

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 939

(Delegate Cassilly, *et al.*)

Environment and Transportation

Judicial Proceedings

Vehicle Laws - Electric Bicycles - Equipment and Operation

This bill (1) alters the definition of “electric bicycle” as it applies to the Maryland Vehicle Law and establishes specified classes of electric bicycles; (2) restricts the operation of a specified class of electric bicycle on bicycle paths; (3) authorizes a local or State agency with jurisdiction over a bicycle path or trail to prohibit or regulate the operation of specified classes of electric bicycles on the bicycle path or trail; (4) establishes age restrictions for the operation of electric bicycles; and (5) establishes specified labeling, equipment, and operational standards for electric bicycles.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues to the extent additional citations are issued under the bill. Enforcement can be handled with existing resources.

Local Effect: Potential minimal increase in local revenues to the extent additional citations are issued under the bill. Enforcement can be handled with existing resources.

Small Business Effect: Minimal.

Analysis

Bill Summary: “Electric bicycle” as it applies to the Maryland Vehicle Law includes a vehicle with a motor rating of up to 750 watts; the bill establishes three classes of electric bicycles:

- a class 1 electric bicycle is equipped with a motor that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches a speed of 20 miles per hour;
- a class 2 electric bicycle is equipped with a motor that provides assistance whether or not the rider is pedaling the bicycle and ceases to provide assistance when the bicycle reaches a speed of 20 miles per hour; and
- a class 3 electric bicycle is equipped with a motor that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches a speed of 28 miles per hour.

The bill specifies that an electric bicycle is not considered an off-highway recreational vehicle (OHRV) for purposes of the Maryland Vehicle Law.

Authority of State and Local Agencies and Restrictions on the Operation of Electric Bicycles

Bicycle Paths: The bill authorizes a local authority or State agency that has jurisdiction over a bicycle path to prohibit the operation of a class 1 or class 2 electric bicycle on the bicycle path. A class 3 electric bicycle may not be operated on a bicycle path unless (1) the bicycle path is within or adjacent to a highway right-of-way or (2) allowed by a local authority or State agency with jurisdiction over the bicycle path.

Trails: The bill authorizes a local authority or State agency with jurisdiction over a trail to regulate the use of electric bicycles of any class on a trail designated as nonmotorized if the trail has a natural surface tread made by clearing and grading native soil with no added surface materials.

Age Restrictions: The bill prohibits a person younger than age 16 from operating a class 3 electric bicycle on a public highway. A person younger than age 16 may, however, ride as a passenger on a class 3 electric bicycle that is designed to accommodate passengers.

Subject to specified restrictions, a person may operate an electric bicycle where bicycles are allowed to travel, including bicycle lanes.

Labeling, Equipment, and Operational Requirements for Electric Bicycles

Labeling Requirements: Beginning January 1, 2020, electric bicycle manufacturers and distributors must apply, in a prominent location, a standardized label that is permanently affixed to each electric bicycle. The label must meet specified font and size requirements and indicate the classification, top assisted speed, and motor wattage of an electric bicycle.

A person may not tamper with or modify an electric bicycle in a manner that changes the motor-powered speed capability of the electric bicycle unless the person corrects the classification on the required label.

Equipment and Operational Requirements: An electric bicycle must comply with the equipment and manufacturing requirements for bicycles adopted by the U.S. Consumer Product Safety Commission. An electric bicycle must operate in a manner so that the electric motor is disengaged or ceases to function when the brakes are applied or, for a class 1 or 3 electric bicycle, when the operator stops pedaling. A class 3 electric bicycle must be equipped with a speedometer that displays the speed of the electric bicycle in miles per hour.

Current Law/Background:

Applicable Definitions under the Maryland Vehicle Law

Electric Bicycles: An “electric bicycle” is a vehicle that is (1) designed to be operated by human power with the assistance of an electric motor; (2) is equipped with fully operable pedals; (3) has two or three wheels; (4) has a motor with a rating of up to 500 watts; and (5) is capable of a maximum speed of 20 miles per hour on a level surface when powered by the motor.

An electric bicycle is considered a bicycle for purposes of the Maryland Vehicle Law. An electric bicycle is not considered a moped, electric minibike, or motor vehicle.

Off-highway Recreational Vehicles: An “OHRV” is (1) a motor-assisted or motor-driven vehicle that is commonly known as an all-terrain vehicle; (2) a motor-assisted or motor-driven vehicle that has specified features and is commonly known as a side-by-side utility vehicle; (3) a motorcycle that is designed for off-highway operation and is not eligible for registration as a Class D (motorcycle) vehicle, commonly known as a dirt bike; or (4) a snowmobile. An OHRV does not include (1) a farm vehicle that is owned by a farmer and meets specified requirements or (2) any vehicle used on residential property for landscaping, gardening, or lawn care.

Bicycle Paths: A “bicycle path” is any travel way designed and designated by signing or by signing and marking for bicycle use, located within its own right-of-way or in a shared right-of-way, and physically separated from motor vehicle traffic by berm, shoulder, curb, or other similar device.

Highway: “Highway” means the entire width between the boundary lines of any way or thoroughfare of which any part is used by the public for vehicular travel, whether or not the way or thoroughfare has been dedicated to the public and accepted by any proper

authority. It also means the entire width between the boundary lines of any way or thoroughfare used for purposes of vehicular travel on any property owned, leased, or controlled by the U.S. government and located in the State.

Regulation of Electric Bicycles under the Consumer Product Safety Act

In 2002, the federal Consumer Product Safety Act (CPSA) was amended to specify that electric low-speed bicycles are subject to regulations for bicycles adopted under CPSA. “Electric low-speed bicycle,” as specified by CPSA, means a two- or three-wheeled vehicle with fully operable pedals and an electric motor of less than 750 watts that, when powered solely by the motor on a paved level surface, and while ridden by an operator who weighs 170 pounds, reaches a maximum speed of less than 20 miles per hour.

Background: According to the National Conference of State Legislatures, as of December 2018, 31 states and the District of Columbia define “electric bicycle” in law, and 11 states have adopted similar three-tiered classification systems for electric bicycles. In addition, several states have adopted age restrictions for the operation of electric bicycles.

Additional Information

Prior Introductions: None.

Cross File: SB 935 (Senator Waldstreicher) - Judicial Proceedings.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of State Police; Maryland Department of Transportation; Montgomery and Prince George’s counties; Maryland Association of Counties; U.S. Consumer Product Safety Commission; U.S. Code; National Conference of State Legislatures; Department of Legislative Services

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