

CITY OF LOS ANGELES
INTERDEPARTMENTAL CORRESPONDENCE

Date: March 29, 2007

To: The Honorable City Council
c/o City Clerk, Room 395, City Hall
Attention: Honorable Wendy Greuel, Transportation Committee

From: Gloria J. Jeff, General Manager
Department of Transportation



Subject: City's Bicycle Licensing Program

Summary

In response to Council Motion 04-1076 relative to Bicycle Licensing, this report provides the Transportation Committee with a recommendation to revoke the City's Bicycle Licensing Program.

Recommendations

That the City Council:

1. Repeal LAMC 26.01, which requires that all bicycles operated on public streets of the City be licensed by the City; and
2. Replace LAMC 26.01 with an ordinance which allows for the development of a bicycle licensing program administered by Los Angeles Unified School District's Police Department, if and when, the District deems such a program feasible for the school system.
3. Transfer any remaining funds in the Bicycle Licensing Account to the Transportation Development Act (Local Transportation Fund 207) which provides funding for the development of bicycle facilities.

Discussion

History

The City of Los Angeles has had a bicycle licensing program, administered by the City Clerk and the LAPD, since the enactment of Section 26.01 of the Los Angeles Municipal Code (LAMC). LAMC 26.01 (Attachment 2) requires all bicycles operated in the City to have a properly affixed, state issued bicycle license or renewal. In addition, the municipal code requires the sale of bicycle licenses in the City be limited to bicycle retailers (sold with bicycle purchase), or LAPD.

The original program was developed during the 1960s as a method for recovering stolen bicycles. As a part of this program, the LAPD utilized a centralized unit, known as the Bicycle Detail comprised of six officers, to audit and coordinate the enforcement of bicycle registration and related activities. During the early 1980s, Bicycle Detail staffing was decreased and the group took a less active role in bicycle registration and enforcement. The Bicycle Detail retained only minimal staff to coordinate the disbursement of completed bicycle registration forms to the Records and Identification (R&I) Division of LAPD. The actual licensing of bicycles continued to be a duty of each LAPD Geographic Division.

Background

Bicycle licensing was initially a service provided to the residents of the City with the purposes of:

- ▶ providing a method for tracking and returning stolen and lost bicycles to their owners;
- ▶ providing a method of identifying the rider of a bicycle should he or she be injured and unable to respond to emergency medical staff (generally cited as the case for minors without identification);
- ▶ providing a method to monitor the number of bicycles in the City, and
- ▶ generating income on bicycles sold within the City's geographic boundaries, for the purpose of investing in the City's bicycle infrastructure.

Bicycle license programs in the State of California are enacted based on Section 39001 (Attachment 1) of the California Vehicle Code (CVC) which allows municipalities to distribute licenses per the State's guidelines, if the agency has adopted a bicycle license ordinance or resolution. In addition, the operation of a successful bicycle licensing program is presumed to be an additional incentive for the public to invest in bicycles as an environmentally beneficial form of transportation.

Other Bicycle License Programs

The most successful bicycle license program in operation in California is the one functioning on the campus of the *University of California at Davis*. Often cited as the

most bicycle-friendly city in California, Davis began its municipal effort to encourage bicycling in the 1960's. The University's bicycle licensing program, based on CVC Section 39001, requires students to license bicycles and provides for this during freshman orientation. As California bicycle licenses expire after three years, senior students are required to purchase a license renewal at the campus transportation department. The program is overseen by the campus Bicycle Coordinator, who maintains the data base utilizing part-time student staff. Bicycle license data is available to Campus Police 24 hours a day. The *City of Davis* does not operate a bicycle licensing program.

Denver, CO is another bike-friendly city with no bike licensing program. Efforts to provide one died out in the early 1990's. The value of bicycles stolen in Denver amounts to \$1,400,000 annually in a city with a population of 554,000. Approximately eight percent of those stolen bicycles are returned to their owners.

Currently, no bicycle licensing program exists in *Portland, OR*, another of the west coast's more bike-friendly cities. The prospect of a program was visited in the 1980's as a state-wide measure by the legislature and was found to be a revenue negative undertaking and the concept was dropped.

