

SPONSOR: Rep. Longhurst & Sen. Sokola
Reps. Osienski, Baumbach, Bolden; Sen. Hansen

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 19
AS AMENDED BY
HOUSE AMENDMENT NO. 2
AND
SENATE AMENDMENT NO. 1
AND
SENATE AMENDMENT NO. 2

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):

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

§ 101 Words and phrases.

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

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

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

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

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

(36) “Moped” ~~shall mean~~ means a pedal or nonpedal bicycle having 2 tandem wheels, either of which is 10 inches or more in maximum diameter, and having an internal combustion ~~motor~~ engine characterized in that the maximum piston displacement is less than 55cc, or an electric motor ~~rated between 751 watts and 2,000 watts~~ that may be used exclusively to propel the bicycle at a speed of more than 20 miles per hour or, if the rider is pedaling, continues to provide assistance even when the bicycle reaches a speed of more than 28 miles per hour. “Moped” does not include an electric bicycle.

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

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

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

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

(82) “Triped” shall mean a pedal or nonpedal cycle having 3 wheels, either of which is 10 inches or more in maximum diameter, and having an internal combustion motor characterized in that the maximum piston displacement

is less than 55 cc, or an electric motor rated between 751 watts and 2,000 watts. "Triped" does not include electric bicycle.

(86) "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks and excepting electric trackless trolley coaches, electric bicycles, electric personal assistive mobility devices and excepting OHVs.

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

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

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

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

k. An electric bicycle.

§ 4198P Operation of electric bicycles.

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

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

(c) On and after January 1, 2023, manufacturers and distributors of electric bicycles shall apply a label that is permanently affixed, in a prominent location, to each electric bicycle. The label shall contain the classification number, top assisted speed, and motor wattage of the electric bicycle, and shall be printed in Arial font in at least 9-point type.

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

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

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

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

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

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

(3) Sidewalks, including those permitted to be used by bicycles, while using the electric motor.

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

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

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

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

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

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