

# **WEST VIRGINIA LEGISLATURE**

## **2021 REGULAR SESSION**

**Introduced**

### **House Bill 3142**

BY DELEGATE BARNHART

[Introduced March 15, 2021; Referred  
to the Committee on Technology and Infrastructure  
then the Judiciary]

1 A BILL to amend and reenact §17C-1-70 of the Code of West Virginia, 1931, as amended; to  
2 amend and reenact §17C-11-8 of said code, all relating to electric bicycles; defining terms;  
3 providing for electric bikes which propel without pedaling, provided they meet the  
4 requirements otherwise outlined.

*Be it enacted by the Legislature of West Virginia:*

## **ARTICLE 1. WORDS AND PHRASES DEFINED.**

### **§17C-1-70. Electric bicycles; definitions.**

1 “Class 1 electric bicycle” means every electric bicycle equipped with a motor that provides  
2 assistance, ~~only when the rider is pedaling~~ and that ceases to provide assistance when the bicycle  
3 reaches the speed of 20 miles per hour.

4 “Class 3 electric bicycle” means every bicycle equipped with a motor that provides  
5 assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle  
6 reaches the speed of 28 miles per hour.

7 “Electric bicycle” means every two-wheel or three-wheel bicycle equipped with fully  
8 operable pedals and an electric motor of ~~less than~~ 750 watts or less that is a Class 1 electric  
9 bicycle or a Class 3 electric bicycle.

## **ARTICLE 11. OPERATION OF BICYCLES, ELECTRIC BICYCLES, AND PLAY VEHICLES.**

### **§17C-11-8. Electric bicycles; requirements; exclusions; age restrictions.**

1 (a) The operator of an electric bicycle has all of the rights and privileges and is subject to  
2 all of the duties applicable to the driver of a vehicle subject to this chapter, except as otherwise  
3 provided by this section and except as to those provisions of this chapter which by their nature  
4 can have no application.

5 (b) A person owning or operating an electric bicycle is not subject to the provisions of  
6 §17A-1-1 *et seq.*, §17B-1-1 *et seq.*, or §17D-1-1 *et seq.* of this code, relating to registration, title,

7 driver's license, and financial responsibility requirements.

8 (c) A person may not tamper with or modify an electric bicycle so as to change the motor-  
9 powered speed capability or motor engagement between pedal-assist and throttle-assist types of  
10 engagement. If a motor on an electric bicycle is modified so that a limit established in §17C-1-70  
11 of this code is exceeded, that vehicle is no longer an electric bicycle. The provisions of this  
12 subsection are not applicable to a modified electric bicycle operated solely and exclusively on a  
13 person's own property.

14 (d) An electric bicycle must comply with the equipment and manufacturing requirements  
15 for bicycles adopted by the United States Consumer Product Safety Commission (16 C.F.R. Part  
16 1512).

17 ~~(e) The motor on an electric bicycle must disengage or cease to propel the electric bicycle  
18 when the operator stops pedaling, or when the operator applies the brakes and stops pedaling~~

19 (f) (e) A Class 3 electric bicycle must be equipped with a speedometer that displays the  
20 speed the electric bicycle is traveling in miles per hour.

21 ~~(g)~~ (f) Electric bicycles operated on public roadways, public bicycle paths, public multiuse  
22 paths, and other public rights-of-way where bicycles are permitted to travel are subject to the  
23 following restrictions:

24 (1) A Class 1 electric bicycle may be used in places where bicycles are permitted to travel,  
25 including, but not limited to, public roadways, public bicycle paths, public multiuse trails, and public  
26 single-use trails.

27 (2) A Class 3 electric bicycle may not be operated on a bicycle path, multiuse trail, or  
28 single-use trail unless it is within a highway or roadway: *Provided*, That the provisions of this  
29 subdivision are not applicable to a bicycle path, multiuse trail, or single-use trail if the municipality,  
30 local authority, or governing body of a state agency that has jurisdiction over the bicycle path,  
31 multiuse trail, or single-use trail expressly permits that operation.

32 (3) This subsection may not be construed to limit the authority of the owner of a private

33 way or the owner of private property to restrict or allow the operation of electric bicycles on the  
34 way or property.

35 ~~(h)~~ (g) Age restrictions related to the operation of electric bicycles are as follows:

36 (1) A person under 16 years of age may not operate a Class 3 electric bicycle;

37 (2) A person under 15 years of age may only be a passenger on a Class 3 electric bicycle,  
38 including as a passenger within any attachment to the vehicle designed to transport an additional  
39 person, including a child, provided the operator of the electric bicycle is 18 years of age or older;  
40 and

41 (3) A person under 15 years of age who is an operator or passenger on an electric bicycle  
42 shall wear a properly fitted and fastened bicycle helmet, pursuant to the Child Bicycle Safety Act,  
43 §17C-11A-1 *et seq.* of this code.

44 ~~(i)~~ (h) A person under the influence of alcohol or controlled substances shall not operate  
45 a Class 1 or Class 3 electric bicycle.

NOTE: The purpose of this bill is to modify code adopted in the 2020 Regular Session to define electric bicycles as every two-wheel or three-wheel bicycle equipped with fully operable pedals and an electric motor.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.