

1 S.66

2 Introduced by Senators Campion and Westman

3 Referred to Committee on

4 Date:

5 Subject: Motor vehicles; electric bicycles; e-bikes; motor assisted; motor-  
6 assisted bicycle; municipalities

7 Statement of purpose of bill as introduced: This bill proposes to define and  
8 regulate three classes of electric bicycles.

9 An act relating to electric bicycles

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

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

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

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

18 (21) “Motor vehicle” ~~shall include~~ includes all vehicles propelled or  
19 drawn by power other than muscular power, except farm tractors, vehicles  
20 running only upon stationary rails or tracks, motorized highway building

1 equipment, road making appliances, snowmobiles, ~~or~~ tracked vehicles, electric  
2 bicycles, or electric personal assistive mobility devices.

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

4 (45)(A) “Motor-driven cycle” means any vehicle equipped with two or  
5 three wheels, a power source providing up to a maximum of two brake  
6 horsepower and having a maximum piston or rotor displacement of 50 cubic  
7 centimeters if a combustion engine is used, which will propel the vehicle,  
8 unassisted, at a speed not to exceed 30 miles per hour on a level road surface,  
9 and which is equipped with a power drive system that functions directly or  
10 automatically only, not requiring clutching or shifting by the operator after the  
11 drive system is engaged. As motor vehicles, motor-driven cycles shall be  
12 subject to the purchase and use tax imposed under 32 V.S.A. chapter 219  
13 rather than to a general sales tax. ~~Neither an electric~~ Electric personal assistive  
14 mobility ~~device nor a devices~~, motor-assisted ~~bicycle is a~~ bicycles, and electric  
15 bicycles are not motor-driven ~~eyele~~ cycles.

16 (B)(i) “Motor-assisted bicycle” means any bicycle or tricycle with  
17 fully operable pedals and equipped with ~~a~~ an internal combustion motor that:

18 (I) has a power output of not more than 1,000 watts or 1.3  
19 horsepower; and

1 (II) in itself is capable of producing a top speed of ~~no~~ not more  
2 than 20 miles per hour on a paved level surface when ridden by an operator  
3 who weighs 170 pounds.

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

6 (iii) Electric bicycles are not motor-assisted bicycles.

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

8 (46)(A) “Electric bicycle” means a bicycle equipped with fully operable  
9 pedals, a saddle or seat for the rider, and an electric motor of less than  
10 750 watts that meets the requirements of one of the following three classes:

11 (i) “Class 1 electric bicycle” means an electric bicycle equipped  
12 with a motor that provides assistance only when the rider is pedaling and that  
13 ceases to provide assistance when the bicycle reaches the speed of 20 miles per  
14 hour.

15 (ii) “Class 2 electric bicycle” means an electric bicycle equipped  
16 with a motor that may be used exclusively to propel the bicycle and that is not  
17 capable of providing assistance when the bicycle reaches the speed of 20 miles  
18 per hour.

19 (iii) “Class 3 electric bicycle” means an electric bicycle equipped  
20 with a motor that provides assistance only when the rider is pedaling and that

1 ceases to provide assistance when the bicycle reaches the speed of 28 miles per  
2 hour.

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

5 (C) Electric bicycles shall be regulated in accordance with section  
6 1136a of this title.

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

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

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

15 § 1136a. ELECTRIC BICYCLES

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

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

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

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

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

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

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

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

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

19                (2) Following notice and a public hearing, a municipality, local  
20                authority, or State agency having jurisdiction over a bicycle or multiuse path  
21                may prohibit the operation of a class 1 electric bicycle or class 2 electric

1 bicycle on that path if it finds that such a restriction is needed for safety  
2 reasons or compliance with other laws or legal obligations.

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

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

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

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

16 (g) Manufacturers and distributors of electric bicycles shall apply a label  
17 that is permanently affixed, in a prominent location, to each electric bicycle.  
18 The label shall contain the classification number, top assisted speed, and motor  
19 wattage of the electric bicycle and shall be printed in Arial font in at least 9-  
20 point type.

1       (h) A person shall not tamper with or modify an electric bicycle so as to  
2       change the motor-powered speed capability or engagement of an electric  
3       bicycle unless the label indicating the classification required in subsection (g)  
4       of this section is replaced after modification.

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

6           (1) “All-terrain vehicle” or “ATV” means any nonhighway recreational  
7       vehicle, except snowmobiles, having not less than two low pressure tires  
8       (10 pounds per square inch, or less), not wider than 64 inches with two-wheel  
9       ATVs having permanent, full-time power to both wheels, and having a dry  
10      weight of less than 2,500 pounds, when used for cross-country travel on trails  
11      or on any one of the following or a combination thereof: land, water, snow,  
12      ice, marsh, swampland, and natural terrain. An ATV on a public highway shall  
13      be considered a motor vehicle, as defined in section 4 of this title, only for the  
14      purposes of those offenses listed in subdivisions 2502(a)(1)(H), (N), (R), (U),  
15      (Y), (FF), (GG), (II), and (AAA); (2)(A) and (B); (3)(A), (B), (C), and (D);  
16      (4)(A) and (B); and (5) of this title and as provided in section 1201 of this title.  
17      An ATV ~~shall~~ does not include an electric personal assistive mobility device or  
18      electric bicycle.

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

20           (1) “All-terrain vehicle” or “ATV” means any nonhighway recreational  
21      vehicle, except snowmobiles or electric bicycles, when used for cross-country

1 travel on trails or on any one of the following or a combination thereof: land,  
2 water, snow, ice, marsh, swampland, and natural terrain.

3 Sec. 10. EFFECTIVE DATES

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

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