

**Senate File 2205 - Introduced**

SENATE FILE 2205

BY LOFGREN

**A BILL FOR**

1 An Act relating to low-speed electric bicycles, providing  
2 penalties, making penalties applicable, and including  
3 applicability provisions.

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

1 Section 1. Section 308A.1, subsection 1, Code 2020, is  
2 amended to read as follows:

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

17 Sec. 2. Section 321.1, Code 2020, is amended by adding the  
18 following new subsection:

19 NEW SUBSECTION. 036A. "*Low-speed electric bicycle*" means a  
20 device having two or three wheels equipped with fully operable  
21 pedals and an electric motor of less than seven hundred fifty  
22 watts that meets the requirements of one of the following  
23 classes:

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

29 b. "*Class 2 low-speed electric bicycle*" means a low-speed  
30 electric bicycle equipped with a motor that may be used  
31 exclusively to propel the bicycle and that is not capable of  
32 providing assistance when the bicycle reaches a speed of twenty  
33 miles per hour or more.

34 c. "*Class 3 low-speed electric bicycle*" means a low-speed  
35 electric bicycle equipped with a motor that may be used to

1 provide assistance only when the rider is pedaling and that  
2 ceases to provide assistance when the bicycle reaches a speed  
3 of twenty-eight miles per hour or more.

4 Sec. 3. Section 321.1, subsection 40, paragraph c, Code  
5 2020, is amended to read as follows:

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

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

10 ~~(2) A device having two or three wheels with fully operable~~  
11 ~~pedals and an electric motor of less than seven hundred fifty~~  
12 ~~watts (one horsepower), whose maximum speed on a paved level~~  
13 ~~surface, when powered solely by such a motor while ridden, is~~  
14 ~~less than twenty miles per hour~~ A low-speed electric bicycle.

15 Sec. 4. Section 321.1, subsection 90, Code 2020, is amended  
16 by adding the following new paragraph:

17 NEW PARAGRAPH. e. A low-speed electric bicycle.

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

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

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

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

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

31 2. A person shall not knowingly modify the speed capability  
32 or engagement of a low-speed electric bicycle such that the  
33 low-speed electric bicycle does not qualify for a class defined  
34 in section 321.1, subsection 036A. If a person has modified  
35 the speed capability or engagement of a low-speed electric

1 bicycle, the person shall affix a new label containing the  
2 information listed in subsection 1 to the modified low-speed  
3 electric bicycle.

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

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

10 5. A manufacturer, distributor, or person that violates  
11 subsections 1 through 4 is guilty of a fraudulent practice.

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

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

19 Sec. 6. Section 805.8A, subsection 9A, Code 2020, is amended  
20 to read as follows:

21 9A. ~~Electric personal assistive mobility device~~  
22 ~~violations.~~ For electric device violations under ~~section~~  
23 ~~321.235A~~ the following sections, the scheduled fine ~~is fifteen~~  
24 ~~dollars.~~ is as follows:

- 25 a. Section 321.235A.....\$15
- 26 b. Section 321.235B, subsections 6 and 7.....\$15

27 Sec. 7. APPLICABILITY. Section 321.235B, subsections 1 and  
28 2, as enacted in this Act, apply to low-speed electric bicycles  
29 manufactured or distributed on or after January 1, 2021.

30 Sec. 8. APPLICABILITY. Section 321.235B, subsections 3 and  
31 4, as enacted in this Act, apply to low-speed electric bicycles  
32 manufactured or distributed on or after the effective date of  
33 this Act.

34

EXPLANATION

35 The inclusion of this explanation does not constitute agreement with

1           the explanation's substance by the members of the general assembly.

2       Under current law, the definition of "bicycle" includes  
3 a device with fully operable pedals and an electric motor of  
4 less than 750 watts with a maximum speed of less than 20 miles  
5 per hour when powered solely by the electric motor. This  
6 bill strikes that provision and includes low-speed electric  
7 bicycles within the definition of "bicycle". The bill defines  
8 the term "low-speed electric bicycle", including three defined  
9 classes. The bill excludes low-speed electric bicycles from  
10 the definition of "vehicle" under Code section 321.1, thereby  
11 making the provisions of Code chapter 321 (motor vehicles  
12 and law of the road) relating to vehicles, motor vehicles,  
13 automobiles, cars, motorcycles, and motorized bicycles  
14 inapplicable to low-speed electric bicycles.

15       Because the bill includes low-speed electric bicycles within  
16 the definition of "bicycle", a person operating a low-speed  
17 electric bicycle on a highway is subject to the provisions  
18 of Code chapter 321 applicable to a rider of a bicycle on a  
19 highway and has all the rights and duties under Code chapter  
20 321 applicable to a rider of a bicycle. Under Code section  
21 321.234, a person riding a bicycle on a highway is subject  
22 to the provisions of Code chapter 321 and has all the rights  
23 and duties applicable to a driver of a vehicle, except those  
24 provisions which by their nature can have no application. Code  
25 section 321.234 prohibits a person from using a bicycle on a  
26 highway to carry more persons at one time than the number of  
27 persons for which the bicycle is designed and equipped. Code  
28 section 321.281 prohibits a person operating a motor vehicle  
29 from steering the motor vehicle unreasonably close to or toward  
30 a person riding a bicycle on a highway, including the roadway  
31 or the shoulder adjacent to the roadway, and prohibits a person  
32 from knowingly projecting any object or substance at or against  
33 a person riding a bicycle on a highway. Code section 321.397  
34 requires bicycles to at certain times be equipped with a lamp  
35 on the front exhibiting a white light and a lamp on the rear

1 exhibiting a red light, except that a red reflector may be used  
2 in lieu of a rear light. Code section 321.434 prohibits a  
3 bicycle from being equipped with, and a person from using upon  
4 a bicycle, any siren or whistle.

5 By operation of law, a local authority is authorized to  
6 regulate low-speed electric bicycles under Code section  
7 321.236(10).

8 Beginning January 1, 2021, the bill requires manufacturers  
9 and distributors of low-speed electric bicycles to apply a  
10 label to each low-speed electric bicycle identifying the  
11 class of the bicycle, the bicycle's top assisted speed, and  
12 the bicycle's motor wattage. The bill further prohibits a  
13 person from modifying the speed capability or engagement of a  
14 low-speed electric bicycle such that the low-speed electric  
15 bicycle does not qualify for a class as provided for in the  
16 bill. A person who has modified the speed capability or  
17 engagement of a low-speed electric bicycle must affix a new  
18 label containing the required information as provided for in  
19 the bill to the modified low-speed electric bicycle.

20 The bill also requires that low-speed electric bicycles  
21 be manufactured in compliance with 16 C.F.R. pt. 1512 and be  
22 manufactured to operate in such a manner that when the rider  
23 stops pedaling, applies the brakes, or the electric motor is  
24 disengaged, the electric motor assist ceases to function. A  
25 violation of the label and manufacturing requirements of the  
26 bill is punishable as a fraudulent practice.

27 The bill provides that a class 3 low-speed electric bicycle  
28 shall not be operated unless it is equipped with a speedometer  
29 that displays its speed in miles per hour. The bill also  
30 prohibits persons under the age of 16 from operating a class  
31 3 low-speed electric bicycle. However, such persons may ride  
32 as a passenger on a class 3 low-speed electric bicycle. A  
33 violation of these operating provisions is punishable by a  
34 scheduled fine of \$15.

35 The bill makes a conforming change to Code section 308A.1

S.F. 2205

1 related to the establishment of recreational bikeways.