

MAINE STATE LEGISLATURE

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SMY
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L.D. 1222

Date: 6/6/19

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TRANSPORTATION

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 882, L.D. 1222, Bill, "An Act Regarding Electric Bicycles"

Amend the bill by striking out all of section 1 and inserting the following:

'Sec. 1. 29-A MRSA §101, sub-§22-B is enacted to read:

22-B. Electric bicycle. "Electric bicycle" means a 2-wheel or 3-wheel bicycle with fully operable pedals and an electric motor of less than 750 watts that is a Class 1 electric bicycle, a Class 2 electric bicycle or a Class 3 electric bicycle as defined in this subsection.

A. "Class 1 electric bicycle" means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of 20 miles per hour.

B. "Class 2 electric bicycle" means an electric bicycle equipped with a motor that is capable of being used exclusively to propel the bicycle but is not capable of propelling the bicycle at a speed of 20 miles per hour.

C. "Class 3 electric bicycle" means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of 28 miles per hour.'

Amend the bill by striking out all of section 7 and inserting the following:

'Sec. 7. 29-A MRSA §2063, sub-§14 is enacted to read:

14. Electric bicycles. The following provisions govern electric bicycles.

A. A person operating an electric bicycle is not subject to the provisions of this Title relating to financial responsibility, driver's licenses, registration and license plate requirements.

B. Beginning October 1, 2019, a manufacturer, distributor or seller of electric bicycles in this State shall apply a label that is permanently affixed, in a prominent location, to each electric bicycle. The label must contain the classification number.

1 top assisted speed and motor wattage of the electric bicycle and must be printed in
2 Arial font in at least 9-point type.

3 C. A person may not tamper with or modify an electric bicycle so as to change the
4 motor-powered speed capability or motor engagement between pedal-assist and
5 throttle-assist types of engagement, unless the person appropriately replaces the label
6 indicating the classification required in paragraph B.

7 A person may not tamper with or modify an electric bicycle in a manner that allows
8 the motor to provide assistance above the speed of:

9 (1) Twenty miles per hour if the electric bicycle is being propelled exclusively by
10 the motor; or

11 (2) Twenty-eight miles per hour if the motor is providing assistance only when
12 the rider is pedaling.

13 If the motor on an electric bicycle is modified so that a limit established in
14 subparagraph (1) or (2) is exceeded, that vehicle is no longer an electric bicycle.

15 D. An electric bicycle must comply with the equipment and manufacturing
16 requirements for bicycles adopted by the United States Consumer Product Safety
17 Commission pursuant to 16 Code of Federal Regulations, Part 1512.

18 E. The motor on an electric bicycle must disengage or cease to propel the electric
19 bicycle when the brakes are applied or, if the electric bicycle is a Class 1 electric
20 bicycle or Class 3 electric bicycle, when the operator stops pedaling.

21 F. This paragraph governs the operation of electric bicycles on bicycle and multi-use
22 paths and other bikeways as defined in section 2322, subsection 7, referred to in this
23 paragraph as bicycle paths.

24 (1) A Class 1 electric bicycle or a Class 2 electric bicycle may be operated in any
25 place where bicycles are permitted to travel, including, but not limited to, bicycle
26 paths, except that a municipality, local authority or governing body of a public
27 agency that has jurisdiction over a bicycle path may prohibit the operation of a
28 Class 1 electric bicycle or Class 2 electric bicycle on that bicycle path.

29 (2) A Class 3 electric bicycle may not be operated on a bicycle path unless it is
30 within a highway or roadway or the bicycle path has been authorized for the
31 operation of Class 3 electric bicycles by the municipality, local authority or
32 governing body of a public agency that has jurisdiction over the bicycle path.

33 (3) Notwithstanding subparagraphs (1) and (2), an electric bicycle may not be
34 operated on a bicycle path designated for nonmotorized traffic if significant
35 portions of the bicycle path have a natural surface, including gravel, stones or
36 wooden bridging, unless authorized by the municipality, local authority or
37 governing body of a public agency that has jurisdiction over the bicycle path.

38 G. An electric bicycle must be equipped with a speedometer that displays the speed
39 the electric bicycle is traveling in miles per hour.

40 H. This paragraph governs age restrictions for use of electric bicycles.

1 (1) A person under 16 years of age may not operate a Class 2 or Class 3 electric
2 bicycle.

3 (2) A person under 16 years of age may be a passenger on a Class 2 or Class 3
4 electric bicycle only if it is designed to accommodate passengers.

5 (3) A person under 16 years of age who is an operator or passenger on an electric
6 bicycle shall wear a properly fitted and fastened bicycle helmet, as defined in
7 section 2322, subsection 2.

8 I. The operator of an electric bicycle is subject to the restrictions provided under
9 section 2112-A and 23 United States Code, Section 154.

10 This subsection may not be construed to limit the authority of the owner of a private way
11 or the owner of private property to restrict or allow the operation of electric bicycles on
12 the owner's private way or private property.'

13 **SUMMARY**

14 This amendment makes minor technical edits to the bill, including to the definitions
15 of Class 1, Class 2 and Class 3 electric bicycles, and clarifies the label requirement to
16 apply only to a manufacturer, distributor or seller in the State. The amendment also
17 makes changes to the age restrictions in the bill.

18 **FISCAL NOTE REQUIRED**

19 **(See attached)**



129th MAINE LEGISLATURE

LD 1222

LR 202(02)

An Act Regarding Electric Bicycles

Fiscal Note for Bill as Amended by Committee Amendment *A(H-511)*

Committee: Transportation

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Minor revenue increase - General Fund

Minor revenue increase - Other Special Revenue Funds

Correctional and Judicial Impact Statements

The additional workload associated with the minimal number of new cases filed in the court system does not require additional funding at this time.

The collection of additional fine revenue will increase General Fund and dedicated revenue by minor amounts.