

Defining and Regulating Electric-Assisted Bicycles; House Sub. for SB 101

House Sub. for SB 101 amends the definition of and regulates the operations of electric-assisted bicycles (e-bikes).

Definitions and E-bike Specifications

“Electric-assisted bicycle” continues to mean a bicycle with two or three wheels, a saddle, fully operative pedals for human propulsion, and an electric motor. The bill removes the current specifications of the motor (no more than 1,000 watts, incapable of propelling the device at more than 20 miles per hour [mph] on level ground, and incapable of increasing the speed further above 20 mph when human power alone is used to propel the device) and specifies the electric motor be less than 750 watts and meet the requirements of one of three classes:

- A class 1 e-bike is one equipped with a motor that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of 20 mph;
- A class 2 e-bike is one equipped with a motor that may be used exclusively to propel the bicycle and is not capable of providing assistance when the bicycle reaches 20 mph; or
- A class 3 e-bike is one equipped with a motor that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches 28 mph.

The bill amends definitions in other statutes to exclude e-bikes:

- In vehicle registration statutes and the Uniform Act Regulating Traffic on Highways, from the definitions of “all-terrain vehicle,” “electric-assisted scooter,” “motor vehicle,” “motorcycle,” and “motorized bicycle”; the bill also specifically states an e-bike is not considered a motor vehicle;
- In the Vehicle Dealers and Manufacturers Licensing Act, from the definitions of “vehicle” and “motor vehicle”; and
- In the wildlife and parks laws, from the definition of “motor vehicle.”

The bill requires, on and after January 1, 2023, manufacturers and distributors of e-bikes to apply a permanently affixed label to a prominent location on each e-bike containing the classification number, top assisted speed, and motor wattage in Arial font in at least nine-point type. The bill prohibits tampering with or modifying an e-bike in a way that changes the motor-powered speed capability or engagement of an e-bike, unless the label indicating the classification is replaced after modification.

The bill requires an e-bike to comply with the equipment and manufacturing requirements of the U.S. Consumer Product Safety Commission in 16 CFR Part 1512.

Operating an E-bike

The bill states an e-bike or its rider shall be afforded all the rights and privileges, and be subject to the responsibilities, of a bicycle or its rider, and an e-bike is a vehicle to the same extent as is a bicycle.

The bill adds an e-bike to the list of types of vehicles that need not be registered. The bill states vehicle liability insurance, a driver's license, a certificate of title, and a license plate also are not required.

The bill states an e-bike may be ridden where bicycles are allowed, including, but not limited to, streets, highways, roadways, bicycle lanes, bicycle or multi-use paths, and trails or trail networks.

The bill states its provisions will not restrict a city, through adopting an ordinance, from governing the operation of e-bikes on streets, highways, and sidewalks under its jurisdiction. Similarly, the bill states its provisions will not prevent a municipality, county, or agency of the State having jurisdiction over a bicycle or multi-use path, trail, or trail network from restricting or prohibiting the operation of an e-bike or a specific class of e-bike on those paths and trails. The bill authorizes a local authority or state agency with jurisdiction over a trail to regulate the use of an e-bike on such trail, including a trail specifically designated as nonmotorized with a natural surface tread made by clearing and grading the native soil with no added surfacing materials.

The bill prohibits operation of a class 3 e-bike by a person younger than 16 but states a person younger than 16 can ride as a passenger if the e-bike is designed to accommodate passengers.