

SENATE FILE NO. SF0081

Electric bicycles-regulation.

Sponsored by: Senator(s) Nethercott, Kost, Pappas and Schuler
and Representative(s) Brown, Duncan, Furphy,
Pelkey and Sweeney

A BILL

for

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

6

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

8

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

10

11

ARTICLE 7

12

BICYCLES AND ELECTRIC BICYCLES

13

14

31-5-707. Electric bicycles.

15

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

7
8 (b) On and after January 1, 2020, every manufacturer or
9 distributor of an electric bicycle shall ensure that a label
10 is permanently affixed in a prominent location on each
11 electric bicycle sold or distributed by the manufacturer or
12 distributor. The label shall indicate the class number as
13 defined in W.S. 31-1-101(a)(xxxiv), the top assisted speed
14 and motor wattage of the electric bicycle and shall be printed
15 in at least nine (9) point font.

16
17 (c) A person shall not modify an electric bicycle to
18 change the motor-powered speed capability or motor engagement
19 of the electric bicycle, unless the person replaces the label
20 required in subsection (b) of this section indicating the
21 classification.

22

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

4

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

9

10 (f) An electric bicycle may be operated where bicycles
11 are permitted to travel, subject to the following:

12

13 (i) A class 1 electric bicycle or a class 2
14 electric bicycle may be operated on bicycle or multi-use paths
15 where bicycles are allowed, except that the local authority
16 or state agency with jurisdiction over a bicycle or multi-use
17 path may prohibit the operation of a class 1 electric bicycle
18 or class 2 electric bicycle on that path;

19

20 (ii) A class 3 electric bicycle shall not be
21 operated on a bicycle or multi-use path unless it is within
22 or adjacent to a highway or roadway or unless the local

1 authority or state agency with jurisdiction over the path
2 allows that operation;

3

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

10

11 (g) Use of a class 3 electric bicycle is subject to the
12 following:

13

14 (i) No person under the age of sixteen (16) shall
15 operate a class 3 electric bicycle;

16

17 (ii) A person under the age of sixteen (16) may
18 ride as a passenger on a class 3 bicycle that is designed to
19 accommodate a passenger;

20

21 (iii) No minor shall operate or ride nor shall the
22 operator permit a minor to ride a class 3 electric bicycle
23 unless the minor is wearing a properly fitted and fastened

1 bicycle helmet that meets United States consumer product
2 safety commission or American society for testing and
3 materials standards;

4

5 (iv) A class 3 electric bicycle shall be equipped
6 with a speedometer that can display the speed of the electric
7 bicycle in miles per hour.

8

9 **Section 2.** W.S. 31-1-101(a)(xv)(intro), (C), (E),
10 (xxix) and by creating a new paragraph (xxxiv),
11 31-5-102(a)(xxi) through (xxiv) and by creating a new
12 paragraph (lxviii), 31-5-109(a)(vii), 31-5-119(a) and (b),
13 31-5-203(c), 31-5-702 and 31-5-901(c) are amended to read:

14

15 **31-1-101. Definitions.**

16

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

18

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

23

1 (C) "Moped" means a vehicle equipped with two
2 (2) or three (3) wheels, foot pedals to permit muscular
3 propulsion by human power, an automatic transmission and a
4 motor with cylinder capacity not exceeding fifty (50) cubic
5 centimeters producing no more than two (2) brake horsepower,
6 which motor is capable of propelling the vehicle at a maximum
7 speed of no more than thirty (30) miles per hour on a level
8 road surface. "Moped" does not include an electric bicycle;
9

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

20

21 (xxix) "Motorized skateboard" means a
22 self-propelled device which has a motor or engine, a deck on
23 which a person may ride and at least two (2) wheels in contact

1 with the ground and which is not otherwise defined in this
2 act as a "motor vehicle", "motorcycle", "electric bicycle",
3 "motor-driven cycle" or "pedestrian vehicle"i.

4
5 (xxxiv) "Electric bicycle" means a bicycle or
6 tricycle equipped with fully operable pedals, a seat or saddle
7 for the rider's use and an electric motor of less than seven
8 hundred fifty (750) watts that meets the requirements of one
9 (1) of the following three (3) classes:

10
11 (A) "Class 1 electric bicycle" means an
12 electric bicycle equipped with a motor that provides
13 assistance only when the rider is pedaling and that ceases to
14 provide assistance when the bicycle reaches a speed of twenty
15 (20) miles per hour;

16
17 (B) "Class 2 electric bicycle" means an
18 electric bicycle equipped with a motor that may be used to
19 propel the bicycle without pedaling and that is not capable
20 of providing assistance when the bicycle reaches a speed of
21 twenty (20) miles per hour;

22

1 (C) "Class 3 electric bicycle" means an
2 electric bicycle equipped with a motor that provides
3 assistance only when the rider is pedaling and that ceases to
4 provide assistance when the bicycle reaches a speed of
5 twenty-eight (28) miles per hour.

6
7 **31-5-102. Definitions.**

8
9 (a) Except as otherwise provided, as used in this act:

10
11 (xxi) "Moped" means a motor-driven cycle both with
12 foot pedals to permit muscular propulsion by human power and
13 with a motor which produces no more than two (2) brake
14 horsepower and which is capable of propelling the vehicle at
15 a maximum speed of no more than thirty (30) miles per hour on
16 a level road surface. If an internal combustion engine is
17 used, the displacement shall not exceed more than fifty (50)
18 cubic centimeters and the moped shall have a power drive
19 system that functions directly or automatically without
20 clutching or shifting by the driver after the drive system is
21 engaged. "Moped" does not include an electric bicycle;

22

1 (xxii) "Motorcycle" means any motor vehicle having
2 a seat or saddle for the use of the rider and designed to
3 travel on not more than three (3) wheels in contact with the
4 ground, excluding off-road recreation vehicles as defined in
5 W.S. 31-1-101(a)(xv)(K) and electric bicycles, but including
6 a motor vehicle designed as a recreational vehicle primarily
7 for off-road use to be ridden astride and to travel on four
8 (4) wheels;

9

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

16

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

21

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

1

2 **31-5-109. General powers of local authorities.**

3

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

7

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

12

13 **31-5-119. Clinging to vehicles.**

14

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

18

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

23

1 **31-5-203. Rules governing overtaking on the left.**

2

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

10

11 **31-5-702. General rights and duties of riders.**

12

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

19

20 **31-5-901. General requirements; applicability of**
21 **provisions.**

22

1 (c) The provisions of W.S. 31-5-901 through 31-5-970
2 and regulations of the superintendent with respect to
3 equipment required on vehicles shall not apply to vehicles
4 moved solely by human power, motorcycles, autocycles,
5 motor-driven cycles, mopeds, electric bicycles, multipurpose
6 vehicles, implements of husbandry, highway construction
7 machinery or farm tractors except as specifically made
8 applicable.

9

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

11

12

(END)