

1 S.66

2 Introduced by Senators Campion and Westman

3 Referred to Committee on Transportation

4 Date: February 5, 2021

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
13 seat or saddle for the use of the rider and designed to travel on not more than
14 three wheels in contact with the ground, and ~~shall include~~ includes autocycles
15 but ~~exclude~~ excludes motor-driven cycles, electric bicycles, golf carts, track
16 driven 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

1 running only upon stationary rails or tracks, motorized highway building
2 equipment, road making appliances, snowmobiles, ~~or tracked vehicles,~~ electric
3 bicycles, or electric personal assistive mobility devices.

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

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

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

19 (I) has a power output of not more than 1,000 watts or 1.3
20 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
13 shall be considered a motor vehicle, as defined in section 4 of this title, only
14 for the purposes of those offenses listed in subdivisions 2502(a)(1)(H), (N),
15 (R), (U), (Y), (FF), (GG), (II), and (AAA); (2)(A) and (B); (3)(A), (B), (C),
16 and (D); (4)(A) and (B); and (5) of this title and as provided in section 1201 of
17 this title. An ATV ~~shall~~ does not include an electric personal assistive mobility
18 device or 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.