



129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1222

H.P. 882

House of Representatives, March 12, 2019

An Act Regarding Electric Bicycles

Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative RYKERSON of Kittery.
Cosponsored by Senator GRATWICK of Penobscot and
Representatives: DAUGHTRY of Brunswick, DENNO of Cumberland, DODGE of Belfast,
MEYER of Eliot, Senator: CHIPMAN of Cumberland.

1 **Be it enacted by the People of the State of Maine as follows:**

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

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

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

9 B. "Class 2 electric bicycle" means an electric bicycle equipped with a motor that
10 may be used exclusively to propel the bicycle but is not capable of providing
11 assistance when the bicycle reaches the speed of 20 miles per hour.

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

15 An electric bicycle is considered a motor vehicle only to the extent required by 23 United
16 States Code, Section 154 and for the purposes of section 2112-A.

17 **Sec. 2. 29-A MRSA §101, sub-§36**, as repealed and replaced by PL 2005, c. 577,
18 §1, is amended to read:

19 **36. Moped.** "Moped" means a motorized device designed to travel with only 2 or 3
20 10-inch or larger diameter wheels in contact with the ground and that:

21 A. May have fully operative pedals for propulsion by human power;

22 B. Has an electric or a liquid fuel motor with a cylinder capacity displacement not
23 exceeding 50 cubic centimeters or an electric motor with a capacity under 1,500
24 watts; and

25 C. Is equipped with a power drive system that functions only directly or
26 automatically and does not require clutching or shifting by the operator after the drive
27 system is engaged.

28 "Moped" does not include an electric personal assistive mobility device or an electric
29 bicycle.

30 **Sec. 3. 29-A MRSA §101, sub-§41**, as amended by PL 2001, c. 687, §6, is
31 further amended to read:

32 **41. Motorized bicycle or tricycle.** "Motorized bicycle or tricycle" means a bicycle
33 or tricycle that:

34 A. May have pedals to permit human propulsion; and

35 B. Has a motor attached to a wheel that is rated at no more than 1.5 brake
36 horsepower and has a cylinder capacity capable of propelling the vehicle unassisted
37 at a speed of 25 miles per hour or less on a level road surface.

1 "Motorized bicycle or tricycle" does not include an electric personal assistive mobility
2 device or an electric bicycle.

3 **Sec. 4. 29-A MRSA §101, sub-§41-B**, as amended by PL 2005, c. 577, §4, is
4 further amended to read:

5 **41-B. Motorized scooter.** "Motorized scooter" means a scooter that has 2 or 3
6 wheels less than 10 inches in diameter in ground contact or is powered by a motor having
7 a maximum piston displacement of less than 25 cubic centimeters or an electric motor
8 with a capacity not exceeding 750 watts. "Motorized scooter" does not include an electric
9 personal assistive mobility device or an electric bicycle.

10 **Sec. 5. 29-A MRSA §101, sub-§42, ¶C**, as amended by PL 2001, c. 687, §9, is
11 further amended to read:

12 C. A motorized wheelchair or, an electric personal assistive mobility device or an
13 electric bicycle.

14 **Sec. 6. 29-A MRSA §2063, sub-§1**, as amended by PL 2007, c. 400, §2, is
15 further amended to read:

16 **1. Definitions.** For the purpose of this section, "bicycle" includes a motorized
17 bicycle, a motorized tricycle or, a motorized scooter and an electric bicycle.

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

19 **14. Electric bicycles.** Except as otherwise provided in this subsection, the operator
20 of an electric bicycle must be afforded all the rights and privileges, and is subject to all of
21 the duties, of the operator of a bicycle.

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

25 B. Beginning October 1, 2019, a manufacturer or distributor of electric bicycles shall
26 apply a label that is permanently affixed, in a prominent location, to each electric
27 bicycle. The label must contain the classification number, top assisted speed and
28 motor wattage of the electric bicycle and must be printed in Arial font in at least 9-
29 point type.

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

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

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

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

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

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

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

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

14 (1) A Class 1 electric bicycle or a Class 2 electric bicycle may be used in places
15 where bicycles are permitted to travel, including, but not limited to, bicycle paths,
16 except that a municipality, local authority or governing body of a public agency
17 that has jurisdiction over a bicycle path may prohibit the operation of a Class 1
18 electric bicycle or Class 2 electric bicycle on that bicycle path.

19 (2) A Class 3 electric bicycle may not be operated on a bicycle path unless it is
20 within a highway or roadway or the municipality, local authority or governing
21 body of a public agency that has jurisdiction over the bicycle path permits that
22 operation.

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

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

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

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

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

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

38 I. This subsection may not be construed to limit the authority of the owner of a
39 private way or the owner of private property to restrict or allow the operation of
40 electric bicycles on the way or property.

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SUMMARY

2 This bill defines and regulates the use of electric bicycles, which are bicycles with a
3 motor and which fall into one of 3 classes, depending on the top speed attainable and
4 whether the operator needs to pedal while the motor is propelling the electric bicycle.
5 The bill provides that an operator of an electric bicycle has generally the same rights and
6 obligations as the operator of a bicycle, except that the use of an electric bicycle on
7 bicycle paths and bikeways may be restricted by the entity having jurisdiction over the
8 bicycle path or bikeway. An electric bicycle is considered a vehicle for purposes of the
9 State's so-called open container law and, as with bicycles, any person under 16 years of
10 age who is operating or riding as a passenger on an electric bicycle must wear a helmet.