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CS/CS/HB 971

2020 Legislature

51 vehicle used off the roads or highways of this state that has a
52 seat or saddle for the use of the rider and is designed to
53 travel with not more than two wheels in contact with the ground,
54 but excludes a tractor, an electric bicycle, or a moped.

55 Section 2. Present subsections (22) through (104) of
56 section 316.003, Florida Statutes, are redesignated as
57 subsections (23) through (105), respectively, a new subsection
58 (22) is added to that section, and subsection (4) and present
59 subsections (41), (43), (44), (45), and (61) of that section are
60 amended, to read:

61 316.003 Definitions.—The following words and phrases, when
62 used in this chapter, shall have the meanings respectively
63 ascribed to them in this section, except where the context
64 otherwise requires:

65 (4) BICYCLE.—Every vehicle propelled solely by human
66 power, ~~and every motorized bicycle propelled by a combination of~~
67 ~~human power and an electric helper motor capable of propelling~~
68 ~~the vehicle at a speed of not more than 20 miles per hour on~~
69 ~~level ground upon which any person may ride,~~ having two tandem
70 wheels, and including any device generally recognized as a
71 bicycle though equipped with two front or two rear wheels. The
72 term does not include ~~such a vehicle with a seat height of no~~
73 ~~more than 25 inches from the ground when the seat is adjusted to~~
74 ~~its highest position or~~ a scooter or similar device. ~~A person~~
75 ~~under the age of 16 may not operate or ride upon a motorized~~

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76 ~~bicycle.~~

77 (22) ELECTRIC BICYCLE.—A bicycle or tricycle equipped with
78 fully operable pedals, a seat or saddle for the use of the
79 rider, and an electric motor of less than 750 watts which meets
80 the requirements of one of the following three classifications:

81 (a) "Class 1 electric bicycle" means an electric bicycle
82 equipped with a motor that provides assistance only when the
83 rider is pedaling and that ceases to provide assistance when the
84 electric bicycle reaches the speed of 20 miles per hour.

85 (b) "Class 2 electric bicycle" means an electric bicycle
86 equipped with a motor that may be used exclusively to propel the
87 electric bicycle and that ceases to provide assistance when the
88 electric bicycle reaches the speed of 20 miles per hour.

89 (c) "Class 3 electric bicycle" means an electric bicycle
90 equipped with a motor that provides assistance only when the
91 rider is pedaling and that ceases to provide assistance when the
92 electric bicycle reaches the speed of 28 miles per hour.

93 (42)(41) MOPED.—Any vehicle with pedals to permit
94 propulsion by human power, having a seat or saddle for the use
95 of the rider and designed to travel on not more than three
96 wheels, with a motor rated not in excess of 2 brake horsepower
97 and not capable of propelling the vehicle at a speed greater
98 than 30 miles per hour on level ground and with a power-drive
99 system that functions directly or automatically without
100 clutching or shifting gears by the operator after the drive

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~~nationally recognized standards for bicycle helmets adopted by the department may continue to be worn by a bicycle rider or passenger until January 1, 2016.~~ As used in this subsection, the term "passenger" includes a child who is riding in a trailer or semitrailer attached to a bicycle.

Section 8. Section 316.20655, Florida Statutes, is created to read:

316.20655 Electric bicycle regulations.—

(1) Except as otherwise provided in this section, an electric bicycle or an operator of an electric bicycle shall be afforded all the rights and privileges, and be subject to all of the duties, of a bicycle or the operator of a bicycle, including s. 316.2065. An electric bicycle is a vehicle to the same extent as a bicycle. However, this section may not be construed to prevent a local government, through the exercise of its powers under s. 316.008, from adopting an ordinance governing the operation of electric bicycles on streets, highways, sidewalks, and sidewalk areas under the local government's jurisdiction or to prevent a municipality, county, or agency of the state having jurisdiction over a bicycle path, multiuse path, or trail network from restricting or prohibiting the operation of an electric bicycle on a bicycle path, multiuse path, or trail network.

(2) An electric bicycle or an operator of an electric bicycle is not subject to the provisions of law relating to

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226 financial responsibility, driver or motor vehicle licenses,
227 vehicle registration, title certificates, off-highway
228 motorcycles, or off-highway vehicles.

229 (3) Beginning January 1, 2021, manufacturers and
230 distributors of electric bicycles shall apply a label that is
231 permanently affixed in a prominent location to each electric
232 bicycle. The label must contain the classification number, top
233 assisted speed, and motor wattage of the electric bicycle.

234 (4) A person may not tamper with or modify an electric
235 bicycle so as to change the motor-powered speed capability or
236 engagement of an electric bicycle, unless the label indicating
237 the classification number required in subsection (3) is replaced
238 after such modification.

239 (5) An electric bicycle must comply with the equipment and
240 manufacturing requirements for bicycles adopted by the United
241 States Consumer Product Safety Commission under 16 C.F.R. part
242 1512.

243 (6) An electric bicycle must operate in a manner so that
244 the electric motor is disengaged or ceases to function when the
245 rider stops pedaling or when the brakes are applied.

246 (7) An operator may ride an electric bicycle where
247 bicycles are allowed, including, but not limited to, streets,
248 highways, roadways, shoulders, bicycle lanes, and bicycle or
249 multiuse paths.

250 Section 9. Paragraph (e) of subsection (2) of section