E-Bikes in New England

- Intro—Jim and the BCM
- What is an E-bike?
- Why Talk About E-bikes?
- Regulatory Picture
- New Hampshire and Maine Examples
  - Maine’s Bill
  - Q&A
Jim and the BCM

• BCM founded in 1992
• Dedicated to Making Maine Better for Bicycling and Walking
• Provides Education, Advocacy, Events
• Work closely with MaineDOT as a contractor on bike/ped education and planning
• Spearheading improvements in law that protect the needs of vulnerable users and promote walking and bicycling
• Assistant Director of the Coalition
• Oversee Advocacy and Education Initiatives

What is an E-Bike?
What is an E-Bike?

• Bicycle equipped with low speed electric motor, generally not over 750 watts (maximum speed 28mph)
  • Rear hub motor
  • Crank/BB motor

• Rechargeable battery

• Control panel—speed, mileage, battery life indicator

What is an E-Bike?

• Bicycle Product Suppliers Association Typology

  • a two or three-wheeled bicycle with fully operable pedals and an electric motor of less than 750 watts

• Class I: Pedal assist to 20mph

• Class II: Throttle operation to 20mph

• Class III: Pedal assist to 28mph
Why Talk About E-Bikes?

**E-bikes are here.** You will be seeing more e-bikes on Maine’s roads. Most bike shops in Maine now carry an e-bike line, and there are two dedicated e-bike shops in the state already.

**E-Bikes get more people on bikes.** E-bikes are fun, easy to use, bicycles that use electric motors to assist the pedaling effort of the rider. They provide a clean, healthy form of transportation or recreation. Getting more people on e-bikes helps remove congestion from our roads, and builds more support for bicycle infrastructure.

**E-bikes help people who are differently-abled discover, or stick with, bicycling.** Older people and people with disabilities all can enjoy bicycling more easily on an e-bike.

Why Talk About E-Bikes?

**E-bikes are a significant economic opportunity for small business owners (bike shops!) in the U.S., Europe and China are already seeing huge growth in e-bike sales, and the wave is coming to America.** Defining the legal status of e-bikes will encourage sales and purchases.

**E-bikes are showing up at bicycle ride events.** The current regulatory language does not clearly explain the legal status of e-bikes, which can make event sponsors and their insurers cautious about permitting their use.
Why Talk About E-Bikes?

E-bikes are a significant economic opportunity for small business
- 60% growth expected by 2025—est. market
- 75% growth annually

Why Talk About E-Bikes?
Because, unfortunately, the regulations around this new technology are not consistent, and in some cases, don’t support the sale and use of e-bikes.

ELECTRIC BICYCLES

E-BIKE REGULATIONS

- **MODEL LEGISLATION**
  - PB and BPA issue created new model law, which defines and regulates three classes of e-bikes.

- **ACCEPTABLE**
  - Regulated as a bicycle
  - Passengers allowed
  - No age restrictions
  - No licensing or registration required
  - Can use existing bike infrastructure

- **PROBLEMATIC**
  - Regulated as a motorized or motor vehicle
  - Confusing equipment use requirements
  - Confusing licensing or registration requirements
  - Confusing access to bike infrastructure
The Regulatory Picture

**10 Model:** Michigan, Illinois, Connecticut, Arizona, Washington, Tennessee, Arkansas, Colorado, Utah, and California

**20 Acceptable:** New Hampshire, Vermont, Penn, Del, Virginia, North Carolina, Georgia, Kentucky, Florida, Missis, Texas, Kansas, Nebraska, Iowa, Minnesota, Wisconsin, Montana, Oregon, Nevada, Maryland

**20 Problematic:** MAINE, New York, Massachusetts, Rhode Island, New Jersey, West Virginia, South Carolina, Alabama, Louisiana, Ohio, Indiana, Missouri, Oklahoma, New Mexico, Wyoming, Idaho, Alaska, Hawaii, North Dakota, South Dakota
People for Bikes notes that:

“In many states, electric bicycles lack a specific vehicle classification. In these states it is unclear how they are regulated, or they may be interpreted to fall within terms primarily aimed at combustion engine vehicles such as mopeds or scooters. These classifications that were never intended to apply e-bikes. This legal scheme creates significant confusion for consumers and retailers, and hinders the electric bicycle market.”

New Hampshire: Acceptable

» E-bikes are defined as “electric assisted bicycles,” so long as the e-bike’s motor is under 750w, has a maximum speed of 20mph, and has fully operable pedals. The same rules of the road apply to both e-bikes and human-powered bicycles.

» E-bikes are not subject to the registration, licensing or insurance requirements that apply to motor vehicles. » Helmets are not required for those over 14 years, but the age minimum for e-bike use in general is 14 years.

» E-bikes are not allowed on bike paths and it is unclear whether they are allowed on sidewalks.
New Hampshire: Acceptable

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Maine: Problematic

» In Maine, an e-bike is defined as a “motorized bicycle” so long as its maximum speed is 25mph. As motorized bicycles, e-bikes are not subject to the same rules of the road as regular bicycles.

