

SENATE No. 2809

The Commonwealth of Massachusetts

—
**In the One Hundred and Ninety-Second General Court
(2021-2022)**
—

SENATE, April 4, 2022.

The committee on Transportation, to whom was referred the petition (accompanied by bill, Senate, No. 2309) of Sal N. DiDomenico, Jessica Ann Giannino, Thomas M. Stanley, Jason M. Lewis and other members of the General Court for legislation relative to electric bicycles, reports the accompanying bill (Senate, No. 2809).

For the committee,
Brendan P. Crighton

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**In the One Hundred and Ninety-Second General Court
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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 2020
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 750 watts or less that meets the requirements of one of the following
6 three classes:

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

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

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

16 SECTION 2. Said section 1 of said Chapter 90 of the General Laws, as so appearing, is
17 hereby further amended by inserting, in line 270, after the word "hour" the following sentence:-
18 "The definition of "motorized bicycle" shall not include an electric bicycle."

19 SECTION 3. Said section 1 of said chapter 90, as so appearing, is hereby further
20 amended by inserting, in line 275, after the word "motorcycle" the following words:- "electric
21 bicycle".

22 SECTION 4. Said section 1 of said chapter 90, as so appearing, is hereby further
23 amended by inserting, in line 293, after the word "include " the following words:- electric
24 bicycles or.

25 SECTION 5. Section 1 of Chapter 90D of the General Laws, as appearing in the 2020
26 Official Edition, is hereby amended by inserting, in line 25, after the word "include " the
27 following words:- electric bicycles or.

28 SECTION 6. Chapter 85 of the General Laws, as appearing in the 2020 Official Edition,
29 is hereby amended by inserting after section 11B1/2 the following section:-

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

34 Electric bicycles and operators of electric bicycles shall be subject to the following
35 regulations:

36 (1) Except as otherwise provided in this section, a class 1 or class 2 electric bicycle or an
37 operator of an electric bicycle shall be afforded all of the rights and privileges, and be subject to
38 all of the duties, of a bicycle or the operator of a bicycle under any general or special law,
39 regulation or local ordinance. Class 1 and class 2 electric bicycles may be ridden on a street,
40 road, way, bike lane, bike path or bike route that is open for use by bicycles, provided however:

41 (i) A municipality, local authority or state agency having jurisdiction over a bike path or
42 shared-use path after public notice and hearing may adopt ordinances or regulations
43 prohibiting or otherwise regulating the operation of class 1, class 2, or class 3 electric
44 bicycles on such paths, including but not limited to the imposition of speed limits.

45 (ii) A municipality, local authority or state agency having jurisdiction over a bike path or
46 shared-use path may authorize the operation of class 3 electric bicycles on that path.

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

51 (iv) An electric bicycle shall not be operated on sidewalks.

52 (2) Electric bicycles shall comply with the equipment and manufacturing requirements
53 for bicycles adopted by the United States Consumer Product Safety Commission established in
54 16 C.F.R. 1512.

55 (3) On and after January 1, 2023, manufacturers and distributors of electric bicycles shall
56 apply a label that is permanently affixed, in a prominent location, to each electric bicycle
57 containing the classification number, top assisted speed, and motor wattage of the electric
58 bicycle.

59 (4) A person shall not tamper with or modify an electric bicycle so as to change the
60 motor-powered speed capability or engagement of an electric bicycle, unless they appropriately
61 replace the label required by subsection (3).

62 (5) Class 3 electric bicycles shall be subject to the following additional regulations:

63 (i) No person under the age of sixteen (16) may operate a class 3 electric bicycle. A
64 person under the age of sixteen (16) may ride as a passenger on a class 3 electric bicycle that is
65 designed to accommodate passengers.

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

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

73 The Secretary of the Massachusetts Department of Transportation may promulgate
74 additional regulations regarding electric bicycles in the Commonwealth, including but not
75 limited to their safe operation and proper labeling. The Secretary shall submit any such proposed

- 76 regulations to the Clerks of the House of Representatives and Senate and to the Joint Committee
- 77 on Transportation at least 30 days prior to their effective date.