

ENROLLED ACT NO. 45, SENATE

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2019 GENERAL SESSION

AN ACT relating to the regulation of traffic on highways; defining and regulating electric bicycles; establishing classes of electric bicycles; requiring a label on an electric bicycle; specifying applicability; making conforming amendments; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 31-5-707 is created to read:

ARTICLE 7
BICYCLES AND ELECTRIC BICYCLES

31-5-707. Electric bicycles.

(a) The operator of an electric bicycle is subject to W.S. 31-5-702 and is not subject to the provisions of this title relating to financial responsibility, driver's licenses, registration, certificates of title or off-road recreational vehicles. An electric bicycle shall not be a motor vehicle.

(b) On and after January 1, 2020, every manufacturer or distributor of an electric bicycle shall ensure that a label is permanently affixed in a prominent location on each electric bicycle sold or distributed by the manufacturer or distributor. The label shall indicate the class number as defined in W.S. 31-1-101(a)(xxxiv), the top assisted speed and motor wattage of the electric bicycle and shall be printed in at least nine (9) point font.

(c) A person shall not modify an electric bicycle to change the motor-powered speed capability or motor engagement of the electric bicycle, unless the person replaces the label

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required in subsection (b) of this section indicating the classification.

(d) An electric bicycle shall comply with United States consumer product safety commission equipment and manufacturing requirements for bicycles, 16 C.F.R. 1512.

(e) An electric bicycle shall operate according to class so that when the rider stops pedaling, applies the brakes or the electric motor is disengaged, the electric motor assist ceases to function.

(f) A local authority or state agency with jurisdiction may regulate the use of any class of electric bicycles on trails, including nonmotorized trails, under its jurisdiction. For purposes of this paragraph, "nonmotorized trail" means a trail with a natural surface made by clearing and grading the native soil with no added surfacing materials.

Section 2. W.S. 31-1-101(a)(xv)(intro), (C), (E), (xxix) and by creating a new paragraph (xxxiv), 31-5-102(a)(xxi) through (xxiv) and by creating a new paragraph (lxviii), 31-5-109(a)(vii), 31-5-119(a) and (b), 31-5-203(c), 31-5-702 and 31-5-901(c) are amended to read:

31-1-101. Definitions.

(a) Except as otherwise provided, as used in this act:

(xv) "Motor vehicle" means every vehicle which is self-propelled except vehicles moved solely by human power, electric bicycles or motorized skateboards. The term includes the following vehicles as hereafter defined:

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(C) "Moped" means a vehicle equipped with two (2) or three (3) wheels, foot pedals to permit muscular propulsion by human power, an automatic transmission and a motor with cylinder capacity not exceeding fifty (50) cubic centimeters producing no more than two (2) brake horsepower, which motor is capable of propelling the vehicle at a maximum speed of no more than thirty (30) miles per hour on a level road surface. "Moped" does not include an electric bicycle;

(E) "Motorcycle" means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground but which may have attached thereto a sidecar for the purpose of transporting a single passenger. For the purpose of registration and titling "motorcycle" includes motorized bicycles and scooters, but excludes mopeds, motorized skateboards, multipurpose vehicles, electric bicycles and off-road recreational vehicles as defined in subparagraph (K) of this paragraph;

(xxix) "Motorized skateboard" means a self-propelled device which has a motor or engine, a deck on which a person may ride and at least two (2) wheels in contact with the ground and which is not otherwise defined in this act as a "motor vehicle", "motorcycle", "electric bicycle", "motor-driven cycle" or "pedestrian vehicle";

(xxxiv) "Electric bicycle" means a bicycle or tricycle equipped with fully operable pedals, a seat or saddle for the rider's use and an electric motor of less than seven hundred fifty (750) watts that meets the requirements of one (1) of the following three (3) classes:

(A) "Class 1 electric bicycle" means an electric bicycle equipped with a motor that provides

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assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of twenty (20) miles per hour;

(B) "Class 2 electric bicycle" means an electric bicycle equipped with a motor that may be used to propel the bicycle without pedaling and that is not capable of providing assistance when the bicycle reaches a speed of twenty (20) miles per hour;

(C) "Class 3 electric bicycle" 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 a speed of twenty-eight (28) miles per hour.

31-5-102. Definitions.

(a) Except as otherwise provided, as used in this act:

(xxi) "Moped" means a motor-driven cycle both with foot pedals to permit muscular propulsion by human power and with a motor which produces no more than two (2) brake horsepower and which is capable of propelling the vehicle at a maximum speed of no more than thirty (30) miles per hour on a level road surface. If an internal combustion engine is used, the displacement shall not exceed more than fifty (50) cubic centimeters and the moped shall have a power drive system that functions directly or automatically without clutching or shifting by the driver after the drive system is engaged. "Moped" does not include an electric bicycle;

(xxii) "Motorcycle" means any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the

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ground, excluding off-road recreation vehicles as defined in W.S. 31-1-101(a)(xv)(K) and electric bicycles, but including a motor vehicle designed as a recreational vehicle primarily for off-road use to be ridden astride and to travel on four (4) wheels;

(xxiii) "Motor-driven cycle" means any motorcycle, including motor scooters and motorized bicycles having an engine with less than one hundred fifty (150) cubic centimeters displacement or with five (5) brake horsepower or less but does not include motorized skateboards or electric bicycles;

(xxiv) "Motor vehicle" means every vehicle which is self-propelled except vehicles moved solely by human power, electric bicycles and motorized skateboards as defined by paragraph (a)(lxii) of this section;

(lxviii) "Electric bicycle" means as defined in W.S. 31-1-101(a)(xxxiv).

31-5-109. General powers of local authorities.

(a) This act does not prevent local authorities with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power from:

(vii) Regulating the operation of bicycles and electric bicycles and requiring the registration and licensing of bicycles and electric bicycles, including the requirement of a registration fee;

31-5-119. Clinging to vehicles.

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(a) No person riding upon any bicycle, electric bicycle, coaster, roller skates, sled or toy vehicle shall attach it or himself to any vehicle upon a roadway.

(b) This section does not prohibit attaching a bicycle trailer or bicycle semitrailer to a bicycle or electric bicycle if the trailer or semitrailer was designed for the attachment.

31-5-203. Rules governing overtaking on the left.

(c) The driver of a motor vehicle overtaking and passing a bicycle or electric bicycle, which is operating lawfully, proceeding in the same direction shall, when space allows, maintain at least a three (3) foot separation between the right side of the driver's motor vehicle, including all mirrors and other projections from the motor vehicle, and the bicycle or electric bicycle.

31-5-702. General rights and duties of riders.

Every person propelling a vehicle by human power or riding a bicycle or electric bicycle has all of the rights and all of the duties applicable to the driver of any vehicle under this act, except as to special regulations in this act and except as to those provisions which by their nature can have no application.

31-5-901. General requirements; applicability of provisions.

(c) The provisions of W.S. 31-5-901 through 31-5-970 and regulations of the superintendent with respect to equipment required on vehicles shall not apply to vehicles moved solely by human power, motorcycles, autocycles,

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motor-driven cycles, mopeds, electric bicycles, multipurpose vehicles, implements of husbandry, highway construction machinery or farm tractors except as specifically made applicable.

Section 3. This act is effective July 1, 2019.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk