

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 that meets the requirements of one of the following three classes:

- (a) “Class 1 electric bicycle” shall mean an electric 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” shall mean an electric 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” shall mean an electric 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. An electric bicycle is a vehicle to the same extent as a bicycle.

Section 202 – insurance, licensing, and registration:

An electric bicycle or a person operating an electric bicycle is not subject to the provisions of this code relating to financial responsibility, driver’s licenses, registration, certificates of title, off-highway vehicles and license plates. 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 engagement of an electric bicycle, unless he or she appropriately replaces the label indicating the classification required in section 203.

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:

An electric bicycle shall operate in a manner so that the electric motor is disengaged or ceases to function when the rider stops pedaling or when the brakes are applied.

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

A class 1 electric bicycle or a class 2 electric bicycle may be ridden on a bicycle or multi-use paths where bicycles are permitted *[use appropriate state specific language to describe improved bike paths and related infrastructure; omit language that can be interpreted as trails open to mountain bikers]*. However, the municipality, local authority or state agency having jurisdiction over a bicycle or multi-use path may prohibit the operation of a class 1 electric bicycle or class 2 electric bicycle on that path.

Section 208 – path use by class 3 electric bicycles:

A class 3 electric bicycle shall not be ridden on a bicycle or multi-use path *[use appropriate state specific language to describe improved bike paths and related infrastructure; omit language that 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 state agency having jurisdiction over the path permits 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.