

HOUSE BILL No. 2263

By Committee on Transportation

1-28

1 AN ACT concerning electric-assisted bicycles; relating to the regulation
2 and approved use thereof; providing for use of certain sizes of motors;
3 amending K.S.A. 8-1437, 8-1439a, 8-1489 and 8-1592b and K.S.A.
4 2020 Supp. 8-126, 8-128, 8-1402a, 8-1438, 8-1498, 8-2401 and 32-701
5 and repealing the existing sections.
6

7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. K.S.A. 2020 Supp. 8-126 is hereby amended to read as
9 follows: 8-126. The following words and phrases when used in this act
10 shall have the meanings respectively ascribed to them herein:

11 (a) "All-terrain vehicle" means any motorized nonhighway vehicle,
12 *other than an electric-assisted bicycle, that is 50 inches or less in width,*
13 *having a dry weight of 1,500 pounds or less, traveling on three or more*
14 *nonhighway tires.*

15 (b) "Autocycle" means a three-wheel motorcycle that has a steering
16 wheel and seating that does not require the operator to straddle or sit
17 astride it.

18 (c) "Commission" or "state highway commission" means the director
19 of vehicles of the department of revenue.

20 (d) "Contractor" means a person, partnership, corporation, local
21 government, county government, county treasurer or other state agency
22 that has contracted with the department to provide services associated with
23 vehicle functions.

24 (e) "Department" or "motor vehicle department" or "vehicle
25 department" means the division of vehicles of the department of revenue,
26 acting directly or through its duly authorized officers and agents. When
27 acting on behalf of the department of revenue pursuant to this act, a county
28 treasurer shall be deemed to be an agent of the state of Kansas.

29 (f) "Division" means the division of vehicles of the department of
30 revenue.

31 (g) *"Electric-assisted bicycle" means the same as defined in K.S.A. 8-*
32 *1489, and amendments thereto.*

33 (h) "Electric-assisted scooter" means every self-propelled vehicle,
34 *other than an electric-assisted bicycle, that has at least two wheels in*
35 *contact with the ground, an electric motor, handlebars, a brake and a deck*
36 *that is designed to be stood upon when riding.*

1 (4) a certificate of title; or (5) a license plate. An electric-assisted bicycle
2 shall not be considered a motor vehicle.

3 (c) On and after January 1, 2022, manufacturers and distributors of
4 electric-assisted bicycles shall apply a label that is permanently affixed, in
5 a prominent location, to each electric-assisted bicycle. The label shall
6 contain the classification number, top assisted speed and motor wattage of
7 the electric-assisted bicycle and shall be printed in Arial font in at least
8 nine-point type.

9 (d) A person shall not tamper with or modify an electric-assisted
10 bicycle in a manner that changes the motor-powered speed capability or
11 engagement of an electric-assisted bicycle, unless the label indicating the
12 classification required in subsection (c) is replaced after modification.

13 (e) An electric-assisted bicycle shall comply with the equipment and
14 manufacturing requirements adopted by the United States consumer
15 product safety commission, 16 C.F.R. part 1512.

16 (f) An electric-assisted bicycle shall operate in a manner so that the
17 electric motor is disengaged or ceases to function when the rider stops
18 pedaling or when the brakes are applied.

19 (g) (1) An electric-assisted bicycle may be ridden in places where
20 bicycles are allowed, including, but not limited to, streets, highways,
21 roadways, bicycle lanes ~~and bicycle or multi-use paths,~~

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, trails or trail networks

22 ~~(2) Following notice and a public hearing, a local authority or state~~
23 ~~agency having jurisdiction over a bicycle or multi-use path may prohibit~~
24 ~~the operation of a class 1 electric assisted bicycle or class 2 electric-~~
25 ~~assisted bicycle on that path, if it finds that such a restriction is needed to~~
26 ~~protect public safety or comply with other laws or legal obligations.~~

27 ~~(3) A local authority or state agency having jurisdiction over a~~
28 ~~bicycle or multi use path may prohibit the operation of a class 3 electric-~~
29 ~~assisted bicycle on that path.~~

30 ~~(4) This subsection shall not apply to a trail that is specifically~~
31 ~~designated as nonmotorized and that has a natural surface tread that is~~
32 ~~made by clearing and grading the native soil with no added surfacing~~
33 ~~materials. A local authority or state agency having jurisdiction over a trail~~
34 ~~described in this subsection may regulate the use of an electric-assisted~~
35 ~~bicycle on such trail.~~

36 (h) No person under 16 years of age may operate a class 3 electric-
37 assisted bicycle. A person under 16 years of age may ride as a passenger
38 on a class 3 electric-assisted bicycle that is designed to accommodate
39 passengers.

40 (i) All class 3 electric-assisted bicycles shall be equipped with a
41 speedometer that displays the speed the bicycle is traveling in miles per
42 hour.

This subsection shall not be construed to prevent a city, through the exercise of its home rule powers, from adopting an ordinance governing the operation of electric-assisted bicycles on streets, highways, roadways, sidewalks or sidewalk areas under the city's jurisdiction, or to prevent a municipality, county or agency of the state having jurisdiction over a bicycle or multi-use path, trail or trail network from restricting or prohibiting the operation of an electric-assisted bicycle or a specific class of electric-assisted bicycle on a bicycle or multi-use path, trail or trail network.

Subsection (g)(1)

43 Sec. 10. K.S.A. 2020 Supp. 8-2401 is hereby amended to read as