

HOUSE BILL 1711

By Smith

AN ACT to amend Tennessee Code Annotated, Section 54-10-111; Section 54-5-142; Section 54-5-211 and Title 55, relative to electric bicycles.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 55, Chapter 8, is amended by adding Sections 2 through 8 as a new part.

SECTION 2. As used in this part:

(1) "Class 1 electric bicycle":

(A) Means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of twenty miles per hour (20 mph); and

(B) Includes a low-speed, pedal-assisted electric bicycle;

(2) "Class 2 electric bicycle":

(A) Means an electric bicycle equipped with a motor that may be used exclusively to propel the bicycle, and that is not capable of providing assistance when the bicycle reaches the speed of twenty miles per hour (20 mph); and

(B) Includes a low-speed, throttle-assisted electric bicycle;

(3) "Class 3 electric bicycle":

(A) Means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of twenty-eight miles per hour (28 mph); and

(B) Includes a speed pedal-assisted electric bicycle; and

(4) "Electric bicycle" means a device upon which any person may ride, that is equipped with two (2) or three (3) wheels, any of which is more than twenty inches (20") in diameter, fully operable pedals for human propulsion, and an electric motor of less than seven hundred fifty (750) watts.

SECTION 3.

An electric bicycle and any person operating an electric bicycle is not subject to any requirements or laws applicable to motor vehicles, including chapter 12, part 1 of this title, relating to financial responsibility; chapter 50 of this title, relating to driver licenses; and chapters 3 and 4 of this title, relating to titling and registration.

SECTION 4.

(a) On or after January 1, 2017, every manufacturer or distributor of new electric bicycles intended for sale or distribution in this state shall permanently affix, in a prominent location, to the electric bicycle a label that contains the classification number, top assisted speed, and motor wattage of the electric bicycle, and is printed in Arial font in at least nine-point type.

(b) On or after January 1, 2017, no new electric bicycle shall be sold to the general public in this state unless a label is affixed to the electric bicycle pursuant to subsection (a).

(c) A violation of subsection (a) or (b) is an unfair and deceptive act or practice under the Tennessee Consumer Protection Act of 1977, compiled in title 47, chapter 18.

SECTION 5.

It is an offense for a person to knowingly modify an electric bicycle so as to change the speed capability of the electric bicycle and not appropriately replace, or cause to be replaced, the label indicating the classification required in Section 4. A violation of this section is a Class C misdemeanor.

SECTION 6.

(a) No electric bicycle shall be operated upon any street or highway unless the electric bicycle:

(1) Complies with applicable equipment and manufacturing requirements for electric bicycles established by state and federal law, including federal standards adopted by the United States consumer product safety commission and compiled in 16 CFR part 1512; and

(2) Is equipped in such a manner that the electric motor is disengaged or ceases to function when the brakes are applied, or that the electric motor is engaged through a switch or mechanism that, when released or activated, will cause the electric motor to disengage or cease to function.

(b) No class 3 electric bicycle shall be operated upon any street or highway unless it is equipped with a speedometer that displays the speed the electric bicycle is traveling in miles per hour.

(c) A person who knowingly operates an electric bicycle in violation of subsection (a) or (b) commits a Class C misdemeanor.

SECTION 7.

(a) A class 1 electric bicycle or a class 2 electric bicycle may be operated on any part of a street or highway where bicycles are authorized to travel, including a bicycle lane or other portion of a roadway designated for exclusive use by bicyclists, the shoulder or berm, and any path or trail intended for use by pedestrians, bicyclists, and other nonvehicular use, but excluding a trail or other area designated for exclusive use by dirt bikes or other off-highway vehicles.

(b) A county or city having jurisdiction over any part of any street or highway where bicycles are authorized to travel may regulate or prohibit, by resolution or ordinance, the operation of a class 1 electric bicycle or class 2 electric bicycle on that

part, if the county or city determines that the regulation or prohibition is necessary, in the interest of public safety.

(c) No class 3 electric bicycle shall be operated on any part of a street or highway where bicycles are authorized to travel, unless the part is within or adjacent to the street or highway or the governing body of the county or city having jurisdiction over the part permits, by resolution or ordinance, the operation on that part.

(d) No class 3 electric bicycle shall be operated on any sidewalk unless the use of bicycles on sidewalks is authorized by resolution or ordinance of the county or city having jurisdiction over that sidewalk and the electric motor is disabled.

(e) A person who knowingly operates a class 3 electric bicycle in violation of subsection (c) or (d) commits a Class C misdemeanor.

SECTION 8.

(a) It is a delinquent act for a person under fourteen (14) years of age to operate a class 3 electric bicycle upon any street or highway; provided, that the person may ride as a passenger on a class 3 electric bicycle that is designed to accommodate passengers.

(b) The operator and all passengers of a class 3 electric bicycle, regardless of age, shall wear a properly fitted and fastened bicycle helmet meeting federal standards established by the United States consumer product safety commission or the American Society for Testing and Materials. A label on the helmet shall be affixed signifying the helmet complies with this subsection.

(c)

(1) A violation of subsection (a) shall be punishable only by a fine not to exceed fifty dollars (\$50.00).

(2) A person who violates subsection (b) commits a Class C misdemeanor.

SECTION 9. Tennessee Code Annotated, Section 55-8-101(34), is amended by deleting the language "excluding motorized bicycles," and substituting instead the language "excluding electric bicycles as defined in Section 2 of this act and motorized bicycles,".

SECTION 10. Tennessee Code Annotated, Section 55-8-171, is amended by adding the following as a new subsection:

(d) This section and §§ 55-8-172—55-8-177 are applicable to electric bicycles as defined in Section 2 of this act.

SECTION 11. Tennessee Code Annotated, Section 55-8-171(c), is amended by deleting the language "The regulations applicable to bicycles shall apply whenever a bicycle" and substituting instead the language "The regulations applicable to bicycles and electric bicycles shall apply whenever a bicycle or electric bicycle".

SECTION 12. Tennessee Code Annotated, Section 55-8-172(a), is amended by deleting the language "Every person riding a bicycle" and substituting instead the language "Every person riding a bicycle or electric bicycle".

SECTION 13. This act shall take effect July 1, 2016, the public welfare requiring it.