

Senate File 2354 - Introduced

SENATE FILE 2354
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SF 2205)

(COMPANION TO HF 2409 BY
COMMITTEE ON TRANSPORTATION)

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
20 a device having a saddle or seat for the use of a rider, two
21 or three wheels equipped with fully operable pedals, and an
22 electric motor of less than seven hundred fifty watts that
23 meets the requirements of one of the following 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, Code 2020, is amended
5 to read as follows:

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

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

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

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

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

26 Sec. 4. Section 321.1, subsection 90, paragraph a, Code
27 2020, is amended to read as follows:

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

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

32 1. A manufacturer or distributor of low-speed electric
33 bicycles shall apply a label that is permanently affixed
34 in a prominent location to each of the manufacturer's or
35 distributor's low-speed electric bicycles. The label shall

1 contain all of the following information printed in arial font
2 with a font size not less than nine point type:

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

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

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

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

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

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

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

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

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

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

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

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

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

13 Sec. 6. Section 322D.1, subsection 8, Code 2020, is amended
14 to read as follows:

15 8. "Motorcycle" means a motor vehicle as defined in section
16 321.1 other than an all-terrain vehicle, which has a saddle
17 or seat for the use of a rider and that is designed to travel
18 on not more than two wheels in contact with the ground, but
19 excluding a motorized bicycle, a low-speed electric bicycle, or
20 auticycle as defined in [section 321.1](#).

21 Sec. 7. Section 805.8A, subsection 9A, Code 2020, is amended
22 to read as follows:

23 9A. ~~Electric personal assistive mobility device~~
24 ~~violations.~~ For electric device violations under ~~section~~
25 ~~321.235A~~ the following sections, the scheduled fine ~~is fifteen~~
26 ~~dollars.~~ is as follows:

27 a. Section 321.235A.....\$15

28 b. Section 321.235B.....\$15

29 Sec. 8. APPLICABILITY. Section 321.235B, subsections 1 and
30 2, as enacted in this Act, apply to low-speed electric bicycles
31 manufactured or distributed on or after January 1, 2021.

32 Sec. 9. APPLICABILITY. Section 321.235B, subsections 3 and
33 4, as enacted in this Act, apply to low-speed electric bicycles
34 manufactured or distributed on or after the effective date of
35 this Act.

1

EXPLANATION

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The inclusion of this explanation does not constitute agreement with
the explanation's substance by the members of the general assembly.

3

4 Under current law, the definition of "bicycle" includes
5 a device with fully operable pedals and an electric motor of
6 less than 750 watts with a maximum speed of less than 20 miles
7 per hour when powered solely by the electric motor. This bill
8 strikes that provision and includes low-speed electric bicycles
9 within the definition of "bicycle". The bill defines the term
10 "low-speed electric bicycle", including three defined classes.
11 The bill excludes low-speed electric bicycles from the
12 definitions of "vehicle", "motorcycle", and "motorized bicycle"
13 under Code section 321.1, thereby making the provisions of Code
14 chapter 321 (motor vehicles and law of the road) relating to
15 vehicles, motor vehicles, automobiles, cars, motorcycles, and
16 motorized bicycles inapplicable to low-speed electric bicycles.
17 The bill also excludes low-speed electric bicycles from the
18 definition of "motorcycle" under Code section 322D.1.

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

1 person riding a bicycle on a highway. Code section 321.397
2 requires bicycles to at certain times be equipped with a lamp
3 on the front exhibiting a white light and a lamp on the rear
4 exhibiting a red light, except that a red reflector may be used
5 in lieu of a rear light. Code section 321.434 prohibits a
6 bicycle from being equipped with, and a person from using upon
7 a bicycle, any siren or whistle.

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

11 The bill provides that except for provisions of the Code
12 made specifically applicable to low-speed electric bicycles
13 in the bill, low-speed electric bicycles are not subject to
14 the provisions of the Code applicable to vehicles, including
15 provisions relating to licensure, registration, titling,
16 inspection, proof of financial liability coverage, and
17 possession of a driver's license or permit.

18 The bill provides that a person may operate a low-speed
19 electric bicycle any place where a bicycle is allowed to
20 operate, including but not limited to streets, highways,
21 roadways, shoulders, bicycle lanes, bikeways, and bicycle or
22 multi-use paths.

23 Beginning January 1, 2021, the bill requires manufacturers
24 and distributors of low-speed electric bicycles to apply a
25 label to each low-speed electric bicycle identifying the
26 class of the bicycle, the bicycle's top assisted speed, and
27 the bicycle's motor wattage. The bill further prohibits a
28 person from modifying the speed capability or engagement of a
29 low-speed electric bicycle such that the low-speed electric
30 bicycle does not qualify for a class as provided for in the
31 bill. A person who has modified the speed capability or
32 engagement of a low-speed electric bicycle must affix a new
33 label containing the required information as provided for in
34 the bill to the modified low-speed electric bicycle.

35 The bill also requires that low-speed electric bicycles

1 be manufactured in compliance with 16 C.F.R. pt. 1512 and be
2 manufactured to operate in such a manner that when the rider
3 stops pedaling, applies the brakes, or the electric motor is
4 disengaged, the electric motor assist ceases to function.

5 The bill provides that a class 3 low-speed electric bicycle
6 shall not be operated unless it is equipped with a speedometer
7 that displays its speed in miles per hour. The bill also
8 prohibits persons under the age of 16 from operating a class 3
9 low-speed electric bicycle. However, such persons may ride as
10 a passenger on a class 3 low-speed electric bicycle.

11 A violation of the bill is punishable by a scheduled fine of
12 \$15.

13 The bill makes a conforming change to Code section 308A.1
14 related to the establishment of recreational bikeways.