

1 HB99
2 208947-2
3 By Representative Gray
4 RFD: Public Safety and Homeland Security
5 First Read: 02-FEB-21
6 PFD: 12/17/2020

1
2 ENROLLED, An Act,

3 Relating to vehicles; to amend Section 32-1-1.1,
4 Code of Alabama 1975, as last amended by Act 2019-437, 2019
5 Regular Session, to provide for the definition of electric
6 bicycle and the classifications of the electric bicycle; to
7 add Section 32-5A-267 to the Code of Alabama 1975, to provide
8 for the operation and regulation of electric bicycles; and to
9 amend Sections 32-12-20 and 32-12A-1, as last amended by Act
10 2019-104, 2019 Regular Session, Code of Alabama 1975, to
11 exclude electric bicycles from the definitions of motorcycles
12 and off-road vehicles.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. Section 32-1-1.1, Code of Alabama 1975,
15 as last amended by Act 2019-437, 2019 Regular Session, is
16 amended to read as follows:

17 "§32-1-1.1.

18 "The following words and phrases when used in this
19 title, ~~for the purpose of this title,~~ shall have meanings
20 respectively ascribed to them in this section, except when the
21 context otherwise requires:

22 "(1) ALLEY. A street or highway intended to provide
23 access to the rear or side of lots or buildings in urban
24 districts and not intended for the purpose of through
25 vehicular traffic.

1 "(2) ARTERIAL STREET. Any ~~United States~~ federal or
2 state numbered route, controlled-access highway, or other
3 major radial or circumferential street or highway designated
4 by local authorities within their respective jurisdictions as
5 part of a major arterial system of streets or highways.

6 "(3) AUTHORIZED EMERGENCY VEHICLE. Such fire
7 department vehicles, police vehicles, and ambulances as are
8 publicly owned, and such other publicly or privately owned
9 vehicles as are designated by the Secretary of the Alabama
10 State Law Enforcement Agency or the chief of police of an
11 incorporated city.

12 "(4) BICYCLE. Every device propelled by human power
13 upon which any ~~person~~ individual may ride, having two tandem
14 wheels either of which is more than 14 inches in diameter.

15 "(5) BUS. Every motor vehicle designed for carrying
16 more than 10 passengers and used for the transportation of
17 ~~persons,~~ individuals and every motor vehicle other than a
18 taxicab, designed and used for the transportation of ~~persons~~
19 individuals for compensation.

20 "(6) BUSINESS DISTRICT. The territory contiguous to
21 and including a highway when within any 600 feet along ~~such~~
22 the highway there are buildings in use for business or
23 industrial purposes, including, but not limited to, hotels,
24 banks, ~~or~~ office buildings, railroad stations, and public

1 buildings which occupy at least 300 feet of frontage on one
2 side or 300 feet collectively on both sides of the highway.

3 "(7) CANCELLATION OF DRIVER'S LICENSE. The annulment
4 or termination by formal action of the Secretary of the
5 Alabama State Law Enforcement Agency of ~~a person's~~ an
6 individual's driver's license because of some error or defect
7 in the license or because the licensee is no longer entitled
8 to ~~such~~ the license, but the cancellation of a license is
9 without prejudice and application for a new license may be
10 made at any time after such cancellation.

11 "(8) CONTROLLED-ACCESS HIGHWAY. Every highway,
12 street, or roadway in respect to which owners or occupants of
13 abutting lands and other persons have no legal right of access
14 to or from the same except at such points only and in such
15 manner as may be determined by the public authority having
16 jurisdiction over ~~such~~ the highway, street, or roadway.

17 "(9) CROSSWALK. Either of the following:

18 "a. That part of a roadway at an intersection
19 included within the connections of the lateral lines of the
20 sidewalks on opposite sides of the highway measured from the
21 curbs or, in the absence of curbs, from the edges of the
22 traversable roadway.

