

1 **[THIS DOCUMENT IS JUST INTENDED TO SHOW ALL OF S.66**

2 **WITH THE HOUSE TRANSPORTATION AMENDMENT**

3 **THAT REPLACES SEC. 3]**

4 S.66

5 An act relating to electric bicycles

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

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

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

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

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

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

20 (45)(A) “Motor-driven cycle” means any vehicle equipped with two or
21 three wheels, a power source providing up to a maximum of two brake

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

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

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

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

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

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

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

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

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

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

18 (iii) “Class 3 electric bicycle” means an electric bicycle equipped
19 with a motor that provides assistance only when the rider is pedaling and that
20 ceases to provide assistance when the bicycle reaches the speed of 28 miles per
21 hour.

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

3 (C) Electric bicycles shall be regulated in accordance with section
4 1136a of this title.

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

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

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

13 § 1136a. ELECTRIC BICYCLES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (h) A person shall not tamper with or modify an electric bicycle so as to
20 change the motor-powered speed capability or engagement of an electric

1 bicycle unless the label indicating the classification required in subsection (g)
2 of this section is replaced after modification.

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

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

15 An ATV ~~shall~~ does not include an electric personal assistive mobility device or
16 electric bicycle.

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

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

1 Sec. 10. EFFECTIVE DATES

2 (a) Sec. 7 (electric bicycle labeling requirements; 23 V.S.A. § 1136a(g) and

3 (h)) shall take effect on January 1, 2022.

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