San Francisco, CA has an inactive bicycle registration program that is enabled by the city's municipal code. The project was conceived by police to deter bicycle theft but became defunct when the licenses were used as by police as a method to track bicyclists rather than stolen bicycles. The program was never mandatory and is separate and apart from CVC 39001 enacted programs.

Seattle, WA used a voluntary bicycle registration program available to citizens through its police and fire departments. Seattle has over 500,000 bicycles in the city and found maintenance of the project difficult due to the required cost of record keeping and police manpower required to maintain the program. The project was abandoned in the 1980's.

The *State of Minnesota* has a bicycle licensing regulation much like the one found in CVC 39001, which allows municipalities to determine whether or not to enact a local bicycle registration program via ordinance. Thus *Minneapolis, MN* has enacted a locally supported bicycle license requirement. The project has one significant difference from California's in that Minnesota's state-wide motor vehicle department issues all of the bicycle registrations and renewal notices by mail, much like the California Department of Motor Vehicles does for automobiles. Minnesota also maintains the database that is available to law enforcement

New York City (NYC), NY recently considered a bicycle registration requirement that would require all riders over the age of 16 to display bicycle license tags issued by the NYC Department of Transportation. The program was heavily opposed by bicycle advocates and the city dropped the proposal.

In addition, *Beijing, China* cancelled its bicycle registration requirement three years ago citing the nation's interest in promoting the automobile as the preferred "transportation tool."

Bicycle Registration in Los Angeles

Per CVC 39001 and LAMC 26.01, bicyclists in the City of Los Angeles are required to display a State-issued bicycle license indicia permanently affixed to his or her bicycle. The City's Office of Finance purchases the indicia from the State's Department of Motor Vehicles and then resells the indicia to bicycle retailers and the LAPD for public distribution.

The Role of LAPD

Per LAMC 26.01, the LAPD is required to purchase bicycle licenses from the City Clerk, now the Office of Finance, for resale to the public at its station counters. Per the LAMC only the LAPD and bicycle retailers are provided the authority to sell bicycle licenses in Los Angeles.

Due to the sensitive nature of public information, the City Attorney's Office determined that the maintenance of the bicycle license data (name, address, telephone, bicycle serial number, etc.) must be maintained by LAPD Records and Information. It is conservatively estimated 200,000 to 500,000 bicycles are owned and ridden within the City's geographic boundaries. Record keeping has by far been the biggest challenge of this program. Lack of a proper database, to make records immediately available to officers on duty, has negated the effectiveness of the program.

Currently LAPD lacks the resources in staffing and funding to implement and maintain the program in the manner it was designed. A lack of fiscal procedures exist to purchase and distribute licenses to the public, monitor and maintain the citywide database, and an overall lack of personnel to properly implement the program. To date the database has not been regularly maintained nor is the information readily available to police personnel, licenses for purchase are not regularly available to the public, and the program is not enforced by the police.

The Role of the Office of Finance

Per LAMC 26.01, the City Clerk's Office is required to procure bicycle license indicia from the California Department of Motor Vehicles and distribute the licenses to the LAPD and bicycle retailers upon written request. With the advent of Charter reform in 2000, this function became a part of the duties of the Office of Finance. In addition, Finance has within its capabilities various tools to inform retailers who sell bicycles of their required participation in the program. While Finance currently informs retailers of their obligation to sell licenses through its Business Tax Renewal program, the licensing requirement is one of dozens of instructions provided to retailers in multiple lines of text of retailer conditions. Through the business licenses and taxes required of retailers and through its audit program(s), Finance may work with retailers and can subsequently enforce the program through a specific, random or regular audit of businesses selling bicycles in the City.

Current Status

The City's bicycle license program is nearly defunct due to scarce resources. Bicycle licenses are sold intermittently by some local police stations and a few bicycle dealers who purchase them from the Office of Finance. In addition, many LAPD divisions are unable to sell licenses at the station counters due to the high volume of other critical police duties. Bicycle retailers are not aware of, or completely disregard the current City ordinance requiring them to sell bicycle licenses with the purchase of bicycles in the City.

