



SPONSOR: Rep. Longhurst & Rep. Cooke & Sen. Sokola &  
Sen. Lockman  
Reps. Bolden, Griffith, Heffernan; Sen. Ennis

HOUSE OF REPRESENTATIVES  
150th GENERAL ASSEMBLY

HOUSE BILL NO. 308

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO ELECTRIC BICYCLES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

1 Section 1. Amend Chapter 1, Title 21 of the Delaware Code by making deletions as shown by strike through and  
2 insertions as shown by underline and re-designating as follows:

3 § 101 Words and phrases.

4 (5) "Bicycle" shall include that certain class of vehicles which are exclusively human-powered by means of  
5 foot pedals, which the driver normally rides astride, which have not in excess of 3 wheels and which may be commonly  
6 known as unicycles, bicycles and tricycles. ~~The term "bicycle" also includes a 2- or 3-wheeled vehicle with fully~~  
7 ~~operable pedals and an electric motor of less than 750 watts (1 horsepower), whose maximum speed on a paved level~~  
8 ~~surface, when powered solely by such motor while ridden by an operator who weighs 170 pounds, is less than 20 miles~~  
9 ~~per hour.~~

10 ( ) "Electric bicycle" means a bicycle with two or three wheels that is equipped with fully operable pedals, a  
11 saddle or seat for the rider, and an electric motor of less than 750 watts that meets the requirements of one of the  
12 following three classes:

13 a. "Class 1 electric bicycle" shall mean an electric bicycle equipped with a motor that provides assistance  
14 only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 20  
15 miles per hour or less.

16 b. "Class 2 electric bicycle" shall mean an electric bicycle equipped with a motor that may be used  
17 exclusively to propel the bicycle, and that ceases to provide assistance when the bicycles reaches the speed of 20  
18 miles per hour or less.

19 c. "Class 3 electric bicycle" shall mean an electric bicycle equipped with a motor that provides assistance  
20 only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches a speed of no less  
21 than 20 miles per hour and no more than 28 miles per hour.

22 (36) "Moped" ~~shall mean~~ means a pedal or nonpedal bicycle having 2 tandem wheels, either of which is 10  
23 inches or more in maximum diameter, and having an internal combustion motor characterized in that the maximum  
24 piston displacement is less than 55 cc, or an electric motor rated between 751 watts and 2,000 watts, and is capable of  
25 propelling a rider above 20 miles per hour without any pedaling. "Moped" does not include an electric bicycle.

26 (37) "Motorcycle" includes every motor vehicle designed to travel on not more than 3 wheels in contact with  
27 the ground, except any such vehicle as may be included within the definition of "autocycle" or "tractor" and excepting  
28 electric personal assistive mobility device (EPAMD) ~~and electric bicycle.~~

29 (38) "Motorized skateboard or scooter" means any device that is designed to travel on at least 2 wheels with  
30 the deck or chassis of such device open and close to the ground, that has handlebars or a hand-controlled throttle or  
31 brake, that is designed to be stood or sat upon by the operator, and that is powered by a motor that is capable of  
32 propelling the device without human propulsion. "Motorized skateboard or scooter" shall not include any automobile  
33 or device that is included within the definitions of "moped," "motorcycle," "off-highway vehicle (OHV)," any type of  
34 "tractor," "triped," "motorized wheelchair," "electric bicycle," or "electric personal assistive mobility device  
35 (EPAMD)" set forth in this section.

36 (40) "Motor vehicle" includes every vehicle, as defined in this section, which is self-propelled, except farm  
37 tractors, electric bicycles, electric personal assistive mobility devices, and OHVs.

38 (45) "Off-highway vehicle" or "OHV" means a motor driven off-road vehicle capable of cross-country travel  
39 without benefit of a road or trail, on or immediately over land, snow, ice, marsh, swampland or other natural terrain. It  
40 includes, but is not limited to, a multi-wheel drive or low pressure tire vehicle, a motorcycle or related 2-wheel vehicle,  
41 an amphibious machine, a ground effect air-cushion vehicle or other means of transportation deriving motive power  
42 from a source other than muscle or wind. "OHV" does not include a farm vehicle being used for farming, a vehicle  
43 used for military, fire, emergency or law-enforcement purposes, a construction or logging vehicle used in performance  
44 of its common function, electric bicycle, electric personal assistive mobility device or a registered aircraft. However,  
45 nothing in this chapter shall be construed to include snowmobiles.

