1	H.192
2	Introduced by Representative Burke of Brattleboro
3	Referred to Committee on
4	Date:
5	Subject: Motor vehicles; operator's license; pedestrian and bicyclist safety;
6	vulnerable user safety; electric bicycles; electric cargo bicycles
7	Statement of purpose of bill as introduced: This bill proposes to require
8	instruction in vulnerable user safety prior to issuance of an operator's license
9	and to regulate electric cargo bicycles in the same way as electric bicycles.
10 11	An act relating to mandatory instruction in vulnerable user safety and regulation of electric cargo bicycles
12	It is hereby enacted by the General Assembly of the State of Vermont:
13	* * * Vulnerable User Safety * * *
14	Sec. 1. 23 V.S.A. § 631 is amended to read:
15	§ 631. REQUIREMENTS; RULES
16	(a) Rules. The Commissioner may adopt rules pursuant to 3 V.S.A. chapter
17	25 governing the examination of new applicants for operator's licenses and
18	may prescribe requirements to obtain or hold a license or learner's permit, by
19	either a new or renewal applicant, as to driving experience, mental and

physical qualifications, and any other matter or thing that, in his or her the

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1	Commissioner's judgment, will contribute to the selection of safe and efficient
2	operators.
3	(b) Forms translation. Any written forms, applications, or tests used by the
4	Department of Motor Vehicles for operator licensing shall be translated into
5	primary languages of nations from which individuals assisted by the U.S.
6	Committee for Refugees and Immigrants Vermont in the prior 10 years hail, as
7	determined on an annual basis by the Department in consultation with the U.S.
8	Committee for Refugees and Immigrants Vermont, and available at all
9	Department locations and on the Department's website if the English version is
10	available. Nothing in this subsection is intended to require the Department to
11	translate any educational manuals.
12	(c) Instruction in vulnerable user safety.
13	(1) The Commissioner shall require that, prior to taking the examination
14	required pursuant to section 632 of this subchapter, the applicant completes a
15	course in vulnerable user safety that has been approved by the Commissioner.
16	(2) The curriculum for the course in vulnerable user safety shall include:
17	(A) an overview of traffic laws governing a motor vehicle
18	operator's duty to exercise due care with respect to vulnerable users, including
19	a vulnerable user's needs and reduced visibility; respecting a vulnerable user's
20	right of way; and safe operation near vulnerable users;

1	(B) an overview of safe operation in and near bicycle routes, lanes,
2	and paths as defined in 19 V.S.A. § 2301;
3	(C) the dangers of distracted driving;
4	(D) the importance of driving at reduced speeds in proximity to
5	vulnerable users when special hazards exist; and
6	(E) traffic control devices and markings, roadway designs, and traffic
7	calming measures related to vulnerable users.
8	(3) In developing the curriculum for the course in vulnerable user safety,
9	the Commissioner shall consult with the Commissioners of Public Safety and
10	of Health, the Secretary of Transportation, the President of the Vermont
11	Sheriffs' Association, and bicycle and pedestrian safety advocates.
12	* * * Electric Cargo Bicycles * * *
13	Sec. 2. 23 V.S.A. § 4(45) is amended to read:
14	(45)(A) "Motor-driven cycle" means any vehicle equipped with two or
15	three wheels, a power source providing up to a maximum of two brake
16	horsepower and having a maximum piston or rotor displacement of 50 cubic
17	centimeters if a combustion engine is used, which will propel the vehicle,
18	unassisted, at a speed not to exceed 30 miles per hour on a level road surface,
19	and that is equipped with a power drive system that functions directly or
20	automatically only, not requiring clutching or shifting by the operator after the
21	drive system is engaged. As motor vehicles, motor-driven cycles shall be

