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HOUSE BILL NO. 261

INTRODUCED BY S. GUNDERSON, R. FITZGERALD, B. BROWN, B. USHER

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO BICYCLES; PROVIDING REGULATIONS FOR ELECTRICALLY ASSISTED BICYCLES; EXCLUDING ELECTRICALLY ASSISTED BICYCLES FROM THE DEFINITIONS OF "OFF-HIGHWAY VEHICLE", "MOPED", AND "MOTOR VEHICLE"; REVISING THE DEFINITION OF "ELECTRICALLY ASSISTED BICYCLE"; AMENDING SECTIONS 23-2-801, 61-1-101, AND 61-8-102, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Electrically assisted bicycle.** (1) Beginning January 1, 2024, a

manufacturer or distributor of electrically assisted bicycles as defined in 61-8-102 shall apply a label that is permanently affixed, in a prominent location, to each electrically assisted bicycle. The label must contain the classification number, top assisted speed, and motor wattage of the electrically assisted bicycle and must be printed in arial font in at least 9-point font size.

(2) A person may not tamper with or modify an electrically assisted bicycle in order to change the motor-powered speed capability or engagement of an electrically assisted bicycle unless the label required in subsection (1) indicating the classification is replaced after modification.

(3) An electrically assisted bicycle must comply with the equipment and manufacturing requirements of the United States consumer product safety commission as set forth in 16 CFR, part 1512, as of December 12, 2022.

(4) An electrically assisted bicycle must operate in a manner in which the electric motor is disengaged or ceases to function when the rider stops pedaling or when the brakes are applied.

(5) (a) ~~Except as provided in subsections (5)(b) and (5)(c)~~ Pursuant to subsection (5)(b), an electrically assisted bicycle may be ridden, with the motor in operation, in places where bicycles that are solely human powered are allowed, including but not limited to streets, highways, roadways, bicycle lanes, and bicycle or shared-use paths.

1 (b) Following notice and a public hearing, a local authority or state agency having jurisdiction over
2 a bicycle or shared-use path may ~~prohibit~~ authorize the motorized operation of a class 1, class 2, or class 3
3 electrically assisted bicycle on that path ~~if it finds that a restriction is needed for safety reasons or compliance~~
4 ~~with other laws or legal obligations.~~

5 ~~(c) A local authority or state agency having jurisdiction over a bicycle or shared-use path may~~
6 ~~prohibit the motorized operation of a class 2 or class 3 electrically assisted bicycle on that path.~~

7 (6) No person under 16 years of age may operate a class 3 electrically assisted bicycle. A person
8 under 16 years of age may ride as a passenger on a class 3 electrically assisted bicycle that is designed to
9 accommodate passengers.

10 (7) All class 3 electrically assisted bicycles must be equipped with a speedometer that displays the
11 speed the bicycle is traveling in miles an hour.

13 **Section 2.** Section 23-2-801, MCA, is amended to read:

14 **"23-2-801. Definition.** (1) As used in this part, "off-highway vehicle" means a self-propelled vehicle
15 used for recreation or cross-country travel on public lands, trails, easements, lakes, rivers, or streams. The term
16 includes but is not limited to motorcycles, quadricycles, dune buggies, amphibious vehicles, air cushion
17 vehicles, and any other means of land transportation deriving motive power from any source other than muscle
18 or wind.

19 (2) ~~Off-highway vehicle~~ The term does not include:

20 (a) vehicles designed primarily for travel on, over, or in the water;

21 (b) snowmobiles; ~~or~~

22 (c) except as provided in 23-2-804, vehicles otherwise issued a certificate of title and registered
23 under the laws of the state, unless the vehicle is used for off-road recreation on public lands; or

24 (d) electrically assisted bicycles as defined in 61-8-102.

26 **Section 3.** Section 61-1-101, MCA, is amended to read:

27 **"61-1-101. Definitions.** As used in this title, unless the context indicates otherwise, the following
28 definitions apply: