

House File 493 - Enrolled

House File 493

AN ACT

RELATING TO LOW-SPEED ELECTRIC BICYCLES, PROVIDING PENALTIES,
MAKING PENALTIES APPLICABLE, AND INCLUDING APPLICABILITY
PROVISIONS.

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

Section 1. Section 308A.1, subsection 1, Code 2021, is amended to read as follows:

1. The department of natural resources, in consultation with the state transportation commission, is hereby authorized to establish recreational bikeways within this state for the use, enjoyment, and participation of the public in ~~nonmotorized bicycling, not including the use of motorized bicycles as defined in section 321.1.~~ The routes established for such bikeways shall be designed to maximize the safety of cyclists and motorists and may utilize secondary roads when the normal flow of motor vehicle traffic will not be hindered, as well as other infrequently traveled roads, streets, parkways, and appropriate thoroughfares. Such bikeways shall be routed, wherever possible, to allow the enjoyment of scenic views and points of historical interest, and may connect state parks and other recreational areas throughout the state.

Sec. 2. Section 321.1, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 036A. "*Low-speed electric bicycle*" means a device having a saddle or seat for the use of a rider, two or three wheels equipped with fully operable pedals, and an

electric motor of less than seven hundred fifty watts that meets the requirements of one of the following classes:

a. "*Class 1 low-speed electric bicycle*" means a low-speed electric bicycle equipped with a motor that may be used to provide assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of twenty miles per hour or more.

b. "*Class 2 low-speed electric bicycle*" means a low-speed 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 a speed of twenty miles per hour or more.

c. "*Class 3 low-speed electric bicycle*" means a low-speed electric bicycle equipped with a motor that may be used to provide assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of twenty-eight miles per hour or more.

Sec. 3. Section 321.1, subsection 40, Code 2021, is amended to read as follows:

40. a. "*Motorcycle*" means every motor vehicle having a saddle or seat for the use of the rider and designed to travel on not more than three wheels in contact with the ground including a motor scooter but excluding a tractor, an autocycle, a low-speed electric bicycle, and a motorized bicycle.

b. "*Motorized bicycle*" means a motor vehicle having a saddle or a seat for the use of a rider, designed to travel on not more than three wheels in contact with the ground, and not capable of operating at a speed in excess of thirty-nine miles per hour on level ground unassisted by human power, but excluding a low-speed electric bicycle.

c. "*Bicycle*" means either of the following:

(1) A device having two or three wheels and having at least one saddle or seat for the use of a rider which is propelled by human power.

~~(2) A device having two or three wheels with fully operable pedals and an electric motor of less than seven hundred fifty watts (one horsepower), whose maximum speed on a paved level surface, when powered solely by such a motor while ridden, is~~

~~less than twenty miles per hour~~ A low-speed electric bicycle.

Sec. 4. Section 321.1, subsection 90, paragraph a, Code 2021, is amended to read as follows:

a. Any device moved by human power, including a low-speed electric bicycle.

Sec. 5. NEW SECTION. **321.235B Low-speed electric bicycles — labels — operation.**

1. A manufacturer or distributor of low-speed electric bicycles shall apply a label that is permanently affixed in a prominent location to each of the manufacturer's or distributor's low-speed electric bicycles. The label shall contain all of the following information printed in arial font with a font size not less than nine point type:

a. A classification number for the low-speed electric bicycle that corresponds with a class defined in section 321.1, subsection 036A.

b. The low-speed electric bicycle's top assisted speed.

c. The low-speed electric bicycle's motor wattage.

2. A person shall not knowingly modify the speed capability or engagement of a low-speed electric bicycle such that the low-speed electric bicycle does not qualify for a class defined in section 321.1, subsection 036A. If a person has modified the speed capability or engagement of a low-speed electric bicycle, the person shall affix a new label containing the information listed in subsection 1 to the modified low-speed electric bicycle.

3. A low-speed electric bicycle shall be manufactured and equipped in compliance with 16 C.F.R. pt. 1512.

4. A low-speed electric bicycle shall be manufactured to operate in such a manner that when the rider stops pedaling, applies the brakes, or the electric motor is disengaged, the electric motor assist ceases to function.

5. A class 3 low-speed electric bicycle shall not be operated unless it is equipped with a speedometer that displays its speed in miles per hour.

6. A person under the age of sixteen shall not operate a class 3 low-speed electric bicycle. A person under the age of sixteen may ride as a passenger on a class 3 low-speed electric bicycle in compliance with section 321.234, subsection 4.

7. A person operating a low-speed electric bicycle on a highway is subject to the provisions of this chapter applicable to a rider of a bicycle on a highway and has all the rights and duties under this chapter applicable to a rider of a bicycle, except those provisions of this chapter which by their nature can have no application, or except as otherwise provided in this section.

8. Except for provisions of the Code made specifically applicable to low-speed electric bicycles in this section, low-speed electric bicycles are not subject to provisions of the Code applicable to vehicles, including provisions relating to all of the following:

a. Licensure, registration, titling, inspection, and proof of financial liability coverage.

b. Possession of a driver's license or permit.

9. a. A low-speed electric bicycle may be operated in any place where a bicycle is allowed to operate, including but not limited to streets, highways, roadways, shoulders, bicycle lanes, bikeways, and bicycle or multi-use paths.

b. A person shall not operate a class 3 low-speed electric bicycle on a bicycle lane or multi-use path in excess of the posted or applicable speed limit, or if there is no posted or applicable speed limit, twenty miles per hour.

Sec. 6. Section 322D.1, subsection 8, Code 2021, is amended to read as follows:

8. "Motorcycle" means a motor vehicle as defined in section 321.1 other than an all-terrain vehicle, which has a saddle or seat for the use of a rider and that is designed to travel on not more than two wheels in contact with the ground, but excluding a motorized bicycle, a low-speed electric bicycle, or auticycle as defined in section 321.1.

Sec. 7. Section 805.8A, subsection 9A, Code 2021, is amended to read as follows:

9A. ~~Electric personal assistive mobility device violations.~~ For electric device violations under ~~section 321.235A~~ the following sections, the ~~scheduled fine is twenty-five dollars.~~ is as follows:

- a. Section 321.235A.....\$25
- b. Section 321.235B.....\$25

Sec. 8. APPLICABILITY. Section 321.235B, subsections 1 and 2, as enacted in this Act, apply to low-speed electric bicycles manufactured or distributed on or after January 1, 2022.

Sec. 9. APPLICABILITY. Section 321.235B, subsections 3 and 4, as enacted in this Act, apply to low-speed electric bicycles manufactured or distributed on or after the effective date of this Act.

PAT GRASSLEY
Speaker of the House

JAKE CHAPMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 493, Eighty-ninth General Assembly.

MEGHAN NELSON
Chief Clerk of the House

Approved _____, 2021

KIM REYNOLDS
Governor