23 "b. Any portion of a roadway at an intersection or
24 elsewhere distinctly indicated for pedestrian crossing by
25 lines or other markings on the surface.

1 "(10) DEALER. Every person engaged in the business
2 of buying, selling, or exchanging vehicles who has an
3 established place of business for ~~such~~ that purpose in this
4 state and to whom current dealer registration plates have been
5 issued by the Department of Revenue.

6 "(11) DEPARTMENT. The Alabama State Law Enforcement
7 Agency acting directly or through its duly authorized officers
8 and agents.

9 "(12) DIRECTOR. The Secretary of the Alabama State
10 Law Enforcement Agency.

11 "(13) DRIVEAWAY-TOWAWAY OPERATION. Any operation in
12 which any motor vehicle, trailer, or semitrailer, singly or in
13 combination, new or used, constitutes the commodity being
14 transported, when one set or more of wheels of any such
15 vehicle are on the roadway during the course of
16 transportation, whether or not any such vehicle furnishes the
17 motive power.

18 "(14) DRIVER. Every ~~person~~ individual who drives or
19 is in actual physical control of a vehicle.

20 "(15) DRIVER'S LICENSE. Any license to operate a
21 motor vehicle issued under the laws of this state.

22 "(16) ELECTRIC BICYCLE. A bicycle equipped with
23 fully operable pedals, a saddle or seat for the rider, and an
24 electric motor of less than 750 watts that meets the
25 requirements of one of the following three classes:

1 "a. Class 1 electric bicycle means an electric
2 bicycle equipped with a motor that provides assistance only
3 when the rider is pedaling and that ceases to provide
4 assistance when the bicycle reaches the speed of 20 miles per
5 hour.

6 "b. Class 2 electric bicycle means an electric
7 bicycle equipped with a motor that may be used exclusively to
8 propel the bicycle and that is not capable of providing
9 assistance when the bicycle reaches the speed of 20 miles per
10 hour.

11 "c. Class 3 electric bicycle means an electric
12 bicycle equipped with a motor that provides assistance only
13 when the rider is pedaling and that ceases to provide
14 assistance when the bicycle reaches the speed of 28 miles per
15 hour.

16 "~~(16)~~ (17) ELECTRIC PERSONAL ASSISTIVE MOBILITY
17 DEVICE. A self-balancing, two non-tandem wheeled device
18 designed to transport only one ~~person~~ individual with an
19 electric propulsion system with an average power of 750 watts
20 (1 h.p.), that has a maximum speed on a paved level surface,
21 when powered solely by ~~such a~~ the propulsion system while
22 ridden by an operator who weighs not more than 170 pounds, of
23 less than 20 m.p.h. The term shall not include a motorized
24 bicycle, motorized scooter, or motorized skateboard.

1 "~~(17)~~(18) ESSENTIAL PARTS. All integral and body
2 parts of a vehicle of a type required to be registered
3 ~~hereunder~~ under this title, the removal, alteration, or
4 substitution of which would tend to conceal the identity of
5 the vehicle or substantially alter its appearance, model,
6 type, or mode of operation.

7 "~~(18)~~(19) ESTABLISHED PLACE OF BUSINESS. The place
8 actually occupied either continuously or at regular periods by
9 a dealer or manufacturer where his or her books and records
10 are kept and a large share of his or her business is
11 transacted.

12 "~~(19)~~(20) EXPLOSIVES. Any chemical compound or
13 mechanical mixture that is commonly used or intended for the
14 purpose of producing an explosion and which contains any
15 oxidizing and combustive units or other ingredients in such
16 proportions, quantities, or packing that an ignition by fire,
17 by friction, by concussion, by percussion, or by detonator of
18 any part of the compound or mixture may cause such a sudden
19 generation of highly heated gases that the resultant gaseous
20 pressures are capable of producing destructive effects on
21 contiguous objects or of destroying life or limb.