» E-bike riders must carry an operator’s license and are subject to registration requirements. E-bikes are not subject to insurance requirements. However, Maine’s Department of Motor Vehicles does not recognize e-bikes as vehicles with these requirements and has no system for supplying licensing and registration. Therefore, riding an electric bicycle in Maine is illegal.

» Helmets are required for riders under 16 years of age, and there is a 16 year age minimum for e-bike operation. E-bikes are allowed on sidewalks. Consult your local government for information on whether e-bikes and mopeds are permitted on bike paths.
Maine particularly bad

Electric Bikes could be regulated as mopeds, scooters, or motorized bicycles—they share some—but not all—of the qualities of each.

If considered a moped, scooter, or motorized bicycle, a license and registration would be required §1254

People for Bikes claims that e-bikes in Maine are currently illegal!!

Maine’s Proposed E-bike Law

Permit Class I and Class II e-bikes on all roads, road facilities, and shared use paths (e.g. the Eastern Trail, Kennebec River Trail, Narrow Gauge, etc) where normal bikes may ride unless a trail manager chooses to prohibit them. In other words, Class I and II e-bikes would be permitted everywhere a bicycle can be used unless they are explicitly banned.
Maine’s Proposed E-bike Law

Prohibit Class I and Class II e-bikes on all single-track or minimally improved mountain bike type trails unless a trail manager chooses to permit them. In other words, e-bikes would be banned unless explicitly permitted by the trail manager. This restriction is consistent with the position of the New England Mountain Bike Association (NEMBA) and is intended to put the question of e-bikes on trails under the control of local trail system managers.

The Regulatory... Clarification

Maine’s Proposed E-bike Law

Prohibit Class III e-bikes from anything except on-road facilities unless a facility manager chooses to permit them. In other words, Class III e-bikes would be banned from multi-use trails unless explicitly permitted by the manager. This extra restriction is due to the speeds Class III e-bikes can travel, and is intended to minimize potential user conflicts.
The Regulatory . . . Clarification

The Confusion is bad for business, insurance, events, etc.

Sensible regulation is good for consumers, good for retailers, and good for law enforcement.

Questions?

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E-Bikes in New Hampshire

Legislative actions underway by the Bike-Walk Alliance of NH and the NH Rail Trails Coalition
We want to make New Hampshire “green”.

ELECTRIC BICYCLES

E-BIKE REGULATIONS

- **MODEL LEGISLATION**
  - PFN and BPSA have enacted our model law, which defines and regulates three classes of e-bikes.

- **ACCEPTABLE**
  - Regulated as a bicycle
  - Passengers allowed
  - No age minimum
  - No licensing or registration required
  - Can use existing bike infrastructure

- **PROBLEMATIC**
  - Regulated as a moped or motor vehicle
  - Confusing equipment + use requirements
  - Confusing licensing + registration requirements
  - Confusing access to bike infrastructure
NH E-Bike Problems

- Current NH laws contradict each other.
- Most users don’t know what they are buying.
- The “No Motorized Vehicle” law on rail trails was never meant for low-speed e-bikes.
- Most state and local laws are not compliant with updated Federal guidelines.
- High-end e-MTBs are sold as OHRVs by the manufacturers and are not called e-bikes.
RSA 259:6 dated 1982

TITLE XXI
MOTOR VEHICLES

CHAPTER 259
WORDS AND PHRASES DEFINED

Section 259:6

259:6 Bicycle. – "Bicycle" shall mean every pedalled vehicle propelled solely by human power upon which any person may ride, except child’s tricycles and similar devices.

TITLE XXI
MOTOR VEHICLES

CHAPTER 259
WORDS AND PHRASES DEFINED

Section 259:65

259:65 Motor-Driven Cycle. – "Motor-driven cycle" shall mean any motorcycle or motor scooter with a motor which produces not to exceed 5 horse-power, and any bicycle with motor attached except any electrically powered bicycle that has a less than 750 watt motor, has functional pedals, and is capable of a maximum speed on level ground of less than 20 miles per hour.

What “Class” is this e-bike?

Labels will be required on e-bikes starting in 2019.
“No Motor Vehicles”
People for Bikes

- Alex Logemann and Morgan Lammole helped draft updated legislation for NH.
- The bill was submitted to the NH House on September 19, 2018 by Representative Linda Gould.
- Stay tuned for upcoming hearings and call for letters of support.
When an e-bike is not an e-bike

- The “high-end” e-MTBs easily exceed the 750 watt motor and 20 MPH electric-only design of Class 1, 2, and 3 e-bikes. Speed can exceed 40 MPH, i.e. “electric motorcycles” with pedals.
- These e-MTBs are for use in OHRV parks, private land, and designated areas, not on rail trails posted “No Motor Vehicles” or on public roads.
Enjoy your ride, maybe on an e-bike!