46 (82) "Triped" shall mean a pedal or nonpedal cycle having 3 wheels, either of which is 10 inches or more in  
47 maximum diameter, and having an internal combustion motor characterized in that the maximum piston displacement  
48 is less than 55 cc, or an electric motor rated between 751 watts and 2,000 watts. "Triped" does not include electric  
49 bicycle.

50 (86) "Vehicle" means every device in, upon or by which any person or property is or may be transported or  
51 drawn upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or

52 tracks and excepting electric trackless trolley coaches, electric bicycles, electric personal assistive mobility devices and  
53 excepting OHVs.

54 Section 2. Amend Chapter 41, Title 21 of the Delaware Code by making deletions as shown by strike through and  
55 insertions as shown by underline as follows:

56 § 4176E Operation of a vehicle causing serious physical injury to a vulnerable user.

57 (a) As used in this section, “vulnerable user” means any of the following:

58 (4) An individual operating or a passenger on or in any of the following, when any of the following is lawfully  
59 on or within a highway, crosswalk, improved or unimproved shoulder of a highway, or sidewalk:

60 k. An electric bicycle.

61 § 4198P Operation of electric bicycles.

62 (a) Except as specifically provided in § 4198P, an electric bicycle or an operator of an electric bicycle shall be  
63 afforded all the rights and privileges, and be subject to all the duties, of a bicycle or the operator of a bicycle.

64 (b) An electric bicycle or a person operating an electric bicycle is not subject to the provisions of this code relating  
65 to financial responsibility or insurance, driver’s licenses, registration, certificates of title, off-highway vehicles, and license  
66 plates.

67 (c) On and after January 1, 2021, manufacturers and distributors of electric bicycles shall apply a label that is  
68 permanently affixed, in a prominent location, to each electric bicycle. The label shall contain the classification number, top  
69 assisted speed, and motor wattage of the electric bicycle, and shall be printed in Arial font in at least 9-point type.

70 (d) No person may tamper with or modify an electric bicycle to change the motor-powered speed capability or  
71 engagement of an electric bicycle, unless the label indicating the classification required in § 4198P(c) is replaced after  
72 modification.

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

75 (f) An electric bicycle shall operate in a manner so that the electric motor is disengaged or ceases to function when  
76 the rider stops pedaling or when the brakes are applied.

77 (g) An electric bicycle may be ridden anywhere bicycles are allowed, including streets, highways, roadways,  
78 shoulders, bicycle lanes, bikeways (including bikeways established pursuant to Chapter 10 of Title 17) and bicycle or  
79 multi-use paths except for all the following:

80 (1) A local authority or state agency which has jurisdiction over a bicycle or multi-use path may prohibit the  
81 operation of a class 3 bicycle.

82           (2) A local authority or state agency which has jurisdiction over a bicycle or multi-use path may prohibit the  
83           operation of a class 1 or Class 2 electric bicycle if the authority finds, after notice and a public hearing, that the  
84           restriction is necessary for safety reasons or compliance with other laws or legal obligations.

85           (3) A local authority or state agency which has jurisdiction over a trail that is specifically designated as  
86           nonmotorized and that has a natural surface tread that is made by clearing and grading the native soil with no added  
87           surfacing materials may prohibit the operation of an electric bicycle on that trail.

88           (h) No person under the age of sixteen (16) may operate a class 3 electric bicycle. A person under the age of  
89           sixteen (16) may ride as a passenger on a class 3 electric bicycle that is designed to accommodate passengers.

90           (i) All operators and passengers of class 3 electric bicycles must wear an approved, properly fitted and fastened  
91           bicycle helmet. For the purposes of this subsection, “approved helmet” has the meaning provided in § 4198K(a). The  
92           requirement to wear a helmet is subject to the provisions of § 4198K(b)-(f).

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

95           Section 3. Amend Chapter 63, Title 21 of the Delaware Code by making deletions as shown by strike through and  
96           insertions as shown by underline as follows:

97           § 6301 Definitions [For application of this section, see 79 Del. Laws, c. 161, § 5].

98           (9) “Vehicle” means motor vehicles, trailers, recreational vehicles, recreational trailers, mobile homes, and  
99           any other device, in, upon, or by which any person or property is or may be transported or drawn upon a public  
100           highway, excepting devices moved by animal power, human power, electric bicycles, off-highway vehicles, special  
101           mobile equipment and farm equipment.

#### SYNOPSIS

This bill defines and regulates electric bicycles. Section 1 adds electric bicycles to the definitions contained in Title 21. Section 2 includes electric bicycle operators and passengers as vulnerable users when on a highway, crosswalk, road shoulder or sidewalk and prescribes rights and responsibilities attendant to the operation of electric bicycles. Section 3 adds electric bicycles to the definition of vehicle.