22 "~~(20)~~(21) FARM TRACTOR. Every motor vehicle designed
23 and used primarily as a farm implement, for drawing plows,
24 mowing machines, and other implements of husbandry.

1 "~~(21)~~ (22) FLAMMABLE LIQUID. Any liquid which has a
2 flash point of 70 F. or less, as determined by a fagliabue or
3 equivalent closed-cup test device.

4 "~~(22)~~ (23) FOREIGN VEHICLE. Every vehicle of a type
5 required to be registered hereunder brought into this state
6 from another state, territory, or country other than in the
7 ordinary course of business by or through a manufacturer or
8 dealer and not registered in this state.

9 "~~(23)~~ (24) GROSS WEIGHT. The weight of a vehicle
10 without load plus the weight of any load thereon.

11 "~~(24)~~ (25) HIGHWAY. The entire width between the
12 boundary lines of every way publicly maintained when any part
13 thereof is open to the use of the public for purposes of
14 vehicular travel.

15 "~~(25)~~ (26) HOUSE TRAILER. Either of the following:

16 "a. A trailer or semitrailer that is designed,
17 constructed, and equipped as a dwelling place, living abode,
18 or sleeping place, either permanently or temporarily, and is
19 equipped for use as a conveyance on streets and highways.

20 "b. A trailer or semitrailer that has a chassis and
21 exterior shell that is designed and constructed for use as a
22 house trailer, as defined in paragraph a., but which is used
23 instead permanently or temporarily for the advertising, sales,
24 display, or promotion of merchandise or services, or for any
25 other commercial purpose except the transportation of property

1 for hire or the transportation of property for distribution by
2 a private carrier.

3 "~~(26)~~ (27) IMPLEMENT OF HUSBANDRY. Every vehicle
4 designed and adapted exclusively for agricultural,
5 horticultural, or livestock raising operations or for lifting
6 or carrying an implement of husbandry and in either case not
7 subject to registration if used upon the highways.

8 "~~(27)~~ (28) INTERSECTION. Any of the following:

9 "a. The area embraced within the prolongation or
10 connection of the lateral curb lines, or, if none, then the
11 lateral boundary lines of the roadways of two highways ~~which~~
12 that join one another at, or approximately at, right angles,
13 or the area within which vehicles traveling upon different
14 highways joining at any other angle may come in conflict.

15 "b. Where a highway includes two roadways 30 feet or
16 more apart, then every crossing of each roadway of such
17 divided highway by an intersecting highway shall be regarded
18 as a separate intersection. In the event ~~such~~ the intersecting
19 highway also includes two roadways 30 feet or more apart, then
20 every crossing of two roadways of such highways shall be
21 regarded as a separate intersection.

22 "c. The junction of an alley with a street or
23 highway shall not constitute an intersection.

1 "~~(28)~~ (29) LANED ROADWAY. A roadway ~~which~~ that is
2 divided into two or more clearly marked lanes for vehicular
3 traffic.

4 "~~(29)~~ (30) LICENSE or LICENSE TO OPERATE A MOTOR
5 VEHICLE. Any driver's license or any other license or permit
6 to operate a motor vehicle issued by the director under the
7 laws of this state, including any nonresident's operating
8 privilege as defined herein.

9 "~~(30)~~ (31) LOCAL AUTHORITIES. Either of the
10 following:

11 "a. Every county commission.

12 "b. Every municipal and other local board or body
13 having authority to enact laws relating to traffic under the
14 constitution and laws of this state.

15 "~~(31)~~ (32) MAIL. To deposit in the United States mail
16 properly addressed and with postage prepaid.

17 "~~(32)~~ (33) METAL TIRE. Every tire the surface of
18 which in contact with the highway is wholly or partly of metal
19 or other hard, nonresilient material.

20 "~~(33)~~ (34) MOTOR VEHICLE. Every vehicle ~~which~~ that is
21 self-propelled and every vehicle ~~which~~ that is propelled by
22 electric power obtained from overhead trolley wires, but not
23 operated upon rails, except for electric personal assistive
24 mobility devices and electric bicycles.

