

Electric Bicycle and Scooter Law in the USA

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Levels

- Federal
- State
- County
- City

Each level can be more restrictive than the one above, if the lawmakers wish.

Federal Law on Conventional Bicycles (Human Power)

- Federal law is concerned with the definition of a vehicle, and equipment requirements for safety.
- Bicycles are not governed by the United States Department of Transportation.
- Bicycles are regulated by the Consumer Product Safety Commission. (CPSC)

Electric Bicycles Are Not Specifically Defined by Federal Law.

- Electric Bicycles have an ambiguous position—and this is dangerous to manufacturers and distributors.
- HR 747 promises to address this problem.

Current Situation

- NHTSA (the relevant agency of the department of transportation) has chosen to regard an electric bicycle that must be pedaled for the motor to operate as being a vehicle where the majority of the power is provided by the human operator, and thus the vehicle is not a motor vehicle.

Non Conforming Mopeds

- If an electric bicycle can be operated without pedaling—NHTSA regards this vehicle as a moped—and subject to the requirements of such vehicles.
- This means that many electric bikes in the USA are actually “non-conforming mopeds” or mopeds that lack required safety equipment.

Consequences

- A vehicle that does not conform to the law may be forbidden entry into the USA by US customs.
- A non-conforming vehicle is not allowed to use the roadways.
- Any injury involving a non-conforming vehicle will result in an expensive lawsuit.
- Substantial fines are possible for the sellers of such vehicles.

State Law

- States concern themselves with how the vehicle is used, registration of the vehicle, vehicle licensing and operator licensing.
- The 50 states have at least 47 different ways of regulating these issues for electric bikes and scooters.

Local Law

- County and city law can vary widely.
- These laws must conform to federal and state laws, but may further restrict the use of a vehicle in such matters as where they can be used, speed limits, etc.

HR 727

- HR 727 is a house bill that defines an electric bicycle as having a motor of less than 750 watts, an unassisted speed of less than 20 mph, and functional pedals.
- HR 727 moves electric bikes into the governance of the CPSC and gives them the same status as a normal bicycle.

Passed March 6

- 727 passed the house on March 6, and now needs to pass the Senate and be signed by President Bush.
- Once this happens, electric bicycles will have a clear definition.

Scooter Laws

- Stand up light scooters “slip through the cracks” of most vehicular laws.
- They are not fast enough, powerful enough, heavy enough to be regarded as vehicles.
- When they have a seat, they become a motor vehicle.

Stand Up Scooters

- Only California has a specific set of regulations for these scooters.
- Some local places (including New Jersey) have banned electric scooters—but usually as a result of confusing them with gasoline powered light scooters.

Sit Down Scooters

- Motorized scooters with a seat (including electric wheelchairs) are technically non-conforming motor vehicles.
- They should not be ridden on the roadways.
- Use on private property or indoors is OK.

Future Laws

- If 727 becomes law, electric bicycles have a broad definition that the industry can work with.
- Electric scooters need such national definition.
- The trade group Electric Cycle Association is addressing this need.

Product Liability

- Bikes and scooters need to be designed and constructed so that they are safe to use.
- Warning labels are needed on the box and the vehicle.
- An appropriate owner's manual is needed with warnings.