



State of Tennessee

PUBLIC CHAPTER NO. 823

SENATE BILL NO. 1705

By Briggs, Yarbro

Substituted for: House Bill No. 1711

By Smith

AN ACT to amend Tennessee Code Annotated, Section 54-10-111; Section 54-5-142; Section 54-5-211 and Title 55, relative to electric bicycles.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 55, Chapter 8, is amended by adding Sections 2 through 8 as a new part.

SECTION 2. As used in this part:

(1) "Class 1 electric bicycle" means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of twenty miles per hour (20 mph);

(2) "Class 2 electric bicycle" means an electric bicycle equipped with a motor that may be used exclusively to propel the bicycle, and that is not capable of providing assistance when the bicycle reaches the speed of twenty miles per hour (20 mph);

(3) "Class 3 electric bicycle" means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of twenty-eight miles per hour (28 mph); and

(4) "Electric bicycle" means a device upon which any person may ride that is equipped with two (2) or three (3) wheels, any of which is twenty inches (20") or more in diameter, fully operable pedals for human propulsion, and an electric motor of less than seven hundred fifty (750) watts, and meets the requirements of one (1) of the three (3) classes of electric bicycles defined in subdivision (1), (2), or (3).

SECTION 3. An electric bicycle and any person operating an electric bicycle is not subject to any requirements or laws applicable to motor vehicles, including the Tennessee Financial Responsibility Law of 1977, compiled in chapter 12, part 1 of this title; the Uniform Classified and Commercial Driver License Act of 1988, compiled in chapter 50 of this title; and chapters 3 and 4 of this title, relating to titling and registration. Except as otherwise specified by this part, the requirements and laws applicable to bicycles in this title shall apply to electric bicycles.

SECTION 4. (a) On or after January 1, 2017, every manufacturer or distributor of new electric bicycles intended for sale or distribution in this state shall permanently affix, in a prominent location, to the electric bicycle a label that contains the classification number, top assisted speed, and motor wattage of the electric bicycle, and is printed in Arial font in at least nine-point type.

(b) On or after January 1, 2017, no new electric bicycle shall be sold to the general public in this state unless a label is affixed to the electric bicycle pursuant to subsection (a).

(c) A violation of subsection (a) or (b) is an unfair and deceptive act or practice under the Tennessee Consumer Protection Act of 1977, compiled in title 47, chapter 18, part 1.

SECTION 5. It is an offense for a person to knowingly modify an electric bicycle so as to change the speed capability of the electric bicycle and not appropriately replace, or cause to be

replaced, the label indicating the classification required in Section 4. A violation of this section is a Class C misdemeanor.

SECTION 6. (a) No electric bicycle shall be operated upon any street or highway unless the electric bicycle:

(1) Complies with applicable equipment and manufacturing requirements for electric bicycles established by state and federal law, including federal standards adopted by the United States consumer product safety commission and compiled in 16 CFR Part 1512; and

(2) Is equipped in such a manner that the electric motor is disengaged or ceases to function when the brakes are applied, or that the electric motor is engaged through a switch or mechanism that, when released or activated, will cause the electric motor to disengage or cease to function.

(b) No class 3 electric bicycle shall be operated upon any street or highway unless it is equipped with a speedometer that displays the speed the electric bicycle is traveling in miles per hour.

(c) A person who knowingly operates an electric bicycle in violation of subsection (a) or (b) commits a Class C misdemeanor.

SECTION 7.

(a)(1) A class 1 electric bicycle or a class 2 electric bicycle may be operated on any part of a street or highway where bicycles are authorized to travel, including a bicycle lane or other portion of a roadway designated for exclusive use by bicyclists, the shoulder or berm, and any path or trail intended for use by bicyclists.

(2) A local government or state agency having jurisdiction over any part of any path or trail where bicycles are authorized to travel may regulate or prohibit, by resolution or ordinance if a local government or by rule or policy if a state agency, the operation of a class 1 electric bicycle or class 2 electric bicycle on that path or trail, if the local government or state agency determines that the regulation or prohibition is necessary, in the interest of public safety.