1 "~~(34)~~ (35) MOTORCYCLE. Every motor vehicle having a
2 seat or saddle for the use of the rider and designed to travel
3 on not more than three wheels in contact with the ground, but
4 excluding a tractor and an electric bicycle.

5 "~~(35)~~ (36) MOTOR-DRIVEN CYCLE. Every motorcycle,
6 including every motor scooter, with a motor that produces not
7 more than five brake horsepower nor exceeds 150 cubic
8 centimeter engine displacement, and weighs less than 200
9 pounds fully equipped, and every bicycle with a motor
10 attached. The term does not include electric bicycles.

11 "~~(36)~~ (37) NONRESIDENT. Every ~~person~~ individual who
12 is not a resident of this state.

13 "~~(37)~~ (38) NONRESIDENT'S OPERATING PRIVILEGE. The
14 privilege conferred upon a nonresident by the laws of this
15 state pertaining to the operation by ~~such person~~ the
16 nonresident of a motor vehicle, or the use of a vehicle owned
17 by ~~such person~~ the nonresident, in this state.

18 "~~(38)~~ (39) OFFICIAL TRAFFIC-CONTROL DEVICES. All
19 signs, signals, markings, and devices not inconsistent with
20 this title placed or erected by authority of a public body or
21 official having jurisdiction, for the purpose of regulating,
22 warning, or guiding traffic.

23 "~~(39)~~ (40) OWNER. A person, other than a lienholder,
24 having the property in or title to a vehicle. The term
25 includes a person entitled to the use and possession of a

1 vehicle subject to a security interest in another person, but
2 excludes a lessee under a lease not intended as security.

3 "~~(40)~~(41) PARK or PARKING. The standing of a
4 vehicle, whether occupied or not. The term does not include a
5 vehicle that is stopped temporarily for the purpose of and
6 actually engaged in loading or unloading merchandise or
7 passengers.

8 "~~(41)~~(42) PASSENGER CAR. Every motor vehicle, except
9 motorcycles and motor-driven cycles, designed for carrying 10
10 passengers or less and used for the transportation of ~~persons~~
11 individuals.

12 "~~(42)~~(43) PEDESTRIAN. Any ~~person~~ individual afoot.

13 "~~(43)~~(44) PERSON. Every ~~natural person~~ individual,
14 firm, copartnership, association, or corporation.

15 "~~(44)~~(45) PNEUMATIC TIRE. Every tire in which
16 compressed air is designed to support the load.

17 "~~(45)~~(46) POLE TRAILER. Every vehicle without motive
18 power designed to be drawn by another vehicle and attached to
19 the towing vehicle by means of a reach or pole, or by being
20 boomed or otherwise secured to the towing vehicle, and
21 ordinarily used for transporting long or irregularly shaped
22 loads such as poles, pipes, or structural members capable,
23 generally, of sustaining themselves as beams between the
24 supporting connections.

1 "~~(46)~~ (47) POLICE OFFICER. Every officer authorized
2 to direct or regulate traffic or to make arrests for
3 violations of traffic regulations.

4 "~~(47)~~ (48) PRIVATE ROAD or DRIVEWAY. Every way or
5 place in private ownership and used for vehicular travel by
6 the owner and those having express or implied permission from
7 the owner, but not by other persons.

8 "~~(48)~~ (49) RAILROAD. A carrier of ~~persons~~ individuals
9 or property upon cars other than street cars, operated upon
10 stationary rails.

11 "~~(49)~~ (50) RAILROAD SIGN or SIGNAL. Any sign, signal,
12 or device erected by authority of a public body or official or
13 by a railroad and intended to give notice of the presence of
14 railroad tracks or the approach of a railroad train.

15 "~~(50)~~ (51) RAILROAD TRAIN. A steam engine, electric
16 or other motor, with or without cars coupled thereto, operated
17 upon rails.

