

SENATE No. 2309

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>Jessica Ann Giannino</i>	<i>16th Suffolk</i>	<i>2/25/2021</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>2/25/2021</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>2/26/2021</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>3/2/2021</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>3/2/2021</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>3/3/2021</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>	<i>3/4/2021</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>3/4/2021</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>3/4/2021</i>
<i>Brendan P. Crighton</i>	<i>Third Essex</i>	<i>3/8/2021</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>3/15/2021</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>	<i>3/18/2021</i>
<i>Lydia Edwards</i>	<i>First Suffolk and Middlesex</i>	<i>1/31/2022</i>

SENATE No. 2309

By Mr. DiDomenico, a 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. Transportation.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 2071 OF 2019-2020.]

The Commonwealth of Massachusetts

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

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 2018
2 Official Edition, is hereby amended by adding the following definition:-

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

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

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

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

15 SECTION 2. Section 1 of Chapter 90 of the General Laws, as appearing in the 2018
16 Official Edition, is hereby amended by inserting, in the definition of "motorized bicycle" the
17 following sentence:- "The definition of "motorized bicycle" shall not include an electric bicycle."

18 SECTION 3. Section 1 of Chapter 90 of the General Laws, as appearing in the 2018
19 Official Edition, is hereby amended by inserting, in line 270, after the word "motorcycle" the
20 following words:- or electric bicycle

21 SECTION 4. Section 1 of Chapter 90 of the General Laws, as appearing in the 2018
22 Official Edition, is hereby amended by inserting, in line 288, after the word "include " the
23 following words:- electric bicycles or

24 SECTION 5. Section 1 of Chapter 90D of the General Laws, as appearing in the 2018
25 Official Edition, is hereby amended by inserting, in line 25, after the word "include " the
26 following words:- electric bicycles or

27 SECTION 6. Chapter 85 of the General Laws, as appearing in the 2018 Official Edition,
28 is hereby amended by inserting after section 11B1/2 the following section:-

29 Section 11B3/4. For the purposes of this section, the terms “electric bicycle,” “class 1
30 electric bicycle,” “class 2 electric bicycle,” and “class 3 electric bicycle” shall have the same
31 definitions as in section 1 of chapter 90. The terms “bike path,” “bike lane,” and “bike route”
32 shall have the same definitions as in section 1 of chapter 90E. Nothing in this definition shall
33 preclude electric bicycles from being considered eligible for the purpose of electric vehicle
34 incentive programs.

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

37 (1) Except as otherwise provided in this section, an electric bicycle or an operator of an
38 electric bicycle shall be afforded all the rights and privileges, and be subject to all of the duties,
39 of a bicycle or the operator of a bicycle. Electric bicycles may be ridden on a street, road, way,
40 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 may prohibit the operation of class 1, class 2, or class 3 electric bicycles on that
43 path.

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

48 (2) Electric bicycles shall comply with the equipment and manufacturing requirements
49 for bicycles adopted by the United States Consumer Product Safety Commission established in
50 16 C.F.R. 1512.

51 (3) On and after January 1, 2022, manufacturers and distributors of electric bicycles shall
52 apply a label that is permanently affixed, in a prominent location, to each electric bicycle
53 containing the classification number, top assisted speed, and motor wattage of the electric
54 bicycle.

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

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

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

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

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

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

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