

Definitions:

- “**‘Bicycle’** means **every pedal-driven device propelled by human power having two or more wheels on which a person may ride . . .**” [19 V.S.A. § 2301](#) (NOTE: This is specific to the chapter of Title 19 on Bicycle Routes and Sidewalks, there is no definition of bicycle in Title 23.).
- “**‘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; or
 - (II) 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.” [23 V.S.A. § 4\(45\)\(B\)\(i\)](#).
- “**‘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: . . . An electric bicycle is not a motor vehicle and is a vehicle to the same extent that a bicycle is a vehicle.” [23 V.S.A. § 4\(46\)](#) (NOTE: Added in [2021 Acts and Resolves No. 40](#)).
- “**‘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.” [23 V.S.A. § 4\(81\)](#).

Paved Shoulders:

- “Paved road shoulders are considered bicycle lanes[,]” and bicycle lanes are portions of roadways that have “been designated for the preferential or exclusive use of bicycles.” [19 V.S.A. § 2301\(3\)](#).
- “[I]t is the policy of the State to provide paved shoulders on major State highways with the intent to develop an integrated bicycle route system and make the shoulders safer for pedestrian traffic. This shall not apply to the interstate highway and certain other limited access highways.” [19 V.S.A. § 2310\(a\)](#).
- “Any construction, or reconstruction, including upgrading and resurfacing projects on these highways, shall maintain or improve existing access and road surface conditions for bicycles and pedestrians along the shoulders of these highways, unless the area is adequately served by bicycle and pedestrian paths that are not located along the

shoulders of these highways, or unless the Agency deems it to be cost-prohibitive.”
[19 V.S.A. § 2310\(b\)](#).

General Operation of Bicycles:¹

- **Applicability of Laws:**
 - o Parent/guardian of child/ward may not authorize or knowingly permit child/ward to violate provisions of T. 23 ch. 13, sub. ch. 12. See [23 V.S.A. § 1136\(a\)](#).
 - o T. 23 ch. 13, sub. ch. 12 applies if a bicycle is operated on a highway or path set aside for the exclusive use of bicycles. See [23 V.S.A. § 1136\(b\)](#).
 - o **Bicyclists are granted all of the rights and subject to all of the duties applicable to operators of vehicles except if a provision is inconsistent with a specific statute or can have no application.** See [23 V.S.A. § 1136\(c\)](#).
 - o **Motor-assisted and electric bicycles are governed as bicycles** (some limitations on operation based on age). See 23 V.S.A. §§ [1136\(d\)](#) and [1136a\(a\) and \(f\)](#).

- **No Clinging:** Bicyclists may not cling to a motor vehicle. See [23 V.S.A. § 1138](#).

- **How and Where to Ride:**
 - o Ride as near to the right of the improved area of the highway ROW as possible (exceptions for turning/passing/avoiding hazards). See [23 V.S.A. § 1139\(a\)](#).
 - o Not more than two abreast (location/time exceptions). See [23 V.S.A. § 1139\(b\)](#).²
 - o May ride on the shoulders of partially controlled access highways (described in subsection) unless the Traffic Committee determines that it is unsafe and closes the highway, or a portion of the highway, to bicyclists. See [23 V.S.A. § 1139\(d\)](#).
 - o Prohibited from riding on limited access highways (including with motor). See [Regulations Governing the Use of State Highways with Limited Access Facilities § I.8.b\(3\)](#).³
 - o No longer required to ride on a bicycle path if one is adjacent to highway. See [2004 Acts and Resolves No. 160, Sec. 38](#) (Repealed 23 V.S.A. § 1139(c), which then provided that: “Whenever a usable path for bicycles has been provided adjacent to a state roadway, bicycle riders shall use the path. . .”).

¹ Unless specified, these violations carry a civil penalty of “not more than \$25.00 for each offense . . .” [23 V.S.A. § 1142](#). Maximum of \$25 works out to a minimum of \$47 and a maximum of \$76 with surcharges. See [13 V.S.A. § 7282\(a\)](#) (currently \$47 plus 15% of the civil penalty); [Judicial Bureau Waiver Penalties](#) (waiver penalty is \$76).

² “[A] person who violates subsection 1139(b) of this title [(riding abreast)] shall be assessed a civil penalty of not more than \$100.00.” [23 V.S.A. § 1142](#). Maximum of \$100 works out to a minimum of \$47, a maximum of \$162. See [13 V.S.A. § 7282\(a\)](#); [Judicial Bureau Waiver Penalties](#) (waiver penalty is \$105).

³ No minimum or maximum civil penalties specified so defaults to a minimum of \$0 (\$47 with surcharges) and maximum of \$1,000 (\$1,197 with surcharges)). See [23 V.S.A. § 2302\(c\)](#); [13 V.S.A. § 7282\(a\)](#); [Judicial Bureau Waiver Penalties](#) (waiver penalty is \$162). Assessed two points. [23 V.S.A. § 2502\(a\)\(1\)\(G\)](#).