18 "~~(51)~~ (52) RECONSTRUCTED VEHICLE. Every vehicle of a
19 type required to be registered ~~hereunder~~ under this title
20 materially altered from its original construction by the
21 removal, addition, or substitution of essential parts, new or
22 used.

23 "~~(52)~~ (53) REGISTRATION. The registration certificate
24 or certificates and registration plates issued under the laws
25 of this state pertaining to the registration of vehicles.

1 "~~(53)~~ (54) RESIDENCE DISTRICT. The territory
2 contiguous to and including a highway not comprising a
3 business district when the property on ~~such~~ the highway for a
4 distance of 300 feet or more is in the main improved with
5 residences or residences and buildings in use for business.

6 "~~(54)~~ (55) REVOCATION OF DRIVER'S LICENSE. The
7 termination by formal action of the director of ~~a person's~~ an
8 individual's license or privilege to operate a motor vehicle
9 on the public highways, which termination shall not be subject
10 to renewal or restoration except that an application for a new
11 license may be presented and acted upon by the director after
12 the expiration of the applicable period of time prescribed in
13 this title.

14 "~~(55)~~ (56) RIGHT-OF-WAY. The right of one vehicle or
15 pedestrian to proceed in a lawful manner in preference to
16 another vehicle or pedestrian approaching under such
17 circumstances of direction, speed, and proximity as to give
18 rise to danger of collision unless one grants precedence to
19 the other.

20 "~~(56)~~ (57) ROAD TRACTOR. Every motor vehicle designed
21 and used for drawing other vehicles and not so constructed as
22 to carry any load thereon either independently or any part of
23 the weight of a vehicle or load so drawn.

24 "~~(57)~~ (58) ROADWAY. That portion of a highway
25 improved, designed, or ordinarily used for vehicular travel,

1 exclusive of the berm or shoulder. In the event a highway
2 includes two or more separate roadways the term refers to any
3 ~~such~~ roadway separately but not to all ~~such~~ roadways
4 collectively.

5 "~~(58)~~ (59) SAFETY ZONE. The area or space officially
6 set apart within a roadway for the exclusive use of
7 pedestrians and which is protected or is so marked or
8 indicated by adequate signs as to be plainly visible at all
9 times while set apart as a safety zone.

10 "~~(59)~~ (60) SCHOOL BUS. Every motor vehicle that
11 complies with the color and identification requirements set
12 forth by ~~statute or regulation~~ law or rule and is used to
13 transport children to or from school or in connection with
14 school activities, but not including buses operated by common
15 carriers in urban transportation of school children.

16 "~~(60)~~ (61) SCOOTER. A device weighing less than 100
17 pounds that satisfies all of the following:

18 "a. Has handlebars and an electric motor.

19 "b. Is solely powered by the electric motor or human
20 power.

21 "c. Has a maximum speed of no more than 20 m.p.h. on
22 a paved level surface when powered solely by the electric
23 motor.

24 "This term does not include an e-bike, EPAMD,
25 Segway, motorcycle, or moped.

1 "~~(61)~~ (62) SECURITY AGREEMENT. A written agreement
2 ~~which~~ that reserves or creates a security interest.

3 "~~(62)~~ (63) SECURITY INTEREST. An interest in a
4 vehicle reserved or created by agreement and which secures
5 payment or performance of an obligation. The term includes the
6 interest of a lessor under a lease intended as security. A
7 security interest is perfected when it is valid against third
8 parties generally, subject only to specific statutory
9 exceptions.

10 "~~(63)~~ (64) SEMITRAILER. Every vehicle with or without
11 motive power, other than a pole trailer, designed for carrying
12 ~~persons~~ individuals or property and for being drawn by a motor
13 vehicle and so constructed that some part of its weight and
14 that of its load rests upon or is carried by another vehicle.

