

1 HOUSE BILL NO. 261
2 INTRODUCED BY S. GUNDERSON, R. FITZGERALD, B. BROWN, B. USHER
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO BICYCLES; PROVIDING
5 REGULATIONS FOR ELECTRICALLY ASSISTED BICYCLES; EXCLUDING ELECTRICALLY ASSISTED
6 BICYCLES FROM THE DEFINITIONS OF "OFF-HIGHWAY VEHICLE", "MOPED", AND "MOTOR VEHICLE";
7 REVISING THE DEFINITION OF "ELECTRICALLY ASSISTED BICYCLE"; AMENDING SECTIONS 23-2-801,
8 61-1-101, AND 61-8-102, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11

12 NEW SECTION. Section 1. Electrically assisted bicycle. (1) Beginning January 1, 2024, a
13 manufacturer or distributor of electrically assisted bicycles as defined in 61-8-102 shall apply a label that is
14 permanently affixed, in a prominent location, to each electrically assisted bicycle. The label must contain the
15 classification number, top assisted speed, and motor wattage of the electrically assisted bicycle and must be
16 printed in arial font in at least 9-point font size.

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

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

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

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

Amendment - 2nd Reading-yellow - Requested by: Steve Gunderson - (H) Committee of the Whole

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Drafter: Joe Carroll, 406-444-3804

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1 natural surface trails.

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

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

8 (d) Private landowners of lands open to public recreation may prohibit the motorized operation of a
9 class 2 or class 3 electrically assisted bicycle:

10 (i) in the manner provided by the legal document giving rise to the public's legal rights, if it
11 provides for revisions; or

12 (ii) in the manner provided by law for amending the legal document if it makes no provision for
13 revisions.

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

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

19

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

21 **"23-2-801. Definition.** (1) As used in this part, "off-highway vehicle" means a self-propelled vehicle
22 used for recreation or cross-country travel on public lands, trails, easements, lakes, rivers, or streams. The term
23 includes but is not limited to motorcycles, quadricycles, dune buggies, amphibious vehicles, air cushion
24 vehicles, and any other means of land transportation deriving motive power from any source other than muscle
25 or wind.

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

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