

**No. 40. An act relating to electric bicycles.**

(S.66)

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 23 V.S.A. § 4(18)(A) is amended to read:

(18)(A) “Motorcycle” ~~shall mean~~ means any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, and ~~shall include~~ includes autocycles but ~~exclude~~ excludes motor-driven cycles, motor-assisted bicycles, electric bicycles, golf carts, track driven vehicles, tractors, and electric personal assistive mobility devices.

Sec. 2. 23 V.S.A. § 4(21) is amended to read:

(21) “Motor vehicle” ~~shall include~~ includes all vehicles propelled or drawn by power other than muscular power, except farm tractors, vehicles running only upon stationary rails or tracks, motorized highway building equipment, road making appliances, snowmobiles, ~~or~~ tracked vehicles, motor-assisted bicycles, electric bicycles, or electric personal assistive mobility devices.

Sec. 3. 23 V.S.A. § 4(45) is amended to read:

(45)(A) “Motor-driven cycle” means any vehicle equipped with two or three wheels, a power source providing up to a maximum of two brake horsepower and having a maximum piston or rotor displacement of 50 cubic centimeters if a combustion engine is used, which will propel the vehicle,

unassisted, at a speed not to exceed 30 miles per hour on a level road surface, and which is equipped with a power drive system that functions directly or automatically only, not requiring clutching or shifting by the operator after the drive system is engaged. As motor vehicles, motor-driven cycles shall be subject to the purchase and use tax imposed under 32 V.S.A. chapter 219 rather than to a general sales tax. ~~Neither an electric~~ Electric personal assistive mobility device nor a devices, motor-assisted bicycle is a bicycles, and electric bicycles are not motor-driven eyele cycles.

(B)(i) “Motor-assisted bicycle” means any bicycle or tricycle with fully operable pedals and equipped with a motor that in itself is capable of producing a top speed of not more than 20 miles per hour on a paved level surface when ridden by an operator who weighs 170 pounds and either:

(I) has an internal combustion motor with a power output of not more than 1,000 watts or 1.3 horsepower; ~~and or~~

(II) ~~in itself is capable of producing a top speed of no more than 20 miles per hour on a paved level surface when ridden by an operator who weighs 170 pounds~~ has an electric motor with a power output of not more than 1,000 watts and does not meet the requirements of one of the three classes in subdivisions (46)(A)(i)–(iii) of this section.

(ii) Motor-assisted bicycles shall be regulated in accordance with section 1136 of this title.

(iii) Electric bicycles, as defined in subdivision (46) of this section, are not motor-assisted bicycles, as defined in subdivision (45) of this section.

Sec. 4. 23 V.S.A. § 4(46) is added to read:

(46)(A) “Electric bicycle” means a bicycle equipped with fully operable pedals, a saddle or seat for the rider, and an electric motor of less than 750 watts that meets the requirements of one of the following three classes:

(i) “Class 1 electric bicycle” means 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.

(ii) “Class 2 electric bicycle” means 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.

(iii) “Class 3 electric bicycle” means 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.

(B) An electric bicycle is not a motor vehicle and is a vehicle to the same extent that a bicycle is a vehicle.

(C) Electric bicycles shall be regulated in accordance with section 1136a of this title.

Sec. 5. 23 V.S.A. § 4(81) is amended to read:

(81) “Vulnerable user” means a pedestrian; an operator of highway building, repair, or maintenance equipment or of agricultural equipment; a person operating a wheelchair or other personal mobility device, whether motorized or not; a person operating a bicycle or other nonmotorized means of transportation (such as roller skates, rollerblades, or roller skis); a person operating a motor-assisted bicycle or an electric bicycle; or a person riding, driving, or herding an animal.

Sec. 6. 23 V.S.A. § 1136a is added to read:

§ 1136a. ELECTRIC BICYCLES

(a) Except as provided in this subsection, electric bicycles shall be governed as bicycles under Vermont law, and operators of electric bicycles shall be subject to all of the rights and duties applicable to bicyclists under Vermont law.

(b) Electric bicycles and their operators shall be exempt from:

(1) motor vehicle registration, inspection, and certificate of title requirements under chapter 7 of this title, section 1222 of this title, and chapter 21, subchapter 2 of this title;

(2) operator’s license requirements under chapter 9, subchapter 1 of this title;

(3) financial responsibility requirements under chapter 11 of this title;

and

(4) requirements applicable to all-terrain vehicles under chapter 31 of this title.

(c) An electric bicycle shall comply with the equipment and manufacturing requirements for bicycles promulgated by the U.S. Consumer Product Safety Commission, including 16 C.F.R. Part 1512 as may be amended, and may only be operated in such a way that the electric motor is disengaged or ceases to function when the operator stops pedaling or applies the brakes.

(d) A class 3 electric bicycle shall be equipped with a speedometer that displays the speed the bicycle is traveling in miles per hour.

(e)(1) An electric bicycle may be ridden in places where bicycles are allowed, including highways, bicycle lanes, and bicycle or multiuse paths.

(2) Following notice and a public hearing, a municipality, local authority, or State agency having jurisdiction over a bicycle or multiuse path may prohibit the operation of a class 1 electric bicycle or class 2 electric bicycle on that path if it finds that such a restriction is needed for safety reasons or compliance with other laws or legal obligations.

(3) A municipality, local authority, or State agency having jurisdiction over a bicycle or multiuse path may prohibit the operation of a class 3 electric bicycle on that path.

(4) This subsection shall not apply to a trail that is specifically designated as nonmotorized and that has a natural surface tread that is made by clearing and grading the native soil with no added surfacing materials. A municipality, local authority, or State agency having jurisdiction over a trail described in this subdivision may regulate the use of an electric bicycle on that trail.

(f) An individual under 16 years of age shall not operate a class 3 electric bicycle but may ride as a passenger on a class 3 electric bicycle that is designed to accommodate passengers.

Sec. 7. 23 V.S.A. § 1136a(g) and (h) are added to read:

(g) 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.

(h) 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 the label indicating the classification required in subsection (g) of this section is replaced after modification.

Sec. 8. 23 V.S.A. § 3501(1) is amended to read:

(1) “All-terrain vehicle” or “ATV” means any nonhighway recreational vehicle, except snowmobiles, having not less than two low pressure tires

(10 pounds per square inch, or less), not wider than 64 inches with two-wheel ATVs having permanent, full-time power to both wheels, and having a dry weight of less than 2,500 pounds, when used for cross-country travel on trails or on any one of the following or a combination thereof: land, water, snow, ice, marsh, swampland, and natural terrain. An ATV on a public highway shall be considered a motor vehicle, as defined in section 4 of this title, only for the purposes of those offenses listed in subdivisions 2502(a)(1)(H), (N), (R), (U), (Y), (FF), (GG), (II), and (AAA); (2)(A) and (B); (3)(A), (B), (C), and (D); (4)(A) and (B); and (5) of this title and as provided in section 1201 of this title. An ATV ~~shall~~ does not include an electric personal assistive mobility device, a motor-assisted bicycle, or an electric bicycle.

Sec. 9. 23 V.S.A. § 3801(1) is amended to read:

(1) “All-terrain vehicle” or “ATV” means any nonhighway recreational vehicle, except snowmobiles, motor-assisted bicycles, or electric bicycles, when used for cross-country travel on trails or on any one of the following or a combination thereof: land, water, snow, ice, marsh, swampland, and natural terrain.

Sec. 10. EFFECTIVE DATES

(a) Sec. 7 (electric bicycle labeling requirements; 23 V.S.A. § 1136a(g) and (h)) shall take effect on January 1, 2022.

(b) All other sections shall take effect on July 1, 2021.

Date Governor signed bill: May 20, 2021