

HOUSE No. 5105

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, July 28, 2022.

The committee on Ways and Means, to whom was referred the Bill relative to electric bicycles (House, No. 4676), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 5105).

For the committee,

AARON MICHLEWITZ.

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**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. Chapter 85 of the General Laws, as appearing in the 2020 Official Edition,
2 is hereby amended by inserting after section 11B^{1/2} the following section:-

3 Section 11B^{3/4}. (a) For the purposes of this section, the term “electric bicycle” shall have
4 the same meaning as in section 1 of chapter 90 and the terms “bike path” and “bikeway” shall
5 have the same meanings as in section 1 of chapter 90E.

6 (b) Except as otherwise provided in this section, an electric bicycle or an operator of an
7 electric bicycle shall be afforded all of the rights and privileges, and shall be subject to all of the
8 duties of the operator of a bicycle or duties related to a bicycle, set forth in sections 11B and
9 11B^{1/2}, any general or special law, regulation or local ordinance; provided, however, that electric
10 bicycles shall not be ridden or operated on sidewalks.

11 (c) A municipality, local authority or state agency with jurisdiction over a bike path or
12 bikeway after public notice and a public hearing may adopt ordinances or regulations prohibiting

13 or otherwise regulating the operation of electric bicycles on such paths, including, but not limited
14 to, the imposition of speed limits.

15 (d) An electric bicycle shall not be operated on a trail designated for nonmotorized
16 traffic, that a municipality, local authority or state agency has jurisdiction over, if such trail has a
17 natural surface tread made by clearing and grading the soil and no surfacing materials have been
18 added; provided, however, that a municipality, local authority or state agency after public notice
19 and a public hearing may adopt ordinances or regulations permitting or otherwise regulating the
20 use of electric bicycles on such a trail within its jurisdiction, including, but not limited to, the
21 imposition of speed limits.

22 (e) Electric bicycles shall comply with the equipment and manufacturing requirements
23 for bicycles adopted by the United States Consumer Product Safety Commission.

24 (f) Manufacturers and distributors of electric bicycles shall apply a label that shall be
25 permanently affixed, in a prominent location, to each electric bicycle containing the
26 classification number, top assisted speed and motor wattage of the electric bicycle.

27 (g) No person shall tamper with or modify an electric bicycle so as to change the motor-
28 powered speed capability or engagement of an electric bicycle, unless the person appropriately
29 replaces the label required by subsection (f).

30 (h) The secretary of transportation may promulgate regulations for electric bicycles in the
31 commonwealth, including, but not limited, to their safe operation and proper labeling. The
32 secretary shall submit any such proposed regulations to the clerks of the house of representatives
33 and senate and the joint committee on transportation not later than 30 days prior to their effective
34 date.

35 SECTION 2. Section 1 of chapter 90 of the General Laws, as so appearing, is hereby
36 amended by inserting after the definition of “Bus or motor bus” the following definitions:-

37 “Class 1 electric bicycle”, an electric bicycle or tricycle equipped with a motor that
38 provides assistance only when the rider is pedaling and that ceases to provide assistance when
39 the bicycle reaches the speed of 20 miles per hour.

40 “Class 2 electric bicycle”, an electric bicycle or tricycle equipped with a motor that may
41 be used exclusively to propel the bicycle and that is not capable of providing assistance when the
42 bicycle reaches the speed of 20 miles per hour.

43 SECTION 3. Said section 1 of said chapter 90, as so appearing, is hereby further
44 amended by inserting after the definition of “Department” the following definition:-

45 “Electric bicycle”, a bicycle or tricycle equipped with fully operable pedals and an
46 electric motor of 750 watts or less that meets the requirements of a class 1 electric bicycle or a
47 class 2 electric bicycle.

48 SECTION 4. Said section 1 of said chapter 90, as so appearing, is hereby further
49 amended by inserting, in line 270, after the word “hour” the following words:- ; provided, that
50 the definition of “motorized bicycle” shall not include an electric bicycle.

51 SECTION 5. Said section 1 of said chapter 90, as so appearing, is hereby further
52 amended by inserting, in line 275, after the word “motorcycle” the following words:- , electric
53 bicycle.

54 SECTION 6. Said section 1 of said chapter 90, as so appearing, is hereby further
55 amended by inserting, in line 293, after the word “include” the following words:- electric
56 bicycles or.

57 SECTION 7. Section 1 of chapter 90D of the General Laws, as so appearing, is hereby
58 amended by inserting, in line 25, after the word “include” the following words:- electric bicycles
59 or.

60 SECTION 8. Subsection (f) of section 11B³/₄ of chapter 85 of the General Laws, inserted
61 by section 1, shall take effect on January 1, 2023.