

HOUSE No. 3014

The Commonwealth of Massachusetts

PRESENTED BY:

Dylan A. Fernandes and Jonathan Hecht

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>Dylan A. Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>
<i>Brendan P. Crighton</i>	<i>Third Essex</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Donald F. Humason, Jr.</i>	<i>Second Hampden and Hampshire</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>
<i>Jeffrey N. Roy</i>	<i>10th Norfolk</i>
<i>John C. Velis</i>	<i>4th Hampden</i>
<i>David T. Vieira</i>	<i>3rd Barnstable</i>

Tommy Vitolo

15th Norfolk

HOUSE No. 3014

By Messrs. Fernandes of Falmouth and Hecht of Watertown, a petition (accompanied by bill, House, No. 3014) of Dylan A. Fernandes and others 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 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 2016
16 Official Edition, is hereby amended by inserting, in line 265, after the word “hour.” 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 2016
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 2016
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 2016
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 2016 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

70 The Secretary of the Massachusetts Department of Transportation may promulgate
71 additional regulations regarding electric bicycles in the Commonwealth, including but not
72 limited to their safe operation and proper labeling. The Secretary shall submit any such proposed
73 regulations to the Clerks of the House and Senate and to the Joint Committee on Transportation
74 at least 30 days prior to their effective date.

