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OVERVIEW OF FEDERAL AND STATE LAWS THAT ASSOCIATE E-BIKES WITH OTHER BICYCLES, NOT MOTOR VEHICLES¹

UNITED STATES

In the United States of America, Congress has defined a low-speed electric bicycle as any bicycle or tricycle with fully operable pedals, an electric motor not exceeding 750 W of power and a top motor-powered speed not in excess of 20 miles per hour (equivalent to the Canadian 32 km/h). An electric bike or trike that meets these limitations is regarded as a bicycle [8] by Public Law 107-319.[9] This Law defines electric bicycles only for the purpose of Consumer Product Safety and does not allow for their use on roads. It is a safety criteria that manufacturers should use in building electric bicycles, which helps protect manufacturers from the threat of lawsuits from within states that attempt to legislate more stringent safety requirements.

These are Federal regulations that put control of monitoring the safety of electric bicycles into the hands of the Consumer Products Safety Commission (CPSC), which supersedes any state law that is more stringent, but only regarding safety equipment required on electric bicycles and not regarding whether electric bicycles are street legal. The states still decide what vehicles are allowed to use the roads in their state.

The U.S. Department of Energy reports that "Since [1998, when federal rules regulating equipment on these vehicles became effective], 37 states have passed legislation allowing these vehicles to be driven on roads with posted speed limits of 35 miles per hour or lower." [10]

TEA-21 and SAFETEA-LU Specify that legal Ebikes, as defined above, are legal on urban bicycle trail systems getting any federal funding unless states or local entities have passed laws specifically dis-allowing electric assist bicycles. Under Federal Law, Ebikes are NOT considered motor vehicles unless the state or local entity has passed a law otherwise.

There is a MISCONCEPTION that when "motor vehicles" or "motorized vehicles" are disallowed by law or by signage, that this always means ebikes are illegal on trails. This is UNTRUE in many states; these terms do not include "legal low power electric assist bicycles", and can only be banned by passing a specific state or local law. (See TEA-21 Federal DOT Law)

SAFETEA-LU is a 2005 Federal Re-authorization of the 1990s TEA-21, and renews the exclusion of legal ebikes from the classification of 'motor vehicles' from urban trail use unless a specific local ebike statute is passed.

http://www.house.gov/transportation_democrats/Bike%20Book%2006.pdf

"Motorized vehicles are not permitted on trails and pedestrian walkways EXCEPT FOR: maintenance purposes, motorized wheelchairs, and—when State or local regulations permit—snowmobiles and electric bicycles. Electric bicycles are defined for the purposes of this Act as a bicycle or tricycle with a low-powered electric motor weighing less than 100 pounds with a top motor-powered speed not in excess of 20 miles per hour."

(The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, P.L.109-59 Available from the Government Printing Office or online at www.dot.gov. Title 23, United States Code. Available from the Government Printing Office or your local library system.)

There is some debate as to if and where the 100 lb rule applies. On the surface it appears to be valid on trails. Check your state and local laws for any recent changes.

As always, unsafe operation may be a specific illegal or civil matter to be handled by local courts.

¹ Full document pertaining to all states is at: www.omegastores.com/electric_bicycle_law.htm

COLORADO

Updated Nov. 24 2006

Ebike definition in Colorado follows the HR 727 National Law: 20 mph e-power and 1 hp max, 2 or 3 wheels, pedals that work.

Streets and Roads: Legal low powered Ebikes are allowed on roads and bike LANES unless the city or county has passed laws to the contrary-none have to date.

Bicycles and Ebikes are disallowed on certain high speed highways and all Interstates unless signed as "Allowed" in certain rural Interstate stretches where the Interstate is the ONLY means of travel.

Recently (summer '06) a memo was issued to reduce some technical confusion regarding Colorado Electric bicycle laws:

(cut-n-paste) http://www.state.co.us/gov_dir/leg_dir/lcsstaff/2006/comsched/06TLRCPersDevMemo.pdf

Trails and sidewalks:

In Summary, unless the locality has specifically passed laws making ebikes illegal on sidewalks or trails, EBIKES ARE legal. However most business and shopping districts do not allow riding bikes or ebikes on sidewalks. Boulder and a few other cities specifically disallow ebikes on their trail systems through legal statute.

There is a MISCONCEPTION that when "motor vehicles" or "motorized vehicles" are disallowed by law or by signage, this would make ebikes illegal on trails. This is UNTRUE in Colorado. In Colorado and many other states, these terms do NOT include "legal low power electric assist bicycles", and can only be banned by passing a specific local law. (See TEA-21 Federal DOT Law)

SAFETEA-LU is a 2005 Federal Re-authorization of the 1990s TEA-21, and renews the exclusion of legal ebikes from the classification of motor vehicles from urban trail use unless a specific local statute is passed.

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IOWA

Latest update on IOWA

During the 2006 Iowa legislative session, a bill was passed, and subsequently signed into law, that changed the definition of a bicycle to include a bicycle that has an electric motor of less than 1 horse power. The new definition, found in Iowa Code section 321.1(40)c states:

"Bicycle" means either of the following: (1) A device having two wheels and having at least one saddle or seat for the use of a rider which is propelled by human power. (2) A device having two or three wheels with fully operable pedals and an electric motor of less than 750 watts (one horsepower), whose maximum speed on a paved level surface, when powered solely by such a motor while ridden, is less than 20 miles per hour.

FLORIDA

"bicycle" in 316.003(2), Florida Statutes (2004). A bicycle is:

*[e]very vehicle propelled solely by human power, and every **motorized bicycle** propelled by a combination of human power and an **electric helper motor** capable of propelling the vehicle at a speed of not more than 20 miles per hour on level ground upon which any person may ride, having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels. The term does not include such a vehicle with a seat height of no more than 25 inches from the ground when the seat is adjusted to its highest position or a scooter or similar device....*^[11]

WASHINGTON

WASHINGTON STATE LAWS Related to Electric-Assisted Bicycles As of Jan 2005
RCW 46.04.169 **Electric-assisted bicycle.**

*"Electric-assisted bicycle" means a bicycle with two or three wheels, a saddle, fully operative pedals for human propulsion, and an electric motor. The electric-assisted bicycle's electric motor must have a power output of **no more than one thousand watts**, be **incapable of propelling the device at a speed of more than twenty miles per hour** on level ground, and be **incapable of further increasing the speed of the device when human power alone is used to propel the device beyond twenty miles per hour.***