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1	subject to the purchase and use tax imposed under 32 V.S.A. chapter 219
2	rather than to a general sales tax. Electric personal assistive mobility devices,
3	motor-assisted bicycles, electric cargo bicycles, and electric bicycles are not
4	motor-driven cycles.
5	(B)(i) "Motor-assisted bicycle" means any bicycle or tricycle with
6	fully operable pedals and equipped with a motor that in itself is capable of
7	producing a top speed of not more than 20 miles per hour on a paved level
8	surface when ridden by an operator who weighs 170 pounds and either:
9	(I) has an internal combustion motor with a power output of not
10	more than 1,000 watts or 1.3 horsepower; or
11	(II) has an electric motor with a power output of not more than
12	1,000 watts and does not meet the requirements of one of the three classes in
13	subdivisions (46)(A)(i)–(iii) of this section.
14	(ii) Motor-assisted bicycles shall be regulated in accordance with
15	section 1136 of this title.
16	(iii) Electric bicycles, as defined in subdivision (46) of this
17	section, are not motor-assisted bicycles, as defined in subdivision (45) of this
18	section.
19	(C)(i) "Electric cargo bicycle" means a motor-assisted bicycle with
20	an electric motor, as defined under subdivision (B)(i) of this subdivision (45),

that is specifically designed and constructed for transporting loads, including

1	of goods, one or more individuals in addition to the operator, and one or more
2	animals.
3	(ii) A motor-assisted bicycle that is not specifically designed and
4	constructed for transporting loads, including a motor-assisted bicycle that is
5	only capable of transporting loads because an after-market rear or front bicycle
6	rack has been installed, is not an electric-cargo bicycle.
7	(iii) An electric cargo bicycle is not a motor vehicle and is a
8	vehicle to the same extent that a bicycle is a vehicle.
9	(iv) Notwithstanding subdivision (B)(ii) of this subdivision (45),
10	electric cargo bicycles shall be regulated in accordance with section 1136a of
11	this title.
12	Sec. 3. 23 V.S.A. § 1136a is amended to read:
13	§ 1136a. ELECTRIC BICYCLES
14	(a) Except as provided in this subsection section, electric bicycles and
15	electric cargo bicycles shall be governed as bicycles under Vermont law, and
16	operators of electric bicycles and electric cargo bicycles shall be subject to all
17	of the rights and duties applicable to bicyclists under Vermont law.
18	(b) Electric bicycles and electric cargo bicycles and their operators shall be
19	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 chapter
3	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	* * *
11	(e)(1) An electric bicycle or electric cargo bicycle may be ridden in places
12	where bicycles are allowed, including highways, bicycle lanes, and bicycle or
13	multiuse paths.
14	(2) Following notice and a public hearing, a municipality, local
15	authority, or State agency having jurisdiction over a bicycle or multiuse path
16	may prohibit the operation of a class 1 electric bicycle or class 2 electric
17	bicycle on that path if it finds that such a restriction is needed for safety
18	reasons or compliance with other laws or legal obligations.
19	(3) A municipality, local authority, or State agency having jurisdiction
20	over a bicycle or multiuse path may prohibit the operation of a class 3 electric

bicycle or electric cargo bicycle on that path.

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(4) This subsection shall not apply to a trail that is specifically
designated as nonmotorized and that has a natural surface tread that is made by
clearing and grading the native soil with no added surfacing materials. A
municipality, local authority, or State agency having jurisdiction over a trail
described in this subdivision may regulate the use of an electric bicycle or an
electric cargo bicycle on that trail.
(f) An individual under 16 years of age shall not operate a class 3 electric
bicycle or an electric cargo bicycle but may ride as a passenger on a class 3
electric bicycle or an electric cargo bicycle that is designed to accommodate
passengers.
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* * * Effective Dates * * *
Sec. 4. EFFECTIVE DATES
(a) Sec. 1 shall take effect on July 1, 2024 and the vulnerable user safety
course shall be required of anyone who takes the examination required
pursuant to 23 V.S.A. § 632 after that date.
(b) All other sections shall take effect on July 1, 2023.