



OFFICE OF THE CITY ATTORNEY
ROCKARD J. DELGADILLO
CITY ATTORNEY

REPORT NO. **R05-0071**
FEB 18 2005

REPORT RE:

DRAFT OF ORDINANCE ADDING SECTION 47.17 TO THE LOS ANGELES MUNICIPAL CODE TO REQUIRE THAT NOTICE BE GIVEN TO PURCHASERS OF MOTOR-DRIVEN CYCLES AND MOTORIZED BICYCLES

Honorable City Council
of the City of Los Angeles
City Hall, Room 395
200 North Spring Street
Los Angeles, California 90012

Council File No. 04-1046-S1

Honorable Members:

You should find with this letter, approved as to form and legality, a draft ordinance adding section 47.17 to the Los Angeles Municipal Code to require that notice be given to purchasers of motor-driven cycles and motorized bicycles in the City of Los Angeles that such vehicles are not appropriate for operation on a public street or highway.

Because no established definition of mini-motorcycle or “pocket rocket” currently exists, the ordinance applies to sales of motor-driven cycles and motorized bicycles, as such terms are defined in the California Vehicle Code, that are not designed or sold for use on public streets. The ordinance requires that sellers provide notice, prior to sale, either that a vehicle may not be appropriate for operation on a public street or highway in California and that operation of any vehicle on a public street or highway in California must be accordance with California law or that a vehicle is not intended for operation on a public street or highway.

The notice must be provided by both a sign posted at the seller’s place of business and a decal affixed to the vehicle itself. A “grandfather” provision permits sellers to continue using a decal already in use prior to the enactment of the ordinance even if such decal does not meet the type size requirements of the ordinance.

If you have any questions regarding either this report or the issue, please feel free to contact Deputy City Attorney James Axtell at (213) 978-8397.

Sincerely,

ROCKARD J. DELGADILLO, City Attorney

By



TERREE A. BOWERS

Chief Deputy City Attorney

ORDINANCE NO. _____

An ordinance adding Section 47.17 to the Los Angeles Municipal Code to require that notice be given to purchasers of motor-driven cycles and motorized bicycles in the City of Los Angeles that such vehicles are not appropriate for operation on a public street or highway.

WHEREAS, public concern has grown over the increased operation of mini-motorcycles or “pocket bikes” on public streets and highways;

WHEREAS, law enforcement officials have indicated that while mini-motorcycles are classified under state law as either motor-driven cycles or motorized bicycles, they are often sold without the seventeen digit vehicle identification number required for registration by the state for lawful operation on a public street or highway;

WHEREAS, law enforcement officials have indicated that many mini-motorcycles do not include all of the safety equipment required by the state for lawful operation on a public street or highway, including proper headlights, brake lights, reflectors, mirrors, turn signals, horn, tires, and braking systems;

WHEREAS, operation of mini-motorcycles on public streets and highways by both adults and unlicensed minors has become more common; and

WHEREAS, mini-motorcycles are often too small to be easily seen by the drivers of other vehicles and place the head level of the rider much lower than that of other drivers so that the operation of mini-motorcycles on public streets and highways is dangerous to pedestrians, to other drivers, and the operators of mini-motorcycles themselves;

NOW THEREFORE:

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS**

Section 1. Section 47.17 is added to the Los Angeles Municipal Code to read:

SEC. 47.17. SALE OF MOTOR-DRIVEN CYCLES AND MOTORIZED BICYCLES.

(a) As used in this section, the term “**motor-driven cycle**” shall mean any motor-driven cycle, as that term is defined in the California Vehicle Code, that is sold without the seventeen digit vehicle identification number required for registration by the State of California.

(b) As used in this section, the term “**motorized bicycle**” shall mean any motorized bicycle, as that term is defined in the California Vehicle Code, that is sold without all of the equipment required by the State of California for operation on a highway in California.

(c) As used in this section, the term “**person**” shall mean any business or any individual acting on behalf of any business, as that term is defined in Section 21.00(h) of this Code.

(d) No person shall sell or transfer ownership of any motor-driven cycle or motorized bicycle without providing to the prospective purchaser or transferee, prior to the sale or transfer of ownership, written notice, as provided by this section, indicating in substance that the vehicle may not be appropriate for operation on a public street or highway in California and that operation of any vehicle on a public street or highway in California must be in accordance with California law. A notice shall be sufficient if it indicates in substance that the vehicle is not intended for operation on a public street or highway.

(e) The notice required by this section shall be provided by a sign, printed in boldface type at least one inch in height, posted in a conspicuous location on the seller’s or transferor’s property and containing no information other than the notice; and by at least one of the following:

(1) A decal affixed to a conspicuous location on the frame of the vehicle, printed in at least 14-point boldface type;

(2) A decal affixed to a conspicuous location on the frame of the vehicle, which decal was in use by the seller or transferor for the same make and model of vehicle prior to the enactment of this section.

(f) Any violation of this section shall constitute a misdemeanor.

Sec. 2. The provisions of this ordinance shall become operative on June 1, 2005.

Sec. 3. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located in the Main Street lobby of City Hall; one copy on the bulletin board located at the ground level at the Los Angeles Street entrance to the Los Angeles Police Department; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

FRANK T. MARTINEZ, City Clerk

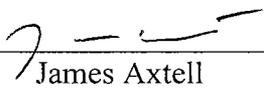
By _____
Deputy

Approved _____

Mayor

Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

By  _____
James Axtell
Deputy City Attorney

Date 2/22/05

File No. _____