

SENATE BILL 935

R6, R5

9lr2998
CF HB 939

By: **Senator Waldstreicher**

Introduced and read first time: February 15, 2019

Assigned to: Rules

Re-referred to: Judicial Proceedings, February 22, 2019

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 20, 2019

CHAPTER _____

1 AN ACT concerning

2 **Vehicle Laws – Electric Bicycles – Equipment and Operation**

3 FOR the purpose of establishing certain classes of electric bicycles; clarifying that electric
4 bicycles are not included in the definition of “off-highway recreational vehicle”;
5 establishing that electric bicycles may be operated in any place where bicycles are
6 allowed to travel, subject to certain restrictions; prohibiting a person under a certain
7 age from operating a certain electric bicycle on a public highway; authorizing a
8 person under a certain age to ride as a passenger on a certain electric bicycle under
9 certain circumstances; requiring manufacturers and distributors to apply a certain
10 label in a certain manner to electric bicycles beginning on a certain date; prohibiting
11 a person from tampering with or modifying an electric bicycle in a certain manner
12 under certain circumstances; requiring electric bicycles to comply with certain
13 federal regulations governing bicycle equipment and manufacturing; requiring the
14 electric motor of an electric bicycle to disengage or cease to function under certain
15 circumstances; requiring certain electric bicycles to be equipped with a speedometer;
16 altering certain definitions; and generally relating to equipment for and the
17 operation of electric bicycles.

18 BY repealing and reenacting, with amendments,
19 Article – Transportation
20 Section 11–117.1 and 11–140.1(b)
21 Annotated Code of Maryland
22 (2012 Replacement Volume and 2018 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY adding to
 2 Article – Transportation
 3 Section 21–1205.2 and 22–420
 4 Annotated Code of Maryland
 5 (2012 Replacement Volume and 2018 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 7 That the Laws of Maryland read as follows:

8 **Article – Transportation**

9 11–117.1.

10 (A) “Electric bicycle” means a vehicle that:

- 11 (1) Is designed to be operated by human power with the assistance of an
 12 electric motor;
- 13 (2) Is equipped with fully operable pedals;
- 14 (3) Has two or three wheels;
- 15 (4) Has a motor with a rating of [500] **750** watts or less; and
- 16 (5) [Is capable of a maximum speed of 20 miles per hour on a level surface
 17 when powered by the motor] **MEETS ONE OF THE REQUIREMENTS OF SUBSECTION (B)**
 18 **OF THIS SECTION.**

19 (B) (1) **A CLASS 1 ELECTRIC BICYCLE IS EQUIPPED WITH A MOTOR THAT**
 20 **PROVIDES ASSISTANCE ONLY WHEN THE RIDER IS PEDALING AND CEASES TO**
 21 **PROVIDE ASSISTANCE WHEN THE BICYCLE REACHES A SPEED OF 20 MILES PER**
 22 **HOUR.**

23 (2) **A CLASS 2 ELECTRIC BICYCLE IS EQUIPPED WITH A MOTOR THAT**
 24 **PROVIDES ASSISTANCE WHETHER OR NOT THE RIDER IS PEDALING THE BICYCLE**
 25 **AND CEASES TO PROVIDE ASSISTANCE WHEN THE BICYCLE REACHES A SPEED OF 20**
 26 **MILES PER HOUR.**

27 (3) **A CLASS 3 ELECTRIC BICYCLE IS EQUIPPED WITH A MOTOR THAT**
 28 **PROVIDES ASSISTANCE ONLY WHEN THE RIDER IS PEDALING AND CEASES TO**
 29 **PROVIDE ASSISTANCE WHEN THE BICYCLE REACHES A SPEED OF 28 MILES PER**
 30 **HOUR.**

31 11–140.1.

32 (b) “Off–highway recreational vehicle” does not include:

1 (1) A farm vehicle as defined in § 13-911 of this article when used
2 exclusively on farm property by a farmer; [or]

3 (2) Any vehicle when used on residential property for the purpose of
4 landscaping, gardening, or lawn care; OR

5 (3) AN ELECTRIC BICYCLE.

6 **21-1205.2.**

7 (A) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ELECTRIC
8 BICYCLES MAY BE OPERATED WHERE BICYCLES ARE ALLOWED TO TRAVEL,
9 INCLUDING BIKE LANES.

