

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 2062

BY DELEGATES TULLY, BARNHART, HANSHAW (MR. SPEAKER),
STORCH, HARDY, FERRELL, RILEY, LINVILLE, PHILLIPS, LONGANACRE
AND HONAKER

[Passed February 27, 2023; in effect ninety days from passage.]

1 AN ACT to amend and reenact §17C-1-70 of the Code of West Virginia, 1931, as amended; and
2 to amend and reenact §17C-11-8 of said code, all relating to modifying e-bike regulations
3 to more closely comport to federal law; creating new definitions of e-bikes in West Virginia;
4 permitting Class 2 e-bikes to use throttles; allowing Class 1 and Class 2 e-bikes to be
5 operated on public lands to as to increase their usage and accessibility; and stating that
6 users of e-bikes will not be given special privileges not otherwise given to similarly situated
7 riders.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. WORDS AND PHRASES DEFINED.

§17C-1-70. Electric bicycles; definitions.

1 For the purpose of this section, the term "electric bicycle" means a two or three wheeled
2 vehicle with fully operable pedals and an electric motor of fewer than 750 watts. There is a "three-
3 class system" to differentiate between the models and top-assisted speeds of electric bicycles.

4 "Class 1" electric bicycles have a motor that provides assistance only when the rider is
5 pedaling, and that ceases to provide assistance when the e-bike reaches 20 mph.

6 "Class 2" electric bicycles have a motor that may be used exclusively to propel the bicycle,
7 and that is not capable of providing assistance when the e-bike reaches 20 mph.

8 "Class 3" electric bicycles have a motor that provides assistance only when the rider is
9 pedaling, and that ceases to provide assistance when the e-bike reaches 28 mph.

10 "Throttle" refers to a device that controls the flow of power to the electric motor on an
11 electric bicycle for the purpose of propelling the electric bicycle.

ARTICLE 11. OPERATION OF BICYCLES AND PLAY VEHICLES.

§17C-11-8. Electric bicycles; requirements; exclusions; age restrictions.

1 (a) The operator of an electric bicycle has all of the rights and privileges and is subject to
2 all of the duties applicable to the driver of a vehicle subject to this chapter, except as otherwise

3 provided by this section and except as to those provisions of this chapter which by their nature
4 can have no application.

5 (b) A person owning or operating an electric bicycle is not subject to the provisions of
6 §17A-1-1 *et seq.*, §17B-1-1 *et seq.*, or §17D-1-1 *et seq.* of this code, relating to registration, title,
7 driver's license, and financial responsibility requirements.

8 (c) A person may not tamper with or modify an electric bicycle so as to change the motor-
9 powered speed capability or motor engagement between pedal-assist and throttle-assist types of
10 engagement. If a motor on an electric bicycle is modified so that a limit established in §17C-1-70
11 of this code is exceeded, that vehicle is no longer an electric bicycle. The provisions of this
12 subsection are not applicable to a modified electric bicycle operated solely and exclusively on a
13 person's own property.

14 (d) An electric bicycle must comply with the equipment and manufacturing requirements
15 for bicycles adopted by the United States Consumer Product Safety Commission (16 C.F.R. Part
16 1512).

17 (e) The motor on an electric bicycle must disengage or cease to propel the electric bicycle
18 when the operator stops pedaling, or when the operator applies the brakes and stops pedaling.

19 (f) A Class 3 electric bicycle must be equipped with a speedometer that displays the speed
20 the electric bicycle is traveling in miles per hour.

21 (g) Class 2 electric bicycles are permitted to use a throttle to propel the bicycle.

22 (h) Electric bicycles operated on public roadways, public bicycle paths, public multiuse
23 paths, and other public rights-of-way where bicycles are permitted to travel are subject to the
24 following restrictions:

25 (1) Class 1, and Class 2 electric bicycles being used on roads and trails where traditional,
26 non-electronic bicycle use is allowed will be given the same rights and privileges of a traditional,
27 non-electric bicycle and will be subject to all of the duties of a traditional, non-electric bicycle. This

28 rule intends to facilitate increased access to public lands that may otherwise be inaccessible to
29 those with disabilities, health issues, or age-related limitations.

30 (2) A Class 3 electric bicycle may not be operated on a bicycle path, multiuse trail, or
31 single-use trail unless it is within a highway or roadway: *Provided*, That the provisions of this
32 subdivision are not applicable to a bicycle path, multiuse trail, or single-use trail if the municipality,
33 local authority, or governing body of a state agency that has jurisdiction over the bicycle path,
34 multiuse trail, or single-use trail expressly permits that operation.

35 (3) Electric bicycles will not be given special access beyond what traditional or non-electric
36 bicycles are allowed. For example, electric bicycles will not be allowed on roads or trails or in
37 areas where traditional, non-electric bicycle travel is prohibited.

38 (4) This subsection may not be construed to limit the authority of the owner of a private
39 way or the owner of private property to restrict or allow the operation of electric bicycles on the
40 way or property.

41 (i) Age restrictions related to the operation of electric bicycles are as follows:

42 (2) A person under 15 years of age who is an operator or passenger on an electric bicycle
43 shall wear a properly fitted and fastened bicycle helmet, pursuant to the Child Bicycle Safety Act,
44 §17C-11A-1 *et seq.* of this code.

45 (j) A person under the influence of alcohol or controlled substances shall not operate a
46 Class 1, Class 2 or Class 3 electric bicycle.

The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.

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Clerk of the House of Delegates

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Clerk of the Senate

Originated in the House of Delegates.

In effect ninety days from passage.

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Speaker of the House of Delegates

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President of the Senate

The within is this the.....
Day of, 2023.

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Governor