

Applicability of Title 23 ch. 13, sub. ch. 13 (23 V.S.A. §§ 1200–1220b, Drunken Driving) to Bicycles:

Under current law: A **bicycle** is *not* a “motor vehicle” under 23 V.S.A. § 4(21). Therefore it is *not* a vehicle for purposes of Title 23 chapter 13, subchapter 13.

<u>Definition of “Motor Vehicle” in 23 V.S.A. § 4(21)</u>	<u>Definition of “Vehicle” in 23 V.S.A. § 1200(6)</u>
(21) “Motor vehicle” shall include 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 or electric personal assistive mobility devices.	(6) “Vehicle” means a motor vehicle as defined in section 4 of this title and, when on a public highway: (A) a snowmobile as defined in section 3201 of this title; and (B) an all-terrain vehicle as defined in section 3501 of this title.

Under current law: An “electric bicycle” is a “motor-assisted bicycle,” which is defined under 23 V.S.A. § 4(45)(B) as:

(B)(i) “Motor-assisted bicycle” means any bicycle or tricycle with fully operable pedals and equipped with a motor that: (I) has a power output of not more than 1,000 watts or 1.3 horsepower; and (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. (ii) Motor-assisted bicycles shall be regulated in accordance with section 1136 of this title.

NOTES:

- A “motor-assisted bicycle” is drawn by power other than muscular power and not explicitly excluded from the definition of “motor vehicle” under 23 V.S.A. § 4(21) (so it would also fall under the definition of “vehicle” for 23 V.S.A. § 1200(6)).
- However, 23 V.S.A. § 4(45)(B)(ii) indicates that motor-assisted bicycles “shall be regulated in accordance with section 1136 of this title[.]” and that statute provides that: “Except as provided in this subsection, motor-assisted bicycles shall be governed as bicycles under Vermont law . . . [.]” [23 V.S.A. § 1136\(d\)\(1\)](#), so there is arguably ambiguity as to whether an electric bicycle, as a motor-assisted bicycle, is currently a “vehicle” for purposes of Title 23 chapter 13, subchapter 13.

Summary of S.66 (APBS):

- Adds a definition of “electric bicycle” to 23 V.S.A. § 4 (Sec. 4) and amends definition of “motor-assisted bicycle” to only include bicycles with an internal combustion motor (Sec. 3);
- Amends definitions applicable to some or all of Title 23 to provide that an “electric bicycle” is not a “motorcycle,” “motor vehicle,” “motor-driven cycle,” “motor-assisted bicycle” (the definition that an “electric bicycle” currently falls under), or “all-terrain vehicle” (Secs. 1–3, 8, and 9);
- Amends the definition of “vulnerable user” to include someone operating an electric bicycle (Sec. 5); and
- Adds statutory language specific to electric bicycles (Secs. 6 and 7).

*If S.66 is enacted as is: No changes to the treatment of bicycles, but an **an electric bicycle** would explicitly be excluded from the definition of “motor vehicle” under 23 V.S.A. § 4(21). Therefore it would not be a vehicle for purposes of Title 23 chapter 13, subchapter 13.*

Definition of “Motor Vehicle” in 23 V.S.A. § 4(21) (as proposed to be amended by S.66)	Definition of “Vehicle” in 23 V.S.A. § 1200(6) (no proposed amendments in S.66)
(21) “Motor vehicle” shall include <u>includes</u> 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, <u>electric bicycles</u> , or electric personal assistive mobility devices.	(6) “Vehicle” means a motor vehicle as defined in section 4 of this title and, when on a public highway: (A) a snowmobile as defined in section 3201 of this title; and (B) an all-terrain vehicle as defined in section 3501 of this title.

So to have electric bicycles, bicycles, motor-assisted bicycles, or some combination thereof fall under the definition of “vehicle” for purposes of Title 23 chapter 13, subchapter 13:

<p>(6) “Vehicle” means a motor vehicle as defined in section <u>subdivision 4(21)</u> of this title and, when on a public highway:</p> <p>(A) a snowmobile as defined in section 3201 of this title; and</p> <p>(B) an all-terrain vehicle as defined in section 3501 of this title; <u>and</u></p> <p><u>[ONE OR MORE OF THE FOLLOWING]:</u></p> <p><u>(XX) an electric bicycle as defined in subdivision 4(46)(A) of this title, notwithstanding subdivisions 4(21) and 4(46)(B) and subsection 1136a(a) of this title</u></p> <p><u>(XX) a bicycle propelled by muscular power</u></p> <p><u>(XX) a motor-assisted bicycle as defined in subdivision 4(45)(B) of this title, notwithstanding subdivision 1136(d)(1) of this title.</u></p>
