

SB73 INTRODUCED



1 5LGE33-1
2 By Senator Allen
3 RFD: Transportation and Energy
4 First Read: 21-Mar-23
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SYNOPSIS:

Under existing law, there are three classes of electric bicycles, and an individual under the age of 16 years may not operate a Class 3 electric bicycle.

This bill would provide that an individual under the age of 14 years may not operate a Class 1 or Class 2 electric bicycle.

Also under existing law, operators of a Class 3 electric bicycle are required to wear helmets.

This bill would require the operators of any class of electric bicycle to wear a helmet during the operation.

Section 111.05 of the Constitution of Alabama of 2022, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for the purpose.

The purpose or effect of this bill would be to require a new or increased expenditure of local funds within the meaning of the amendment. However, the bill



SB73 INTRODUCED

29 does not require approval of a local governmental
30 entity or enactment by a 2/3 vote to become effective
31 because it comes within one of the specified exceptions
32 contained in the amendment.

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A BILL

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TO BE ENTITLED

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AN ACT

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39 Relating to electric bicycles; to amend Section
40 32-5A-267, Code of Alabama 1975, to further provide minimum
41 age requirements for the operation of certain electric
42 bicycles; and to require the use of helmets during the
43 operation of electric bicycles; and in connection therewith
44 would have as its purpose or effect the requirement of a new
45 or increased expenditure of local funds within the meaning of
46 Section 111.05 of the Constitution of Alabama of 2022.

47 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

48 Section 1. Section 32-5A-267, Code of Alabama 1975, is
49 amended to read as follows:

50 "§32-5A-267

51 (a) Except as otherwise provided in this title, an
52 electric bicycle or an operator of an electric bicycle shall
53 be afforded all the rights and privileges, and be subject to
54 all of the duties, of a bicycle or the operator of a bicycle.
55 An electric bicycle shall be deemed a vehicle to the same
56 extent as a bicycle.



SB73 INTRODUCED

57 (b) An electric bicycle or individual operating an
58 electric bicycle is not subject to the requirements of this
59 title relating to driver's licenses, registration,
60 certificates of title, off-road vehicles, all-terrain
61 vehicles, motor vehicle dealers, license tags or plates,
62 financial responsibility, or motor vehicle insurance.

63 (c) On and after January 1, 2022, manufacturers and
64 distributors of electric bicycles shall apply a label that is
65 permanently affixed in a prominent location to each electric
66 bicycle. The label shall contain the classification number,
67 top assisted speed, and motor wattage of the electric bicycle.
68 The label shall be printed in a typeface and font legible to
69 the operator.

70 (d) A person may not tamper with or modify an electric
71 bicycle so as to change the motor-powered speed capability or
72 engagement of an electric bicycle unless the label indicating
73 the classification required under subsection (c) is replaced
74 after modification.

75 (e) An electric bicycle shall comply with the equipment
76 and manufacturing requirements for bicycles adopted by the
77 United States Consumer Product Safety Commission under 16
78 C.F.R. Part 1512.

79 (f) An electric bicycle shall be manufactured so that
80 the electric motor is disengaged or otherwise ceases to propel
81 the electric bicycle when the rider stops pedaling or when the
82 brakes are applied.

83 (g) An electric bicycle may be ridden in places where
84 bicycles are allowed, including, but not limited to, streets,



SB73 INTRODUCED

85 roadways, highways, shoulders, bicycle lanes, and bicycle or
86 multi-use paths.

87 (h) (1) Following notice and a public hearing, a county,
88 municipality, or other political subdivision of the state that
89 has jurisdiction over a bicycle or multi-use path may do both
90 of the following:

91 a. Prohibit the operation of Class 1 or Class 2
92 electric bicycles on bicycle or multi-use paths if the entity
93 finds that the prohibition is needed for safety reasons or
94 compliance with other laws or legal obligations.

95 b. Prohibit the operation of Class 3 electric bicycles
96 on bicycle or multi-use paths.

97 (2) This subsection does not apply to a trail that is
98 specifically designated as non-motorized and that has a
99 natural surface tread that is made by clearing and grading the
100 native soil with no added surface materials.

101 (i) (1) An individual under the age of 16 years may not
102 operate a Class 3 electric bicycle. An individual under the
103 age of 16 years may ride as a passenger on a Class 3 electric
104 bicycle if the bicycle is designed to accommodate passengers.

105 (2) An individual under the age of 14 years may not
106 operate a Class 1 or Class 2 electric bicycle.

107 (j) All operators and passengers of Class 1, Class 2,
108 and Class 3 electric bicycles shall wear a properly fitted and
109 fastened protective bicycle helmet that meets the standards
110 provided by either the United States Consumer Product Safety
111 Commission or the American Society for Testing and Materials,
112 or standards subsequently established by those entities. A



SB73 INTRODUCED

113 violation of this subsection is not admissible as evidence of
114 negligence or negligence per se in any action.

115 (k) All Class 3 electric bicycles shall be equipped
116 with a speedometer that displays the speed the bicycle is
117 traveling in miles per hour."

118 Section 2. Although this bill would have as its purpose
119 or effect the requirement of a new or increased expenditure of
120 local funds, the bill is excluded from further requirements
121 and application under Section 111.05 of the Constitution of
122 Alabama of 2022, because the bill defines a new crime or
123 amends the definition of an existing crime.

124 Section 3. This act shall become effective immediately
125 following its passage and approval by the Governor, or its
126 otherwise becoming law.