(3) No class 3 electric bicycle shall be operated on any part of a path or trail where bicycles are authorized to travel, unless the path or trail is within or adjacent to the street or highway, or the local governing body or state agency having jurisdiction over the path or trail permits, by resolution or ordinance if a local government or by rule or policy if a state agency, the operation of a class 3 electric bicycle on that path or trail.

(4) No electric bicycle shall be operated on any sidewalk unless the use of bicycles on sidewalks is authorized by resolution or ordinance if a local government or by rule or policy if a state agency, of the local government or state agency having jurisdiction over that sidewalk, and the electric motor is disabled.

(5) Any local resolution or ordinance or state agency rule or policy adopted in accordance with this subsection (a) shall use the definitions in this part for electric bicycle, class 1 electric bicycle, class 2 electric bicycle, or class 3 electric bicycle. References to motor vehicles in any local resolution or ordinance shall not be applicable to an electric bicycle.

(6) A person who knowingly operates an electric bicycle in violation of subdivision (a)(3) or (a)(4) commits a Class C misdemeanor.

(b) On any roadway, highway, or street, electric bicycles shall be restricted, limited, or excluded by local resolutions and ordinances to the same extent as bicycles are restricted, limited, or excluded.

SECTION 8. (a) It is a delinquent act for a person under fourteen (14) years of age to operate a class 3 electric bicycle upon any street or highway; provided, that the person may ride as a passenger on a class 3 electric bicycle that is designed to accommodate passengers.

(b) The operator and all passengers of a class 3 electric bicycle, regardless of age, shall wear a properly fitted and fastened bicycle helmet meeting federal standards established by the United States consumer product safety commission or the American

Society for Testing and Materials. A label on the helmet shall be affixed signifying the helmet complies with this subsection (b).

(c)(1) A violation of subsection (a) shall be punishable only by a fine not to exceed fifty dollars (\$50.00).

(2) A person who violates subsection (b) commits a Class C misdemeanor.

SECTION 9. Tennessee Code Annotated, Section 55-8-101(34), is amended by deleting the language "excluding motorized bicycles," and substituting instead the language "excluding electric bicycles as defined in Section 2 of this act and motorized bicycles,".

SECTION 10. Tennessee Code Annotated, Section 55-8-171, is amended by adding the following as a new subsection:

(d) This section and §§ 55-8-172 - 55-8-177 are applicable to electric bicycles as defined in Section 2 of this act.

SECTION 11. Tennessee Code Annotated, Section 55-8-171(c), is amended by deleting the language "The regulations applicable to bicycles shall apply whenever a bicycle" and substituting instead the language "The regulations applicable to bicycles and electric bicycles shall apply whenever a bicycle or electric bicycle".

SECTION 12. Tennessee Code Annotated, Section 55-8-172, is amended by deleting the section in its entirety and substituting instead the following:

(a) Every person riding a bicycle or electric bicycle, as defined in Section 2 of this act, upon a roadway is granted all of the rights and is subject to all of the duties applicable to the driver of a vehicle by this chapter and chapter 10, parts 1-5 of this title, except as to those provisions of this chapter and chapter 10, parts 1-5 of this title that by their nature can have no application.

(b) Every person riding a bicycle or electric bicycle, as defined in Section 2 of this act, is subject to the special regulations in §§ 55-8-171 - 55-8-177 applicable to bicycles or electric bicycles.

(c) Every person riding an electric bicycle, as defined in Section 2 of this act, is subject to the special regulations in Sections 2 through 8 of this act applicable to electric bicycles.

(d) A violation of this section is a Class C misdemeanor.

SECTION 13. This act shall take effect July 1, 2016, the public welfare requiring it.

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PASSED: April 7, 2016

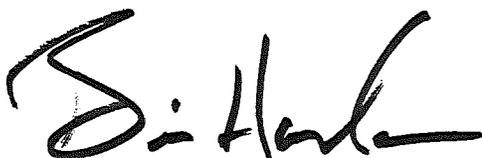


RON RAMSEY
SPEAKER OF THE SENATE



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 21st day of April 2016



BILL HASLAM, GOVERNOR