



From trikes to e-bikes

A REVIEW OF CALIFORNIA BICYCLE LAWS AND THE CONCERNS AND CONSIDERATIONS IN PURSUING BICYCLE-INJURY CASES

Navigating roads in California, especially in urban areas with the presence of vehicles, trucks, autonomous vehicles, scooters and pedestrians, can be a daunting task for a bicyclist or e-bike rider. Who has the right of way, where should a bicycle be in relation to vehicles, and do bicycle riders have preference over vehicles in certain situations? We have seen roads with bicycle lanes more frequently, but often, roads and streets do not have bicycle lanes, leaving riders exposed and automobile drivers confused as to how to treat bicycles who share the road. How does a cyclist navigate the roads and how does an attorney navigate a case with an injured cyclist?

With so many bicycles on the roads and streets, surprisingly, the State of California does not lead the country in the number of bicycle riders, but in 2022, California led the country with 149 cycling fatalities by a motor vehicle. This number represented a 20% increase from figures obtained in 2021. (Bicyclists and Other Cyclists' Traffic Safety Facts 2022 Data) < <https://crashstats.nhtsa.dot.gov> >

In particular, Los Angeles County leads California in being the most dangerous county for cyclists. In 2021, Los Angeles County had the most bicycle fatalities at 271. Los Angeles County averaged 36 bicycle fatalities per year in 2016 with the highest number, 42 fatalities reported in 2019. However, with changes in laws and protection for bicycle riders, in 2022, the number of bicycle fatalities dropped to 38 in Los Angeles County. Orange County is a distant second in the amount of bicycle fatalities in California. Orange County had 3,953 bicycle accidents and 73 fatalities between 2017 and 2021. In 2022, Orange County had 19 bicycle fatalities. < <https://safetrec.berkeley.edu/2023-safetrec-traffic-safety-facts-bicycle-safety> >

E-bikes and their impact on accident statistics

Although bicycle accident statistics and fatalities are on the decline, the rise of

electric bicycles or e-bikes, appears to be upwardly influencing bicycle accident statistics in California. In Orange County specifically, a 500% rise in e-bike accidents was reported in just one year, 2021, according to CBS News. This dramatic increase has been attributed to e-bikes' ability to reach speeds up to 28 miles per hour, exceeding the legal limit on many California roadways.

Nationwide reporting methodology has also changed, with 2022 being the first year to include e-bike fatalities in bicycle accident statistics rather than categorizing them under motor vehicle accidents. This change in methodology may partially explain some statistical spikes.

What is an e-bike?

Electric bicycles represent a rapidly growing segment of California's transportation landscape, introducing unique regulatory and liability considerations. California law categorizes e-bikes into three distinct classes based on their operational characteristics.

- Class 1 – Pedal-assisted bicycle that ceases to assist when it reaches 20 miles per hour.
- Class 2 – Throttle-assisted bicycle with an electric motor but stops to assist as soon as it reaches 20 miles per hour.
- Class 3 – Electric motor bicycle with a speedometer that will cease to assist as soon as it reaches 28 miles per hour. (Veh. Code, § 312.5.)

Recent legislative changes have further refined e-bike regulations. As of January 2025, new laws specify that e-bikes must maintain functional pedals and cannot exceed 20 mph on electric power alone or employ motors exceeding 750 watts. These regulations attempt to maintain a clear distinction between e-bikes and more powerful motorized vehicles that would be subject to different regulatory frameworks.

For attorneys handling e-bike cases, these classifications and specifications create additional dimensions of potential liability. Questions may arise regarding whether a particular e-bike was properly classified, whether modifications affected

its legal status, or whether the rider was operating within the performance parameters of their specific e-bike class. These technical considerations can substantially impact liability determinations, particularly in accidents involving speed as a contributing factor.