Two years ago an effort was made by LAPD to reorganize the project. In order to do so a database for licensed bicycles was developed and initially implemented. Due to scarce resources and higher priorities within the LAPD, the database has been deleted and no further resources are being devoted to the program.

Bicycle License Account

With the codification of the bicycle licensing program, the Bicycle License Account was established to receive funds generated through the sale of bicycle licenses. Per the CVC, funds generated through the bicycle license program "shall be used to improve bicycle safety programs, and establish bicycle facilities including bicycle paths and lanes, within the limits of the jurisdiction." Due to the limited activity of bicycle licensing citywide, the fund is quite limited. Bicycle license sales in the 2005-06 fiscal year generated only \$716.25. The current balance of the fund is \$16,477.43.

Fiscal Impact

As the program is still a requirement of the municipal code, some city resources within the Office of Finance and LAPD are still devoted for the program. Repealing LAMC 26.01 will result in a small cost savings or the reallocation of staff-time still devoted to the purchase of bicycle licenses and the implementation of the program by these departments. With the dissolution of the program the Bicycle License Account should be closed and any funds remaining in the Account should be transferred to Fund 207 Transportation Development Act Article III, which provides funding for construction and support of bicycle facilities development and safety activities.

Coordination

The DOT oversaw an ad-hoc committee comprised of the Office of Finance, LAPD and DOT, to review the Bicycle Licensing Program and make a recommendation regarding the ongoing operation of the program. After several months the committee stopped meeting and a recommendation was not further developed. In response to a vendor's recent request regarding the program, DOT met again with LAPD to review the program. Additional coordination was also held with Council member La Bonge's Office, City Attorney's Office, LAPD, and the Office of Finance.

VEHICLE CODE

SECTION 39000-39011

39000. "Bicycle", for the purposes of this division, means any device upon which a person may ride, which is propelled by human power through a system of belts, chains, or gears having either two or three wheels (one of which is at least 20 inches in diameter) or having a frame size of at least 14 inches, or having four or more wheels.

39001. (a) The department shall procure and distribute bicycle license indicia and registration forms to all counties and cities which have adopted a bicycle licensing ordinance or resolution. Those counties and cities shall issue the indicia and registration form to the owner of any new bicycle, and may, upon request of the owner, issue an indicia and registration form to the owner of any bicycle which complies with Section 39007.

The department shall charge and collect a fee, not to exceed the cost of procuring and distributing the license indicia and registration form, for each bicycle license indicia and registration form issued. All fees collected pursuant to this section shall be deposited in the Motor Vehicle Account in the State Transportation Fund. Those fees are hereby continuously appropriated from the account for use by the department to defray costs to procure and distribute the bicycle license indicia and registration forms.

(b) The director shall design the bicycle license indicia and registration form described in subdivision (a), and shall establish procedures for the distribution of the indicia and registration form to counties and cities. The indicia shall be adhesive, durable, flexible, and of a size to permit it to be affixed to the front of the seat tube of the bicycle frame. Each indicia shall bear a unique license number and shall be permanently assigned to a bicycle. Each registration form shall comply with Section 39005.

(c) Bicycle licenses shall be renewed uniformly throughout the state on January 1 of the third year following the year of registration. Renewal of a bicycle license shall be indicated by a supplementary adhesive device affixed parallel to, and above or below, the indicia, with the expiration date showing.

39002. (a) A city or county, which adopts a bicycle licensing ordinance or resolution, may provide in the ordinance or resolution that no resident shall operate any bicycle, as specified in the ordinance, on any street, road, highway, or other public property within the jurisdiction of the city or county, as the case may be, unless the bicycle is licensed in accordance with this division.

(b) It is unlawful for any person to tamper with, destroy, mutilate, or alter any license indicia or registration form, or to remove, alter, or mutilate the serial number, or the identifying marks of a licensing agency's identifying symbol, on any bicycle frame licensed under this division.

39003. If a city or county has or adopts a bicycle licensing ordinance or resolution, indicia and a copy of the registration form obtained from the department shall be issued to the owner by the city or county or other licensing agency designated by it.

39004. Each licensing agency, by ordinance or resolution, may adopt rules and regulations for the collection of license fees. Revenues from license fees shall be retained by the licensing city or county and shall be used for the support of such bicycle ordinance or resolution, and may be used to reimburse retailers for services rendered. In addition, fees collected shall be used to improve bicycle safety programs and establish bicycle facilities, including bicycle paths and lanes, within the limits of the jurisdiction.

The fees required to be paid pursuant to this division are as follows:

(a) For each new bicycle license and registration certificate, the sum shall not exceed four dollars (\$4) per year or any portion thereof.

(b) For each transfer of registration certificate, the sum shall not exceed two dollars (\$2).

(c) For each replacement of a bicycle license or registration certificate, the sum shall not exceed two dollars (\$2).

(d) For each bicycle license renewal, the sum shall not exceed two dollars (\$2) per year.

39005. Cities and counties having a bicycle licensing ordinance or resolution shall maintain records of each bicycle registered. Such records shall include, but not be limited to, the license number, the serial number of the bicycle, the make and type, of the bicycle, and the name and address of the licensee.

Records shall be maintained by the licensing agency during the period of validity of the license or until notification that the bicycle is no longer to be operated.

39006. (a) Each bicycle retailer and each bicycle dealer shall supply to each purchaser a preregistration form provided by the licensing agency and shall include, on the sales check or receipt given to the purchaser, a record of the following information: name of retailer, address of retailer, year and make of the bicycle, serial number of the bicycle if delivered to the purchaser in an assembled state, general description of the bicycle, name of purchaser, and address of purchaser. A copy of the preregistration form shall be filled out and forwarded by the purchaser to the appropriate licensing agency within 10 days from the date of sale.

(b) For the purposes of this division, a bicycle dealer is any person who sells, gives away, buys, or takes in trade for the purpose of resale, more than five bicycles in any one calendar year, whether or not such bicycles are owned by such person. "Bicycle dealer" also includes agents or employees of such person.

39007. After December 31, 1976, no bicycle retailer shall sell any new bicycle in this state unless such bicycle has legibly and permanently stamped or cast on its frame a serial number, no less than one-eighth inch in size, and unique to the particular bicycle of each manufacturer. The serial number only shall be stamped or cast in the head of the frame, either side of the seat tube, the toeplate, or the bottom sprocket (crank) housing.

39008. (a) Whenever any person sells or otherwise disposes of a bicycle, he shall endorse upon the registration certificate previously issued for such bicycle a written transfer of same, setting forth the name, address, telephone number of the transferee, date of transfer, and signature of the transferrer, and shall deliver the registration certificate, so endorsed, to the licensing agency within 10 days.

(b) Any person who purchases or otherwise acquires possession of a bicycle shall, within 10 days of taking possession, apply for the transfer of license to his own name. Cities and counties may establish rules and regulations to govern and enforce the provisions of this section.

39009. (a) Whenever the owner of a bicycle licensed pursuant to an ordinance or resolution of a city or county changes his address, he shall within 10 days notify the appropriate licensing agency of the old and new address.

(b) In the event that any bicycle license indicia or registration form issued pursuant to the provisions of this division is lost, stolen, or mutilated, the licensee of such bicycle shall immediately notify the licensing agency, and, within 10 days after such notification, shall apply to the licensing agency for a duplicate license indicia or registration form. Thereupon, the licensing agency shall issue to such licensee a replacement indicia or registration form upon payment to the licensing agency of the appropriate fee.

39011. No fine imposed for any violation of an ordinance or resolution, which is adopted pursuant to this division, shall exceed ten dollars (\$10).

SEC. 26.01. BICYCLES – LICENSES.

(Amended by Ord. No. 148,990, Eff. 12/17/76.)

(a) Definitions:

1. **Bicycle Defined.** For purposes of this section “bicycle” shall mean any device upon which a person may ride, which is propelled in whole or in part by human power through a system of belts, chains or gears and which has either two or three wheels (one of which is at least 20 inches in diameter, in tandem or tricycle arrangement) or a frame size of at least 14 inches.

