

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."

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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
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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 public lands or places managed by the state where bicycles that are  
27 solely human powered are allowed, including but not limited to streets, highways, roadways, bicycle lanes, ~~and~~

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

- 2023

68th Legislature 2023

Drafter: Joe Carroll, 406-444-3804

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1 ~~bicycle or~~ shared-use paths, and 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 (6) No person under 16 years of age may operate a class 3 electrically assisted bicycle. A person  
9 under 16 years of age may ride as a passenger on a class 3 electrically assisted bicycle that is designed to  
10 accommodate passengers.

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

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

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

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

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

22 (b) snowmobiles; ~~or~~

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

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

26

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