The e-bike safety crisis

Technological advances in bicycle riding have thrust e-bikes largely into households in which the children want the feel of a bicycle but with the speed of a car. In the United States, the purchases of e-bikes increased from 437,000 in 2020 to 1.1 million in 2022. (<https://www.bicycleretailer.com/opinion-analysis/2024/03/11/vosper-e-bikes-step-down-market>) Unfortunately, the rise of children riding e-bikes has translated into a troubling and worrisome increase in accidents and injuries. According to a study in JAMA Surgery, researchers from the University of California, San Francisco, state that there was a 49-fold increase in head trauma from 2017 to 2022 and during that same time frame, a 6% decrease in helmet use. < <https://jamanetwork.com/journals/jamasurgery/fullarticle/2815376> >

The statistical evidence points to an alarming 70% increase in e-bike injuries in 2023, with more than half of all e-bike accidents involving children under the age of 18. This pattern is consistent with broader national trends showing e-bike injuries doubling annually from 2017 to 2022. (<https://www.ucsf.edu/news/2024/07/428096/electric-scooter-and-bike-accidents-are-soaring-across-us>)

E-bike accident patterns and regional distribution

Geographically in California, the highest number of e-bike accidents in 2024 was in the beach areas and communities before spreading inland. The Children's Hospital of Orange County medical director reported that e-bike injuries, once primarily a coastal problem in areas like Newport Beach, have become more prominent in inland Orange

County. By early 2025, the top five cities for e-bike injuries in Orange County were identified as Huntington Beach, Irvine, Santa Ana, Orange, and Newport Beach, demonstrating that now both coastal and inland communities are significantly affected. (<https://abc7.com/post/childrens-hospital-orange-county-seeing-most-bike-injuries-huntington-beach-irvine-santa-ana-newport/15961575/>)

Basic requirements for bicyclists

Bicyclists in California must adhere to numerous operational requirements codified in the Vehicle Code. Foremost among these is the obligation to ride with the flow of traffic (Veh. Code, § 21650), positioning themselves as close as practicable to the right side of the roadway. However, this right-side requirement includes several important exceptions that attorneys should recognize when analyzing potential negligence claims. These exceptions permit cyclists to “take the [traffic] lane” when overtaking another bicycle, preparing for a left turn, or when “reasonably necessary to avoid conditions... that make it unsafe to continue to ride along the right-hand curb or edge.” (Veh. Code, § 21202.) This final exception provides significant legal flexibility, as it encompasses scenarios involving pedestrians, debris, poor road conditions, or other hazards that might justify a cyclist’s decision to ride further into the traffic lane.

California law also contains specific provisions regarding bicycle-lane usage. When a bicycle lane is present and the cyclist is moving slower than traffic, use of the bicycle lane is mandatory except in certain circumstances. These circumstances mirror the exceptions to the right-side rule, allowing cyclists to exit bike lanes when turning left, passing other cyclists, avoiding hazards, or approaching places where right turns are authorized. The proper application of these exceptions often becomes a critical element in determining liability in collision cases.

General bicycle laws

- **If you’re moving as fast as traffic, you can ride wherever you want.**

- **If you’re moving slower than traffic, you can “take the lane” if it’s not wide enough for a bike and a vehicle to safely share side-by-side.** The law says that people who ride bikes must ride as close to the right side of the road as practicable except under the following conditions: when passing, preparing for a left turn, avoiding hazards, if the lane is too narrow to share, or if approaching a place where a right turn is authorized. (Veh. Code, § 21202.) Unfortunately, some motorists and even police do not understand cyclists’ right to “take the lane.”
- **Use the bicycle lane.** On a roadway with a bike lane, bicyclists traveling slower than traffic must use the bike lane except when making a left turn, passing, avoiding hazardous conditions, or approaching a place where a right turn is authorized. (Veh. Code, § 21208.)
- **You don’t have to use the “protected bike lane.”** Once a bike lane is separated from moving traffic with posts or car parking or anything else, it is no longer a “bike lane” according to the law; it is a “separated bikeway.” In this case, Vehicle Code section 21208 does not apply. You may ride outside of the separated bikeway for any reason.
- **Ride with traffic.** Bicyclists must travel on the right side of the roadway in the direction of traffic, except when passing, making a legal left turn, riding on a one-way street, riding on a road that is too narrow, or when the right side of the road is closed due to road construction. (Veh. Code, § 21650.)
- **Electric bicycles are almost like regular bikes.** Electric bicycles are allowed wherever regular bikes are allowed unless a sign specifically prohibits electric bicycles.
- **Bike path obstruction:** No one may stop on or park a bicycle on a bicycle path. (Veh. Code, § 21211.)
- **Sidewalks:** Individual cities and counties control whether bicyclists may ride on sidewalks. (Veh. Code, § 21206.)
- **Freeways:** Bicycles (including motorized bicycles) may not be ridden on freeways and expressways where doing so is prohibited by the California Department of Transportation and local

authorities. (Veh. Code, § 21960.)

- **Toll bridges:** Bicyclists may not cross a toll bridge unless permitted to do so by the California Department of Transportation. (Veh. Code, § 2330.)

Requirements for operating your bicycle

- **Helmets:** Bicyclists and bicycle passengers under the age of 18 must wear an approved helmet when riding on a bicycle. (Veh. Code, § 21212)
- **Headphones:** Bicyclists may not wear earplugs in both ears or a headset covering both ears. Hearing aids are allowed. (Veh. Code, § 27400)
- **Cell phones:** Unlike motorists, cyclists are permitted to use a handheld cell phone while riding. (Veh. Code, § 23123)
- **Alcohol and drugs:** Bicyclists may not ride while under the influence of alcohol or drugs. This is a grey area as the law does not specify a legal limit of consumption for bike riders but if a police officer sees a bicyclist do something that demonstrates impaired ability to ride, a cyclist could be cited for cycling under the influence and the State of California could suspend your driver’s license for up to a year. (Veh. Code, § 21200.5)
- **Hitching rides:** Bicyclists may not hitch rides or attach themselves to vehicles. (Veh. Code, § 21203)
- **Carrying articles:** Bicyclists may not carry items that keep them from using at least one hand on the handlebars. (Veh. Code, § 21205)
- **Pedestrians:** Bicyclists must yield the right-of-way to pedestrians within marked crosswalks or within unmarked crosswalks at intersections. Bicyclists must also yield the right-of-way to totally or partially blind pedestrians carrying a predominantly white cane or using a guide dog. (Veh. Code, §§ 21950 and 21963)
- **Parking:** Bicyclists may not leave bicycles on their sides on the sidewalk or park bicycles in a manner that obstructs pedestrians. (Veh. Code, § 21210)

The legal landscape of bicycle sidewalk riding

While the Vehicle Code contains comprehensive provisions governing bicycle operation on roadways, including

requirements for bicyclists to follow the same rules as motorists (Veh. Code, § 21200), it remains conspicuously silent on the specific matter of riding on the sidewalk. This deliberate legislative choice reflects California's recognition of the diverse urban and suburban environments across the state, acknowledging that a single statewide approach might not adequately address the varying needs of different communities. For cyclists, this creates a responsibility to familiarize themselves with local ordinances, which may change as they cross municipal boundaries during their rides.

San Diego

San Diego County exemplifies the diverse regulatory approaches found throughout California, with significant variations in sidewalk cycling regulations across its municipalities.

- In the City of San Diego itself, municipal code provisions permit bicycle riding on sidewalks except in designated business districts. This also applies in Oceanside, Encinitas, San Diego, National City, Chula Vista, Imperial Beach, Lemon Grove, Santee, and unincorporated San Diego County.
- Sidewalk riding is forbidden at all times in Carlsbad, El Cajon, Vista and Poway.
- Sidewalk riding is regulated but not forbidden in Escondido and San Marcos.
- Sidewalk riding is not regulated in Solano Beach and La Mesa.

Orange County

Orange County similarly features diverse approaches to sidewalk cycling across its various municipalities. According to county-wide standards, bicyclists must not ride on sidewalks with, "willful disregard for safety," and pedestrians consistently maintain the right of way when sidewalk cycling is permitted. This general principle establishes a minimum standard of care for cyclists utilizing sidewalks throughout the county.

- In Newport Beach, the municipal code categorically prohibits operating or riding bicycles on any sidewalk in the city, with limited exceptions for areas specifically designated by City Council resolution, as well

as accommodations for disabled or elderly individuals using mobility devices. (Newport Beach Municipal Code § 12.56.030.)

- Huntington Beach takes a more targeted approach, prohibiting sidewalk cycling only "within any business district, or upon the sidewalk adjacent to any public-school building, church, recreation center, playground or over any pedestrian overcrossing, or within any crosswalk." (Huntington Beach Municipal Code § 10.84.160.)
- Fullerton appears to have no specific ordinance addressing sidewalk cycling, effectively permitting the practice by default.
- In the City of Irvine, sidewalk cycling is permitted unless prohibited by signs. (Irvine City Code § 4-7-210(a).)
- In the City of Tustin, persons riding on a sidewalk shall yield the right of way to pedestrians, at all times. (Tustin Ordinance No. 786, § 29, 2-5-79.)

Los Angeles County

Los Angeles County, with its numerous municipalities and vast geographic area, presents perhaps the most complex regulatory environment for sidewalk cycling in California.

- The City of Los Angeles itself maintains a relatively permissive approach, allowing bicycle riding on sidewalks as long as it is not conducted with, "willful or wanton disregard for the safety of persons or property." This standard establishes a negligence-based framework that permits responsible sidewalk cycling while prohibiting reckless behavior. (LAMC § 56.15.1.)
- The Los Angeles Municipal Code does contain specific geographic restrictions, notably prohibiting bicycle riding on Ocean Front Walk between Marine Street and Via Marina, except on the designated bicycle path adjacent to Ocean Front Walk between Marine Street and Washington Boulevard. (Los Angeles Municipal Code § 56.15.2)
- Unincorporated areas of Los Angeles County, including Marina Del Rey and East Los Angeles, prohibit sidewalk cycling entirely. (LAMC § 15.76.080.)
- Similarly, the cities of Santa Monica (SMMC § 3.12.540), Manhattan Beach

(MBMC § 3.01.090), and Inglewood (IMC § 3-22) maintain categorical prohibitions on sidewalk cycling.

- Other municipalities adopt intermediate approaches, such as West Hollywood, which permits sidewalk cycling only when designated bike lanes are unavailable and requires cyclists to travel in the same direction as adjacent traffic. (LAMC § 15.53.010.)

Patterns in sidewalk riding regulations

Despite the diversity of approaches to sidewalk cycling across California's counties and municipalities, several common patterns emerge from local regulations. One of the most prevalent patterns involves prohibiting sidewalk cycling in business districts while permitting it in residential areas. This approach, adopted in San Diego, Huntington Beach, Westminster, and numerous other municipalities, reflects the recognition that pedestrian density in commercial areas creates heightened safety concerns.

California bicycle laws

California bicycle law is primarily governed by Vehicle Code section 21200 serving as the foundational statute that establishes cyclists' legal status. This critical provision explicitly states that "a person riding a bicycle or operating a pedicab upon a highway has all the rights and is subject to all the provisions applicable to the driver of a vehicle." This designation effectively places cyclists within the same legal framework as motorists, subjecting them to nearly identical rights and responsibilities.

However, recent changes to California bicycle laws and landmark court decisions have transformed the legal landscape for bicycle accident cases. The most significant developments include the 2023 Omni Bike Bill, which took effect in 2024.

The Omni Bike Bill (AB1909) introduces a significant change to Vehicle Code section 21760, known as the *three-foot rule*, which was enacted in 2013 and meant that a motor vehicle overtaking a cyclist must maintain a three-foot distance. This regulation aimed to safeguard cyclists by

ensuring a safe passing distance between them and motor vehicles. However, accurately measuring this distance while driving proved to be a challenge, and compliance was inconsistent. Instead of maintaining a vague three-foot margin, drivers are required to *change lanes entirely* when passing a bicyclist, provided another lane is available, and the maneuver can be performed safely. The Omni Bike Bill also allows Class 3 e-bike riders access to bike paths and lanes, which was more restricted in the past.