2. **Motorized Bicycle Defined.** Any two-wheeled or three-wheeled device having fully operative pedals for propulsion by human power or having no pedals if powered solely by electrical energy, and an automatic transmission and a motor which produces less than 2 gross brake horsepower and is capable of propelling the device a maximum speed of not more than 30 miles per hour on level ground.

(b) Licenses:

1. **Requirement.** No person shall operate or use a bicycle upon any street or public highway of the City unless such bicycle has been duly licensed as provided herein. For the purposes of this section, the term “bicycle” shall also include “motorized bicycle.”

2. **Acquisition and Distribution: (Amended by Ord. No. 154,686, Eff. 1/1/81.)**

A. The Director of Finance shall procure from the Department of Motor Vehicles of the State of California the necessary bicycle license and license renewal indicia as well as registration certificates or other forms required by State law for the licensing of bicycles and distribute these to duly authorized agents upon written application and payment therefor by said agents. Upon receipt of such application and payment by mail, the Director of Finance shall mail the requested material to the applicant at applicant’s address.

B. For purposes herein “duly authorized agent” shall mean:

(1) Any person who holds a valid business, professional or occupational tax registration certificate to engage in the business of buying or selling bicycles or bicycle frames within the City of Los Angeles; or

(2) The Los Angeles Police Department.

C. The Police Department shall pay for each license indicia received from the Director of Finance a sum equal to the fee prescribed in Subsection (g) hereof. Other duly authorized agents may receive such license indicia upon payment of a sum equal to 65% of said prescribed fee.

D. The Director of Finance shall determine the unit quantities in which bicycle and bicycle renewal licenses and registration forms or certificates shall be distributed to duly authorized agents.

3. Issuance.

A. No bicycle shall be sold by a duly authorized agent unless a valid bicycle license or bicycle license renewal indicia has been attached thereto prior to sale or unless a bicycle license or license renewal indicia is sold and issued to the purchaser and attached to the bicycle at the time of sale. Such license or license renewal indicia shall be sold only upon full payment of the required fee set forth in Subsection (g) hereof and no other sum. (Amended by Ord. No. 154,686, Eff. 1/1/81.)

B. Upon receipt of the required bicycle license fee, the agent shall attach the license indicia to the frame of each bicycle so licensed. The license indicia shall remain permanently attached to the bicycle. In addition thereto, the agent shall issue to the bicycle owner a registration card which bears the same number as shown on the license indicia, if any, and shall forward a duplicate copy of the registration card to the Board of Police Commissioners within 24 hours of the date of such issuance. The registration card shall include the bicycle owner's name and address, the number, if any, of the bicycle license as shown on the license indicia, the date such bicycle license was issued, the name and address of the bicycle retailer, the serial number of the bicycle, the make and type of the bicycle, and such other information deemed to be necessary by the Board. The Board of Police Commissioners shall maintain a record of each bicycle license issued.

C. Licenses heretofore issued and in effect on September 20, 1974 shall remain valid until their expiration dates but in no case any later than July 1, 1979. Upon expiration thereof, a new license indicia must be obtained by the licensee.

4. **Term and Renewal.** Each new license indicia or license renewal indicia issued pursuant to provisions of this section shall be renewed on January 1 of the third year following the year of registration. Renewal of a bicycle license shall be indicated by the presence of a supplementary adhesive device affixed by a duly authorized agent to the bicycle or bicycle frame on or near the indicia already appearing on said bicycle or bicycle frame. (Amended by Ord. No. 154,686, Eff. 1/1/81.)

(c) Dealers and Junk Dealers.

1. **Report of Purchases.** Each person who in the regular course of business buys secondhand bicycles or bicycle frames and every junk dealer who purchases or otherwise acquires any bicycle or bicycle frame as junk, or otherwise, shall report such acquisition to the Board in writing within 24 hours thereafter and specify:

A. The name and address of the person from whom each such bicycle or bicycle frame was purchased or otherwise acquired;

B. The make and description of such bicycle or bicycle frame purchased or otherwise acquired;

C. The bicycle frame number; and

D. The number, if any, and other identifying details of any license indicia and any license renewal indicia on the bicycle or bicycle frame affixed or attached in any manner thereto.

2. **Report of Sales.** In addition to any other reports required by the provisions of this Code, each person who in the regular course of business sells new or secondhand bicycles, or bicycle frames, shall report to the Board concerning all such bicycles or bicycle frames sold for which a bicycle license is not issued at the time of sale. Such report shall be made in writing within 24 hours of the date of sale and shall specify:

A. The name and address of the person to whom each such bicycle, or bicycle frame, was sold or otherwise disposed of;

B. The make and description of such bicycle or bicycle frame sold or otherwise disposed of;

C. The bicycle frame number;

D. The number, if any, and all other identifying details of any license or license renewal indicia or any previously issued decal or plate found affixed or attached in any manner to the bicycle or bicycle frame.

3. **Period of Time to Elapse Before Sale.** No pawnbroker, secondhand dealer, or junk dealer shall sell or otherwise dispose of any bicycle or bicycle frame within twenty-one (21) days after such article has been purchased or received by such pawnbroker, secondhand dealer or junk dealer.

(d) Transfer-Report Required.

1. **Seller or Transferor.** It shall be the duty of every person who sells or otherwise disposes of any bicycle or bicycle frame to endorse upon the registration certificate previously issued for such bicycle or bicycle frame a written transfer thereof setting forth the name, address and telephone number of the transferee, the date of transfer, and the signature of the transferor, and to report such sale or transfer of ownership by delivery of the registration certificate so endorsed to the Board within 10 days of the date of said sale or disposition.

2. **Buyer or Transferee.** It shall be the duty of any person who purchases or otherwise acquires possession of a bicycle to apply for a transfer of license to his own name within 10 days of such purchase or acquisition.

(e) Change of Address. Whenever the owner of a bicycle licensed pursuant to this section changes his or her address, that person shall, within 10 days, notify the Board of Police Commissioners of both the old and new address in writing.

(f) Destruction of Bicycle License Indicia. No person shall tamper with, remove, destroy, mutilate or alter any bicycle license or license renewal indicia or registration form or certificate or remove, alter or mutilate the serial number or the identifying marks of the licensing agent's identifying symbol on any bicycle or bicycle frame licensed under the provisions hereof except as otherwise provided by law. In the event any license or license renewal indicia or registration certificate or form issued pursuant to this section is lost, stolen, or mutilated, the licensee of the bicycle shall immediately notify a licensing agency, and within 10 days after such notification shall apply to a licensing agency for a duplicate license or license renewal indicia or registration certificate or form. The licensing agency shall, upon receipt of payment of the appropriate fee, thereupon issue to the licensee a replacement indicia or registration certificate or form.

Nothing in this section shall prohibit the Board from causing numbers to be stamped on the frames of bicycles on which no serial number can be found or on which the serial number is illegible or insufficient for identification purposes.

(g) Cost To License. For each license indicia and each license renewal indicia issued pursuant to this section, the sum of \$3.00 shall be paid by the licensee to the duly authorized agent. There shall be no charge for registration of change of address, or for a certificate of replacement of indicia required pursuant to Subsection (f) hereof. **(Amended by Ord. No. 160,557, Eff. 1/9/86, Oper. 1/1/86.)**

(h) Bicycle License Fee. There is hereby established a special fund in the City Treasury entitled the "Bicycle License Fund". Fees collected pursuant to this section by the Director of Finance shall be deposited into said fund and the Director of Finance is hereby authorized to make the necessary disbursements therefrom as herein provided. Disbursements shall be made up to the limits of said fund for all costs of administering the bicycle licensing program provided for herein. Monies in said fund which are not thereby encumbered or expended in support of the bicycle licensing program shall be expended as designated by the City Council, to the extent that monies are available in said fund, for the improvement of bicycle safety programs and for the establishment of bicycle facilities, including bicycle paths and lanes within the City limits. In authorizing expenditures for such additional programs over and above the licensing program itself, the City Council shall also designate the department responsible for implementation thereof.

(i) Compliance With Motor Vehicle Code. In addition to all other requirements of licensing herein set forth, each bicycle retailer, dealer or purchaser shall comply with the requirements and provisions of Division 16.7 of the Vehicle Code of the State of California.