15 "~~(64)~~ (65) SHARED MICROMOBILITY DEVICE. A type of
16 transportation device that includes a bicycle, electric
17 bicycle, tricycle, scooter, hoverboard, skateboard, pedal car,
18 or similar device, except a device used as an electrical
19 personal assistive mobility device by ~~a person~~ an individual
20 with disabilities, used in a shared micromobility device
21 system.

22 "~~(65)~~ (66) SHARED MICROMOBILITY DEVICE SYSTEM. A
23 system that provides shared micromobility devices to users for
24 short-term rentals, whether or not the system requires docking

1 stations or other similar fixed infrastructure to receive or
2 return the shared micromobility device.

3 "~~(66)~~ (67) SIDEWALK. That portion of a street between
4 the curb lines, or the lateral lines of a roadway, and the
5 adjacent property lines, intended for use by pedestrians.

6 "~~(67)~~ (68) SOLID TIRE. Every tire of rubber or other
7 resilient material which does not depend upon compressed air
8 for the support of the load.

9 "~~(68)~~ (69) SPECIAL MOBILE EQUIPMENT. Every vehicle
10 not designed or used primarily for the transportation of
11 ~~persons~~ individuals or property and only incidentally operated
12 or moved over a highway, including, but not limited to: Ditch
13 digging apparatus, well boring apparatus, and road
14 construction and maintenance machinery such as asphalt
15 spreaders, bituminous mixers, bucket loaders, tractors other
16 than truck tractors, ditchers, levelling graders, finishing
17 machines, motor graders, road rollers, scarifiers, earth
18 moving carry-alls and scrapers, power shovels and drag lines,
19 and self-propelled cranes, and earth moving equipment. The
20 term does not include house trailers, dump trucks, truck
21 mounted transit mixers, cranes or shovels, or other vehicles
22 designed for the transportation of ~~persons~~ individuals or
23 property to which machinery has been attached.

24 "~~(69)~~ (70) SPECIALLY CONSTRUCTED VEHICLE. Every
25 vehicle of a type required to be registered ~~hereunder~~ under

1 this title not originally constructed under a distinctive
2 name, make, model, or type by a generally recognized
3 manufacturer of vehicles and not materially altered from its
4 original construction.

5 "~~(70)~~ (71) STAND or STANDING. The halting of a
6 vehicle, whether occupied or not. The term does not include a
7 vehicle that is halted temporarily for the purpose of and
8 actually engaged in receiving or discharging passengers.

9 "~~(71)~~ (72) STATE. A state, territory, or possession
10 of the United States, the District of Columbia, the
11 Commonwealth of Puerto Rico, or a province of Canada.

12 "~~(72)~~ (73) STOP. When required, means complete
13 cessation from movement.

14 "~~(73)~~ (74) STOP or STOPPING. When prohibited, means
15 any halting, even momentarily, of a vehicle, whether occupied
16 or not, except when necessary to avoid conflict with other
17 traffic or in compliance with the directions of a police
18 officer or traffic-control sign or signal.

19 "~~(74)~~ (75) STREET. The entire width between boundary
20 lines of every way publicly maintained when any part thereof
21 is open to the use of the public for purposes of vehicular
22 travel.

23 "~~(75)~~ (76) SUSPENSION OF DRIVER'S LICENSE. The
24 temporary withdrawal by formal action of the Secretary of the
25 Alabama State Law Enforcement Agency of ~~a person's~~ an

1 individual's license or privilege to operate a motor vehicle
2 on the public highways, which temporary withdrawal shall be
3 for a period specifically designated by the secretary.

4 "~~(76)~~ (77) THROUGH HIGHWAY. Every highway or portion
5 thereof on which vehicular traffic is given preferential
6 right-of-way, and at the entrances to which vehicular traffic
7 from intersecting highways is required by law to yield the
8 right-of-way to vehicles on such through highway in obedience
9 to a stop sign, yield sign, or other official traffic-control
10 device, when such signs or devices are erected as provided in
11 this title.

