

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

HOUSE BILL 2185

By: Representatives G. Hodges, McCollum, Sabin

By: Senator Hester

For An Act To Be Entitled

AN ACT TO CREATE THE ELECTRIC BICYCLE ACT; AND FOR
OTHER PURPOSES.

Subtitle

TO CREATE THE ELECTRIC BICYCLE ACT.

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

SECTION 1. Arkansas Code § 27-20-101(3), concerning the definition of "motorized bicycle", is amended to read as follows:

(3)(A) "Motorized bicycle" means ~~every~~ a bicycle with an automatic transmission and a motor which does not displace in excess of fifty cubic centimeters (50 cc).

(B) "Motorized bicycle" does not include an electric bicycle as defined in § 27-51-1702; and

SECTION 2. Arkansas Code § 27-49-111 is amended to read as follows:

27-49-111. Use of bicycles, electric bicycles, or animals.

Every person riding a bicycle, electric bicycle, or an animal, or driving any animal drawing a vehicle upon a highway, shall have all the rights and all of the duties applicable to the driver of a vehicle, except those provisions of this act which by their nature can have no applicability.

SECTION 3. Arkansas Code Title 27, Chapter 51, is amended to add an additional subchapter to read as follows:



Subchapter 17 – Electric Bicycle Act27-51-1701. Title.

This subchapter shall be known and may be cited as the "Electric Bicycle Act".

27-51-1702. Definitions.

As used in the subchapter:

(1) "Class 1 electric bicycle" means an electric bicycle equipped with a motor that provides assistance only when the operator is pedaling and that ceases to provide assistance when the electric bicycle reaches the speed of twenty miles per hour (20 m.p.h.);

(2) "Class 2 electric bicycle" means an electric bicycle equipped with a motor that may be used exclusively to propel the electric bicycle and that is not capable of providing assistance when the electric bicycle reaches the speed of twenty miles per hour (20 m.p.h.);

(3) "Class 3 electric bicycle" means an electric bicycle equipped with a motor that provides assistance only when the operator is pedaling and that ceases to provide assistance when the electric bicycle reaches the speed of twenty-eight miles per hour (28 m.p.h.); and

(4) "Electric bicycle" means a bicycle equipped with fully operable pedals and an electric motor of less than seven hundred fifty watts (750 W) that meets one (1) of the classifications defined in subdivisions (1)-(3) of this section.

27-51-1703. Rules for bicycles applicable to electric bicycles.

For the purpose of this subchapter:

(1) An electric bicycle or an operator of an electric bicycle shall be afforded all the rights and privileges, and be subject to all of the duties, of a bicycle or the operator of a bicycle;

(2) An electric bicycle is not a motor vehicle; and

(3) An electric bicycle or an operator of an electric bicycle is not subject to the provisions of this title relating to insurance, licensing, registration, operator's licenses, and certificates of title.

27-51-1704. Equipment.

(a) An electric bicycle shall comply with the equipment and manufacturing requirements for bicycles adopted by the Consumer Product Safety Commission, 16 C.F.R. part 1512.

(b) On and after January 1, 2018, a manufacturer or distributor of electric bicycles shall apply a label in at least nine-point type that is permanently affixed in a prominent location to each electric bicycle identifying the:

- (1) Classification number;
- (2) Top assisted speed; and
- (3) Motor wattage of the electric bicycle.

(c) A person shall not tamper with or modify an electric bicycle so as to change the motor-powered speed capability or engagement of an electric bicycle, unless he or she appropriately replaces the label indicating the classification required in subsection (b) of this section.

(d)(1) A class 2 electric bicycle shall operate in a manner so that the electric motor is disengaged or ceases to function when the brakes are applied.

(2) A class 1 electric bicycle and a class 3 electric bicycle shall operate in a manner so that the motor will disengage through or cease to function when the operator stops pedaling.

27-51-1705. Use on bicycle paths.

(a)(1) A class 1 electric bicycle or a class 2 electric bicycle may be used on a bicycle path or multi-use path where bicycles are permitted.

(2) However, the local authority having jurisdiction over a bicycle path or multi-use path may prohibit the operation of a class 1 electric bicycle or a class 2 electric bicycle on that path.

(b) A class 3 electric bicycle shall not be operated on a bicycle path or multi-use path unless it is within or adjacent to a highway or roadway, or unless the local authority having jurisdiction over the path permits the operation of a class 3 electric bicycle.

27-51-1706. Rules for class 3 electric bicycles.

(a)(1) A person under sixteen (16) years of age shall not operate a class 3 electric bicycle.

- (2) A person under the age of sixteen (16) may ride as a

passenger on a class 3 electric bicycle that is designed to accommodate passengers.

(b) A person under twenty-one (21) years of age who is an operator of or a passenger on a class 3 electric bicycle shall wear a helmet that meets or exceeds the safety standard for bicycle helmets under 16 C.F.R. part 1203.

(c) All class 3 electric bicycles shall be equipped with a speedometer that displays the speed the bicycle is traveling in miles per hour.

SECTION 4. Arkansas Code § 27-67-204(e)(2), concerning the definition of "motorized scooter", is amended to read as follows:

(2) As used in this section, "motorized scooter" means a two-wheeled device that:

- (A) Has handlebars;
- (B) Can be stood or sat upon by the operator;
- (C) Is powered by an electric, gasoline, or alcohol-fueled motor capable of propelling the device with or without human propulsion;
- (D) Has a top speed of twenty miles per hour (20 m.p.h.);

and

(E) Does not otherwise meet the definitions of motorcycle, motor-driven cycle, or motorized bicycle under § 27-20-101, or the definition of an electric bicycle under § 27-51-1702.

APPROVED: 04/07/2017