONS UNDER 12 YEARS OF AGE FROM OPERATING
A CLASS 1 OR 2 ELECTRIC BICYCLE

WHEREAS, the San Diego Police Department and County Sheriff's Office recently announced there had been a growing number of children riding electric bikes (e-bikes) on local streets and reported 82 e-bike crashes in the County over the past year, with most of them involving children 11 to 17 years of age; and

WHEREAS, Consumer Product Safety Commission recommends that children under the age of 12 should not ride a vehicle with a motor capable of going faster than 10 miles per hour; and

WHEREAS, California law categorizes e-bikes into three classes: Classes 1 and 2 include e-bikes that can go up to 20 miles per hour, without a minimum age limit; Class 3 includes e-bikes that go up to 28 miles per hour, with a minimum rider age of 16 (California Vehicle Code sections 312.5 and 21213); and

WHEREAS, in August 2022 the City's neighbor, Carlsbad, issued a proclamation declaring a state of emergency due to an increase in accidents involving e-bikes and bicycles, and in May 2023, another north county city, Encinitas, followed suit after a teenager lost his life in an e-bike collision with a motorized vehicle; and

WHEREAS, according to Encinitas's proclamation, the number of local collisions involving bicycles or e-bikes have almost tripled since 2020; and

WHEREAS, in recent years, e-bike safety has become a growing community concern in the City, especially with respect to the safety of young riders, and the City Council desires to be proactive in avoiding e-bike accidents and the states of emergency that its fellow north county cities have experienced; and

WHEREAS, as of January 1, 2025, a new California law, Vehicle Code section 21214.7 (AB 2234), also known as the San Diego Electric Bicycle Safety Pilot Program, authorizes cities in San Diego County to prohibit the operation of Class 1 and Class 2 e-bikes by those under 12 years of age; and

WHEREAS, AB 2234 authorizes enforcement of such a prohibition by resolution or ordinance adopted by a local agency; and

WHEREAS, in accordance with AB 2234, the City desires to prohibit persons under 12 years of age from operating a class 1 or class 2 electric bicycle, and to enforce the prohibition, within the City; and

WHEREAS, City staff is administering the public outreach campaign required by AB 2234.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of San Marcos does hereby:

1. Pursuant to California Vehicle Code Section 21214.7, prohibit persons under 12 years of age from operating a class 1 or 2 electric bicycle in any area within the City, including those areas governed by San Marcos Municipal Code section 9.04.070; and

2. Authorize enforcement of this prohibition in accordance with Section 21214.7, as follows:
 - a. Through the period ending January 31, 2026, a violation of this resolution will be subject to a warning notice;
 - b. Beginning February 1, 2026, a violation of this resolution shall be an infraction punishable by a fine of \$25;
 - c. If a citation is issued, a record of the action shall not be transmitted to the court and a fee shall not be imposed if the parent or legal guardian of the person who violated the prohibition delivers proof to the City within 120 days after the citation was issued that the person has completed an electric bicycle safety and training program pursuant to Section 894 of the California Streets and Highways Code; and
 - d. If an unemancipated minor violates this resolution, a parent or legal guardian with control or custody of the minor shall be jointly and severally liable with the minor for the amount of the fine imposed.
3. Direct staff to complete the public information campaign required by AB 2234, to include public announcements in major media outlets and press releases, within thirty days after adoption of this resolution.

PASSED, APPROVED, and ADOPTED by the City Council of the City of San Marcos, California, on the 28th of October, 2025, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:

Rebecca D. Jones, Mayor
City of San Marcos

ATTEST:

Phillip Scollick, City Clerk
City of San Marcos