

SENATE No. 2071

The Commonwealth of Massachusetts

PRESENTED BY:

Sal N. DiDomenico

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to electric bicycles.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>1/31/2019</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>	<i>1/31/2019</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>1/31/2019</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/1/2019</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>2/1/2019</i>
<i>Donald F. Humason, Jr.</i>	<i>Second Hampden and Hampshire</i>	<i>2/1/2019</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>	<i>2/1/2019</i>
<i>Brendan P. Crighton</i>	<i>Third Essex</i>	<i>2/1/2019</i>

SENATE No. 2071

By Mr. DiDomenico, a petition (accompanied by bill, Senate, No. 2071) of Sal N. DiDomenico, James B. Eldridge, William N. Brownsberger, Hannah Kane and other members of the General Court for legislation relative to electric bicycles. Transportation.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to electric bicycles.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 1 of chapter 90 of the General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by inserting after the definition of “Department” the
3 following definition:-

4 “Electric bicycle”, shall mean a bicycle or tricycle equipped with fully operable pedals
5 and an electric motor of less than 750 watts that meets the requirements of 1 of the following 3
6 classes:

7 (1) Class 1 – an electric bicycle equipped with a motor that provides assistance only
8 when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the
9 speed of 20 miles per hour;

10 (2) Class 2 – an electric bicycle equipped with a motor that may be used exclusively to
11 propel the bicycle, and that is not capable of providing assistance when the bicycle reaches the
12 speed of 20 miles per hour;

13 (3) Class 3 – an electric bicycle equipped with a motor that provides assistance only
14 when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the
15 speed of 28 miles per hour; and

16 by inserting after the word “hour.”, in line 265, the following sentence:- The definition of
17 “motorized bicycle” shall not include an electric bicycle; and

18 by inserting after the word “motorcycle”, in line 270, the following words:- or electric
19 bicycle; and

20 by inserting after the word “include”, in line 288, the following words:- electric bicycles
21 or.

22 SECTION 2. Section 1 of chapter 90D of the General Laws, as so appearing, is hereby
23 amended by inserting after the word “include”, in line 25, the following words:- electric bicycles
24 or.

25 SECTION 3. Chapter 85 of the General Laws is hereby amended by inserting after
26 section 11B1/2 the following section:-

27 Section 11B3/4. For the purposes of this section, the terms “electric bicycle,” “class 1
28 electric bicycle,” “class 2 electric bicycle” and “class 3 electric bicycle” shall have the same
29 definitions as in section 1 of chapter 90. The terms “bike path,” “bike lane” and “bike route”
30 shall have the same definitions as in section 1 of chapter 90E.

31 Electric bicycles and operators of electric bicycles shall be subject to the following
32 restrictions:

33 (a) Except as otherwise provided in this section, an electric bicycle or an operator of an
34 electric bicycle shall be afforded all the rights and privileges, and be subject to all of the duties,
35 of a bicycle or the operator of a bicycle. Electric bicycles may be ridden on a street, road, way,
36 bike lane, bike path or bike route that is open for use by bicycles; provided, however, that:

37 (i) A municipality, local authority or state agency having jurisdiction over a bike path or
38 shared-use path may prohibit the operation of class 1 or class 2 electric bicycles on that path;

39 (ii) Class 3 electric bicycles shall not be ridden on a bike path or shared-use path unless
40 permitted by the municipality, local authority or state agency having jurisdiction over that path;

41 (iii) This subsection shall not apply to a trail designated for nonmotorized traffic if such
42 trail has a natural surface tread made by clearing and grading the soil and no surfacing materials
43 have been added. A municipality, local authority or state agency may regulate the use of electric
44 bicycles on such a trail within its jurisdiction;

45 (b) Electric bicycles shall comply with the equipment and manufacturing requirements
46 for bicycles adopted by the United States Consumer Product Safety Commission established in
47 16 C.F.R. 1512.

48 (c) On and after January 1, 2020, manufacturers and distributors of electric bicycles shall
49 apply a label that is permanently affixed, in a prominent location, to each electric bicycle
50 containing the classification number, top assisted speed and motor wattage of the electric
51 bicycle;

52 (d) A person shall not tamper with or modify an electric bicycle so as to change the
53 motor-powered speed capability or engagement of an electric bicycle, unless they appropriately
54 replace the label required by subsection (c);

55 (e) Class 3 electric bicycles shall be subject to the following additional restrictions:

56 (i) No person under the age of 16 may operate a class 3 electric bicycle. A person under
57 the age of 16 may ride as a passenger on a class 3 electric bicycle that is designed to
58 accommodate passengers;

59 (ii) All operators and passengers of class 3 electric bicycles shall wear a properly fitted
60 and fastened bicycle helmet that meets the standards provided by either the United States
61 Consumer Product Safety Commission or the American Society for Testing and Materials, or
62 standards subsequently established by those entities. A violation of this clause shall not be used
63 as evidence of contributory negligence in a civil action;

64 (iii) All class 3 electric bicycles must be equipped with a speedometer that displays the
65 speed the bicycle is traveling in miles per hour;

66 (iv) A municipality or local authority having jurisdiction over streets, roads, or ways may
67 prohibit the operation of class 3 electric bicycles on those streets, roads or ways.

68 The Massachusetts Department of Transportation may promulgate regulations regarding
69 electric bicycles including, but not limited to, regulations concerning their safe operation and
70 proper labeling. The secretary of transportation shall submit proposed regulations to the clerks of
71 the Senate and the House of Representatives and to the joint committee on transportation not
72 later than 30 days before their effective date.