

# **WEST VIRGINIA LEGISLATURE**

## **2022 REGULAR SESSION**

**Introduced**

### **Senate Bill 560**

BY SENATORS MAYNARD, STOLLINGS, AND WOODRUM

[Introduced February 02, 2022; referred  
to the Committee on Transportation and  
Infrastructure]

1 A BILL to amend and reenact §17C-1-70 of the Code of West Virginia, 1931, as amended; and to  
 2 amend and reenact §17C-11-8 of said code, all relating to defining Class 2 e-bikes; and  
 3 permitting Class 2 e-bikes to be given the same allowances as Class 3 e-bikes in certain  
 4 circumstances.

*Be it enacted by the Legislature of West Virginia:*

## **ARTICLE 1. WORDS AND PHRASES DEFINED.**

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

1 “Class 1 electric bicycle” means every electric bicycle equipped with a motor that provides  
 2 assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle  
 3 reaches the speed of 20 miles per hour.

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

6 “Class 3 electric bicycle” means every bicycle equipped with a motor that provides  
 7 assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle  
 8 reaches the speed of 28 miles per hour.

9 “Electric bicycle” means every two-wheel or three-wheel bicycle equipped with fully  
 10 operable pedals and an electric motor of less than 750 watts that is a Class 1 electric bicycle,  
 11 Class 2 electric bicycle, or a Class 3 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) (e)~~ A Class 3 electric bicycle must be equipped with a speedometer that displays the  
20 speed the electric bicycle is traveling in miles per hour.

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

24 ~~(4) A Class 1, Class 2, or Class 3~~ electric bicycle may be used in places where bicycles  
25 are permitted to travel, including, but not limited to, public roadways, public bicycle paths, public  
26 multiuse trails, and public single-use trails.

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

32           ~~(3) This subsection may not be construed to limit the authority of the owner of a private~~  
33 ~~way or the owner of private property to restrict or allow the operation of electric bicycles on the~~  
34 ~~way or property.~~

35           ~~(h)~~ (g) Age restrictions related to the operation of electric bicycles are as follows:

36           (1) A person under 16 years of age may not operate a Class 2 or Class 3 electric bicycle;

37           (2) A person under 15 years of age may only be a passenger on a Class 2 or Class 3  
38 electric bicycle, including as a passenger within any attachment to the vehicle designed to  
39 transport an additional person, including a child, provided the operator of the electric bicycle is 18  
40 years of age or older; and

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

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

NOTE: The purpose of this bill is to update the laws on e-bikes in West Virginia to define Class 2 e-bikes and afford them the same allowances as Class 3 e-bikes.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.