Walk-sign rules for bicyclists

As a result of Omni Bike Bill No. 1909, bicyclists are given a head start for crossing certain intersections. This will provide the same effect of a “walk” sign as pedestrians, so that bicyclists can follow pedestrians on a red light when a “walk” sign is flashing. This law was promulgated on the hope of preventing or reducing crashes involving vehicles and bicycles.

Leading pedestrian interval

Leading Pedestrian Interval (LPI) helps cyclists cross a road with the allowance of a “walk” pedestrian sign. In 2022, this Assembly Bill 2264 was approved to mandate new crosswalk and traffic signals to have different programming if they were owned by the state. The new programming in the signs provides pedestrians with three to seven seconds of lead time after the “walk” sign begins to flash, before vehicles are given a green light. The objective of giving pedestrians and cyclists this extra lead time is to allow them to be well within the intersection before vehicles turn right on a red light or left after the light turns green. This extra safe distance in the intersection will also allow pedestrians and cyclists with more visibility by all vehicles with the hope of reducing car crashes and serious injury.

Recent legal developments affecting bicycle cases

The legal landscape for bicycle cases has undergone significant evolution in recent years. In 2023, California imple-

mented the Omni Bike Bill (AB-1909), which fundamentally changed how motorists must interact with cyclists on roadways, new 2025 e-bike regulations, and recent court decisions affecting governmental immunity in bicycle accident cases. This legislation replaced the previous “three-foot rule” for passing cyclists with a more stringent requirement that drivers change lanes entirely when passing bicyclists, mirroring the procedure for passing other vehicles.

This legislative change addressed longstanding enforcement challenges with the previous rule. The three-foot requirement was difficult to measure with two moving objects and provided insufficient safety margins for cyclists. The new lane-change requirement offers clearer directives that are easier to enforce, providing more objective criteria for establishing negligence in passing-related collisions.

For attorneys, this change provides a more defined standard when arguing motorist negligence in side-swipe or passing collisions. A landmark 2024 California Supreme Court case, *Tansavatdi v. City of Rancho Palos Verdes* (2023) 14 Cal.App.5th 639, further shaped bicycle-accident litigation by ruling against city immunity in a fatal bicycle accident. This precedent-setting decision involved a cyclist who died in a collision with a tractor-trailer. While evidence suggested the cyclist may have been at fault by proceeding straight through an intersection from a right-turn lane, the court focused on the city’s potential liability for road design. Specifically, the court ruled that, while the city maintained immunity for the design itself, it could be held liable for failure to warn of the dangerous condition created by discontinuing a bike lane for a half-mile stretch to accommodate parking for a park.

Attorneys representing injured cyclists should be attentive to potential design-defect claims against municipalities. Following the *Tansavatdi* decision limiting governmental immunity, attorneys can potentially pursue claims based on dangerous road conditions, even in cases where the cyclist might appear primarily at

fault. Success in such cases requires demonstrating that the road design created a dangerous condition and that insufficient warning was provided, creating a separate basis for liability beyond comparative-negligence considerations.

When representing cyclists who may share some fault, attorneys should emphasize the protective exceptions built into California bicycle laws. The statutory exceptions to the right-side rule and bike-lane requirements provide legal justification for many common cycling practices that might otherwise appear improper to those unfamiliar with bicycle laws. By highlighting these legal exceptions and their safety rationale, attorneys can potentially reduce their client’s assigned percentage of fault.

Conclusion

The ever-changing landscape of bicycle and e-bike laws presents unique issues to effectively represent an injured cyclist. The laws can seem confusing and contradictory, forcing a cyclist and his/her attorney to know the nuances of different municipalities and sometimes streets, and what is permitted in each. The laws for cyclists have improved to protect their safety and recent laws have assisted cyclists in obtaining justice against municipalities.

Successfully representing clients in bicycle-accident cases requires attorneys to navigate unique evidentiary challenges, counteract potential bias, and deploy strategic approaches tailored to the distinctive aspects of bicycle law. By thoroughly understanding both the technical aspects of bicycle operation and the legal frameworks governing cyclists’ rights and responsibilities, attorneys can effectively advocate for their clients in this specialized area of personal injury and municipal liability law.

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