10 (2) (I) A LOCAL AUTHORITY OR STATE AGENCY THAT HAS
11 JURISDICTION OVER A BICYCLE PATH MAY PROHIBIT THE OPERATION OF A CLASS 1
12 OR CLASS 2 ELECTRIC BICYCLE ON THE BICYCLE PATH.

13 (II) A CLASS 3 ELECTRIC BICYCLE MAY NOT BE OPERATED ON A
14 BICYCLE PATH UNLESS:

15 1. THE BICYCLE PATH IS WITHIN OR ADJACENT TO A
16 HIGHWAY RIGHT-OF-WAY; OR

17 2. ALLOWED BY A LOCAL AUTHORITY OR STATE AGENCY
18 WITH JURISDICTION OVER THE BICYCLE PATH.

19 (III) A LOCAL AUTHORITY OR STATE AGENCY WITH
20 JURISDICTION OVER A TRAIL MAY REGULATE THE USE OF ELECTRIC BICYCLES OF
21 ANY CLASS ON A TRAIL DESIGNATED AS NONMOTORIZED IF THE TRAIL HAS A
22 NATURAL SURFACE TREAD MADE BY CLEARING AND GRADING NATIVE SOIL WITH NO
23 ADDED SURFACING MATERIALS.

24 (B) (1) A PERSON UNDER THE AGE OF 16 YEARS MAY NOT OPERATE A
25 CLASS 3 ELECTRIC BICYCLE ON A PUBLIC HIGHWAY.

26 (2) A PERSON UNDER THE AGE OF 16 YEARS MAY RIDE AS A
27 PASSENGER ON A CLASS 3 ELECTRIC BICYCLE THAT IS DESIGNED TO ACCOMMODATE
28 PASSENGERS.

29 **22-420.**

30 (A) (1) BEGINNING JANUARY 1, 2020, MANUFACTURERS AND
31 DISTRIBUTORS OF ELECTRIC BICYCLES SHALL APPLY IN A PROMINENT LOCATION A

1 STANDARDIZED LABEL THAT IS PERMANENTLY AFFIXED TO EACH ELECTRIC
2 BICYCLE.

3 (2) THE LABEL REQUIRED UNDER PARAGRAPH (1) OF THIS
4 SUBSECTION SHALL BE PRINTED IN ARIAL FONT IN AT LEAST 9 POINT TYPE AND
5 CONTAIN FOR THE ELECTRIC BICYCLE:

6 (I) THE CLASSIFICATION;

7 (II) THE TOP ASSISTED SPEED; AND

8 (III) THE MOTOR WATTAGE.

9 (B) A PERSON MAY NOT TAMPER WITH OR MODIFY AN ELECTRIC BICYCLE IN
10 A MANNER THAT CHANGES THE MOTOR-POWERED SPEED CAPABILITY OF THE
11 ELECTRIC BICYCLE UNLESS THE PERSON CORRECTS THE CLASSIFICATION ON THE
12 LABEL REQUIRED UNDER SUBSECTION (A) OF THIS SECTION.

13 (C) AN ELECTRIC BICYCLE SHALL COMPLY WITH THE EQUIPMENT AND
14 MANUFACTURING REQUIREMENTS FOR BICYCLES ADOPTED BY THE FEDERAL
15 CONSUMER PRODUCT SAFETY COMMISSION UNDER 16 C.F.R. § 1512.

16 (D) ~~(1)~~ AN ELECTRIC BICYCLE SHALL OPERATE IN A MANNER SO THAT
17 THE ELECTRIC MOTOR IS DISENGAGED OR CEASES TO FUNCTION:

18 (1) ~~WHEN~~ WHEN THE BRAKES ARE APPLIED; OR

19 (2) FOR A CLASS 1 OR CLASS 3 ELECTRIC BICYCLE, WHEN THE
20 OPERATOR STOPS PEDALING.

21 ~~(2) A CLASS 1 OR CLASS 3 ELECTRIC BICYCLE SHALL OPERATE IN A~~
22 ~~MANNER SO THAT THE ELECTRIC MOTOR IS DISENGAGED OR CEASES TO FUNCTION~~
23 ~~WHEN THE OPERATOR STOPS PEDALING.~~

24 (E) A CLASS 3 ELECTRIC BICYCLE SHALL BE EQUIPPED WITH A
25 SPEEDOMETER THAT DISPLAYS THE SPEED OF THE ELECTRIC BICYCLE IN MILES PER
26 HOUR.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2019.