12 "~~(77)~~ (78) TRACKLESS TROLLEY COACH. Every motor
13 vehicle which is propelled by electric power obtained from
14 overhead trolley wires but not operated upon rails.

15 "~~(78)~~ (79) TRAFFIC. Pedestrians, ridden or herded
16 animals, vehicles, streetcars, and other conveyances, either
17 singly or together, while using any highway for purposes of
18 travel.

19 "~~(79)~~ (80) TRAFFIC-CONTROL SIGNAL. Any device,
20 whether manually, electrically, or mechanically operated, by
21 which traffic is alternately directed to stop and permitted to
22 proceed.

23 "~~(80)~~ (81) TRAILER. Every vehicle with or without
24 motive power, other than a pole trailer, designed for carrying
25 ~~persons~~ individuals or property and for being drawn by a motor

1 vehicle and so constructed that no part of its weight rests
2 upon the towing vehicle.

3 "~~(81)~~ (82) TRANSPORTER. Every person engaged in the
4 business of delivering vehicles of a type required to be
5 registered ~~hereunder~~ under this title from a manufacturing,
6 assembling, or distributing plant to dealers or sales agents
7 of a manufacturer.

8 "~~(82)~~ (83) TRUCK. Every motor vehicle designed, used,
9 or maintained primarily for the transportation of property.

10 "~~(83)~~ (84) TRUCK PLATOON. A group of individual
11 commercial trucks traveling in a unified manner at
12 electronically coordinated speeds at following distances that
13 are closer than would be reasonable and prudent without the
14 electronic coordination.

15 "~~(84)~~ (85) TRUCK TRACTOR. Every motor vehicle
16 designed and used primarily for drawing other vehicles and not
17 so constructed as to carry a load other than a part of the
18 weight of the vehicle and load so drawn.

19 "~~(85)~~ (86) URBAN DISTRICT. The territory contiguous
20 to and including any street which is built up with structures
21 devoted to business, industry, or dwelling houses situated at
22 intervals of less than 100 feet for a distance of a quarter of
23 a mile or more.

24 "~~(86)~~ (87) VEHICLE. Every device in, upon, or by
25 which any ~~person~~ individual or property is or may be

1 transported or drawn upon a highway, excepting devices moved
2 by human power or used exclusively upon stationary rails or
3 tracks or electric personal assistive mobility devices;
4 provided, that for the purposes of this title, a bicycle, an
5 electric bicycle, or a ridden animal shall be deemed a
6 vehicle, except those provisions of this title, which by their
7 very nature can have no application."

8 Section 2. Section 32-5A-267 is added to the Code of
9 Alabama 1975, to read as follows:

10 §32-5A-267.

11 (a) Except as otherwise provided in this title, an
12 electric bicycle or an operator of an electric bicycle shall
13 be afforded all the rights and privileges, and be subject to
14 all of the duties, of a bicycle or the operator of a bicycle.
15 An electric bicycle shall be deemed a vehicle to the same
16 extent as a bicycle.

17 (b) An electric bicycle or individual operating an
18 electric bicycle is not subject to the requirements of this
19 title relating to driver's licenses, registration,
20 certificates or title, off-road vehicles, all-terrain
21 vehicles, motor vehicle dealers, license tags or plates,
22 financial responsibility, or motor vehicle insurance.

23 (c) On and after January 1, 2022, manufacturers and
24 distributors of electric bicycles shall apply a label that is
25 permanently affixed in a prominent location to each electric

1 bicycle. The label shall contain the classification number,
2 top assisted speed, and motor wattage of the electric bicycle.
3 The label shall be printed in a typeface and font legible to
4 the operator.

5 (d) A person may not tamper with or modify an
6 electric bicycle so as to change the motor-powered speed
7 capability or engagement of an electric bicycle unless the
8 label indicating the classification required under subsection
9 (c) is replaced after modification.

