

## Model Electric Bicycle Law with Classes

### **Chapter 1 – Definitions**

#### Section 101:

(1) “Electric bicycle” shall mean a bicycle equipped with fully operable pedals and an electric motor of less than 750 watts.

(a) “Class 1 electric bicycle” or “low-speed pedal-assisted electric bicycle” shall mean a bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.

(b) “Class 2 electric bicycle” or “low-speed throttle-assisted electric bicycle” shall mean a bicycle equipped with a motor that may be used exclusively to propel the bicycle, and that is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.

(c) “Class 3 electric bicycle” or “speed pedal-assisted electric bicycle” shall mean a bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour.

*\*\*\*Electric bicycles may also need to be excluded from other definitions such as “motor vehicle” or “moped.” These determinations should be made on an individual basis based on the classifications in each state. See also section 202 (providing that electric bicycles are not motor vehicles).*

### **Chapter 2 – General rules for electric bicycles**

#### Section 201 – rights and duties of electric bicycles:

Except as otherwise provided in this *[insert appropriate designation - article, chapter, etc.]*, an electric bicycle or an operator of an electric bicycle shall be afforded all the rights and privileges, and be subject to all of the duties, of a bicycle or the operator of a bicycle.

#### Section 202 – insurance, licensing, and registration:

A person operating an electric bicycle is not subject to the provisions of this code relating to financial responsibility, driver’s licenses, registration, and license plate requirements. An electric bicycle is not a motor vehicle.

#### Section 203 – labeling requirement:

On and after *[insert appropriate date – generally at least one calendar year after the new law takes effect]*, manufacturers and distributors of electric bicycles shall apply a label that is permanently affixed, in a prominent location, to each electric bicycle. The label shall contain the classification number, top assisted speed, and motor wattage of the electric bicycle, and shall be printed in Arial font in at least 9-point type.

Section 204 – tampering restriction:

A person shall not tamper with or modify an electric bicycle so as to change the motor-powered speed capability or motor engagement (between pedal and throttle assist types of engagement) of an electric bicycle, unless he or she appropriately replaces the label indicating the classification required in section 203.

A person shall not tamper with or modify an electric bicycle in a manner that allows the motor to provide assistance above the speed of: (a) 20 miles per hour if the bike is being propelled exclusively by the motor; or (b) 28 miles per hour if the motor is providing assistance only when the rider is pedaling.

A device shall no longer be considered an electric bicycle if the motor is modified such that the motor is capable of propelling the device at a speed that exceeds: (a) 20 miles per hour if the bike is being propelled exclusively by the motor; or (b) 28 miles per hour if the motor is providing assistance only when the rider is pedaling.

Section 205 – CPSC compliance:

An electric bicycle shall comply with the equipment and manufacturing requirements for bicycles adopted by the United States Consumer Product Safety Commission (16 C.F.R. part 1512).

Section 206 – motor disengagement:

A class 2 electric bicycle shall operate in a manner so that the electric motor is disengaged or ceases to function when the brakes are applied. A class 1 and 3 electric bicycle shall operate in a manner such that the motor is disengaged through a mechanism that, when the rider stops pedaling, the electric motor will disengage or cease to function.

Section 207 – path use by class 1 and 2 electric bicycles:

A class 1 electric bicycle or a class 2 electric bicycle may be used in all places where bicycles are permitted to travel, including, but not limited to bicycle and multi-use paths and trails *[use appropriate state specific language to describe paved bike infrastructure; omit trails where they can be interpreted as trails open to mountain bikers]*. However, the municipality, local authority or governing body of a public agency having jurisdiction over a path or trail may prohibit, by ordinance, the operation of a class 1 electric bicycle or class 2 electric bicycle on that bicycle path or trail.

Section 208 – path use by class 3 electric bicycles:

A class 3 electric bicycle shall not be operated on a bicycle or multi-use path or trail *[use appropriate state specific language to describe paved bike infrastructure; omit trails where they can be interpreted as trails open to mountain bikers]* unless it is within or adjacent to a highway or roadway, or unless the municipality, local authority or governing body of a public agency having jurisdiction over the path or trail permits, by ordinance, that operation.

### **Chapter 3 – Additional regulation of class 3 electric bicycles**

Section 301 – age restriction:

No person under the age of sixteen (16) may operate a class 3 electric bicycle. A person under the age of sixteen (16) may ride as a passenger on a class 3 electric bicycle that is designed to accommodate passengers.

Section 302 – helmet requirement:

All operators and passengers of class 3 electric bicycles shall wear a properly fitted and fastened bicycle helmet that meets the standards provided by either the United States Consumer Product Safety Commission or the American Society for Testing and Materials, or standards subsequently established by those entities.

*\*\*\*State-specific analysis should be performed to examine whether any additional provisions are needed to accommodate whether failing to wear a helmet constitutes negligence/assumption of risk or could otherwise limit recovery in the instance of a collision with other road users or motor vehicles.*

Section 303 – speedometer requirement:

All class 3 electric bicycles must be equipped with a speedometer that displays the speed the bicycle is traveling in miles per hour.