- **Carrying Articles:** Bicyclists prohibited from carrying anything that prevents the bicyclist from keeping at least one hand upon the handlebars. See [23 V.S.A. § 1140](#).
- **Equipment:**
 - o **Seats:** Bicyclists must ride on or astride a permanent regular seat and the bicycle may only carry individuals as designed/equipped for. See [23 V.S.A. § 1137](#).
 - o **Lights:** At night (30 minutes after sunset to 30 minutes before sunrise), bicyclists shall have: a white light visible from a distance of at least 500 feet to the front; a flashing or steady red light visible from a distance of at least 300 feet to the rear; and at least 20 square inches of reflective material visible from a distance of at least 300 feet to the rear. See [23 V.S.A. § 1141\(a\)](#).
 - o **Sirens:** Prohibited. See [23 V.S.A. § 1141\(b\)](#).
 - o **Brakes:** Bicycles must be equipped with a brake that will enable the bicyclist to make braked wheels skid on dry, level, clean pavement. See [23 V.S.A. § 1141\(c\)](#).
 - o **Electric Bicycles:** Certain equipment requirements as promulgated by the U.S. Consumer Product Safety Commission, speedometers on class 3 electric bicycles, and labeling requirements. See [23 V.S.A. § 1136a\(c\), \(d\), and \(g\)](#).
 - o **Helmets:** Statutes are silent (not required).
- **Hand Signals:** Not specific to bicycles, but required to be done “by hand or by signal[,]” with the following hand signals:
 - o Left turn – Left hand/arm extended horizontally.
 - o Right turn – Left hand/arm extended upward or right hand/arm extended horizontally.
 - o Stop/decrease speed – Left hand/arm extended downward. See [23 V.S.A. § 1065](#).⁴

Passing Vulnerable Users:

- “The operator of a motor vehicle approaching or passing a vulnerable user as defined in subdivision 4(81) of this title shall exercise due care, which includes reducing speed and increasing clearance to a recommended distance of at least four feet, to pass the vulnerable user safely, and shall cross the center of the highway only as provided in section 1035 of this title.” [23 V.S.A. § 1033\(b\)](#).⁵
- “The operator of a vehicle shall not, in a careless or imprudent manner, approach, pass, or maintain speed unnecessarily close to a vulnerable user as defined in

⁴ No minimum or maximum civil penalties specified so defaults to a minimum of \$0 (\$47 with surcharges) and maximum of \$1,000 (\$1,197 with surcharges)). See [23 V.S.A. § 2302\(c\)](#); [13 V.S.A. § 7282\(a\)](#); [Judicial Bureau Waiver Penalties](#) (waiver penalty is \$93). Assessed two points. [23 V.S.A. § 2502\(a\)\(1\)\(BB\)](#).

⁵ “A person who violates this subsection shall be subject to a civil penalty of not less than \$200.00[.]” [23 V.S.A. § 1033\(b\)](#); see also [13 V.S.A. § 7282\(a\)](#) (minimum is \$277 with surcharges and maximum, at default of \$1,000, is \$1,197 with surcharges); [Judicial Bureau Waiver Penalties](#) (waiver penalty is \$392), and three points. [23 V.S.A. § 2502\(a\)\(2\)\(A\)](#).

subdivision 4(81) of this title, and an occupant of a vehicle shall not throw any object or substance at a vulnerable user.” [23 V.S.A. § 1039\(a\)](#).⁶

Bicycles on Sidewalks:

- Municipalities have the power “[t]o set off portions of public highways of the municipality for sidewalks and bicycle paths and to regulate their use.” [24 V.S.A. § 2291\(1\)](#). Burlington restricts riding a bicycle on the sidewalk based on age and location within the city, *see* [Burlington Code of Ordinances § 6-3](#), and Montpelier restricts riding a bicycle on the sidewalk based on location within the city. *See* [Montpelier Code of Ordinances § 10-807](#).
- “A person shall not operate a motor-assisted bicycle on a sidewalk in Vermont.” [23 V.S.A. § 1136\(d\)\(1\)](#).

Bicycling Under the Influence:

<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” 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, tracked vehicles, motor-assisted bicycles, electric bicycles, 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.

- **Bicycles:** A bicycle cannot be drawn by power other than muscular power so it **is** excluded from the definition of “motor vehicle” under [23 V.S.A. § 4\(21\)](#) and would **not** fall under the definition of “vehicle” in [23 V.S.A. § 1200\(6\)](#) (driving under the influence).
- **Electric Bicycles & Motor-Assisted Bicycles:** Electric and motor-assisted bicycles can be drawn by power other than muscular power and **are** excluded from the definition of “motor vehicle” under [23 V.S.A. § 4\(21\)](#), so they would **not** fall under the definition of “vehicle” in [23 V.S.A. § 1200\(6\)](#) (driving under the influence).

⁶ No minimum or maximum civil penalties specified so defaults to a minimum of \$0 (\$47 with surcharges) and maximum of \$1,000 (\$1,197 with surcharges)). *See* [23 V.S.A. § 2302\(c\)](#); [13 V.S.A. § 7282\(a\)](#); [Judicial Bureau Waiver Penalties](#) (waiver penalty is \$277 for crowding and \$392 for throwing objects). Assessed three points. [23 V.S.A. § 2502\(a\)\(2\)\(E\)](#).