

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 2198

By Delegates Barnhart and Tully

[Introduced January 11, 2023; Referred to the
Committee on Agriculture and Natural Resources
then the Judiciary]

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 modifying the definition of "e-
 3 bikes" in West Virginia generally; defining a Class 2 electric bicycle; and clarifying where
 4 an individual is permitted to operate a Class 2 electric bicycle.

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 750 watts (1.005 horsepower) or fewer.

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

6 "Class 2 electric bicycles" have a motor that may be used exclusively to propel the bicycle,
 7 and that ceases to provide assistance when the e-bike reaches 20 miles per hour.

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

11 ~~"Electric bicycle" means every two-wheel or three-wheel bicycle equipped with fully~~
 12 ~~operable pedals and an electric motor of less than 750 watts that is a Class 1 electric bicycle or a~~
 13 ~~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 all
 2 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 can

4 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 (e) When an operator stops pedaling an electric bicycle the motor pedal assist must
20 disengage and cease to propel the electric bicycle.

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

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

26 ~~(1) A Class 1 electric bicycle may be used in places where bicycles are permitted to travel,~~
27 ~~including, but not limited to, public roadways, public bicycle paths, public multiuse trails, and public~~
28 ~~single-use trails~~

29 (1) Class 1 and Class 2 electric bicycles may be used in all places where bicycles are

30 permitted to travel, including, but not limited to, public roadways, public bicycle paths, public
31 multiuse trails, and public single use trails. The Class 1 and Class 2 bicycles will cease to provide
32 assistance at 20 miles per hour in these areas.

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

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

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

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

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

47 (3) A person under 15 years of age who is an operator or passenger on an electric bicycle
48 shall wear a properly fitted and fastened bicycle helmet, pursuant to the Child Bicycle Safety Act,
49 §17C-11A-1 *et seq.* of this code.

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

NOTE: The purpose of this bill is to modify the definition of "e-bikes" in West Virginia generally. The bill defines a Class 2 electric bicycle. Finally, the bill clarifies where an individual is permitted to operate a Class 2 electric bicycle in relation to Class 1 and 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.