10 (e) An electric bicycle shall comply with the
11 equipment and manufacturing requirements for bicycles adopted
12 by the United States Consumer Product Safety Commission under
13 16 C.F.R. Part 1512.

14 (f) An electric bicycle shall be manufactured so
15 that the electric motor is disengaged or otherwise ceases to
16 propel the electric bicycle when the rider stops pedaling or
17 when the brakes are applied.

18 (g) An electric bicycle may be ridden in places
19 where bicycles are allowed, including, but not limited to,
20 streets, roadways, highways, shoulders, bicycle lanes, and
21 bicycle or multi-use paths.

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

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

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

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

11 (i) An individual under the age of 16 years may not
12 operate a Class 3 electric bicycle. An individual under the
13 age of 16 years may ride as a passenger on a Class 3 electric
14 bicycle if the bicycle is designed to accommodate passengers.

15 (j) All operators and passengers of Class 3 electric
16 bicycles shall wear a properly fitted and fastened protective
17 bicycle helmet that meets the standards provided by either the
18 United States Consumer Product Safety Commission or the
19 American Society for Testing and Materials, or standards
20 subsequently established by those entities. A violation of
21 this subsection is not admissible as evidence of negligence or
22 negligence per se in any action.

23 (k) All Class 3 electric bicycles shall be equipped
24 with a speedometer that displays the speed the bicycle is
25 traveling in miles per hour.

1 Section 3. Sections 32-12-20 and 32-12A-1, Code of
2 Alabama 1975, as last amended by Act 2019-104, 2019 Regular
3 Session, are amended to read as follows:

4 "§32-12-20.

5 "It is unlawful for any person to do any act
6 forbidden or to fail to perform any act required by this
7 chapter. The parent of any child and the guardian of any ward
8 shall not authorize or knowingly permit any such child or ward
9 to violate any of the provisions of this chapter. As used
10 herein, the term motor-driven cycle shall include every
11 motorcycle weighing when fully equipped less than 200 pounds
12 and every bicycle with motor attached, excluding an electric
13 bicycle, and every motor scooter.

14 "§32-12A-1.

15 "For purposes of this chapter, the following terms
16 shall have the following meanings:

17 "(1) ALL-TERRAIN VEHICLES (ATV). Every motor vehicle
18 60 inches or less in width, having a dry weight of 1,500
19 pounds or less, designed to travel on three or more
20 non-highway tires, and manufactured for off-road use by a
21 single operator or by an operator and not more than one
22 passenger as provided by the manufacturer.

23 "(2) OFF-ROAD VEHICLE. Any motorized vehicle not
24 designed for use on a highway and capable of cross-country
25 travel on land, snow, ice, marsh, swampland, or other natural

1 terrain. The term includes any all-terrain vehicle and
2 recreational off-highway vehicle. The term excludes any
3 electric bicycle; any golf cart; any vehicle used for
4 military, fire, emergency, or law enforcement purposes; any
5 motorboat; any vehicles used exclusively on airport property;
6 all farm machinery, farm tractors, and other self-propelled
7 equipment for harvesting and transportation of forest
8 products, for clearing land for planting, for utility services
9 and maintenance, or for earth moving, construction, or mining;
10 and self-propelled lawnmowers, snowblowers, and garden or lawn
11 tractors while such vehicles are being used exclusively for
12 their designed purposes. The term does not include any motor
13 vehicle for which a certificate of title is required by
14 Chapter 8.

15 "(3) RECREATIONAL OFF-HIGHWAY VEHICLE. Any off-road
16 vehicle 80 inches or less in width, having a dry weight of
17 2,500 pounds or less, designed and manufactured to travel on
18 four or more non-highway tires for off-road use by an operator
19 and the number of passengers as provided by the manufacturer.

20 "(4) SECRETARY. The Secretary of the Alabama State
21 Law Enforcement Agency."

22 Section 4. This act shall become effective on the
23 first day of the third month following its passage and
24 approval by the Governor, or its otherwise becoming law.

