

AN ACT AUTHORIZING THE TOWN OF PLYMOUTH TO REGULATE USE AND ACCESS OF EBIKES WITHIN THE TOWN

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

Section 1. Notwithstanding any general or special law to the contrary, the Town of Plymouth shall be authorized to regulate the use and operation of electric bicycles within the Town of Plymouth, including but not limited to Section 2 below, provided however that the Town of Plymouth shall comply with the Americans with Disabilities Act and Chapter 151B of the Massachusetts General Laws.

For the purposes of this Special Act, electric bicycles shall be defined and classified as follows:

Electric bicycle - a bicycle or tricycle equipped with fully operable pedals and an electric motor of 750 watts or less that meets the requirements of a Class 1 electric bicycle or a class 2 electric bicycle as defined in M.G.L. c.90 §1.

Class 1 electric bicycle - is an electric bicycle or tricycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour as defined in M.G.L. c.90 §1.

Class 2 electric bicycle - an electric bicycle or tricycle equipped with a motor that may be used exclusively to propel the bicycle and that is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour as defined in M.G.L. c.90 §1.

Class 3 electric bicycle- an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour

This definition shall not include electric scooters which are already regulated pursuant to M.G.L. Chapter 90 §1E.

Section 2. To operate an electric bicycle in the Town of Plymouth, the following rules must be followed:

- (a) No person shall operate an electric bicycle unless it has been registered with the Plymouth Police Department. A registration number shall be displayed on the electric bicycle. by means of a decal or sticker that is clearly visible and not obstructed. The registration number displayed shall be not less than 3 inches in height and not less than ½ inch in width and shall be in a color that is in marked and distinct contrast to the background to which the number is applied. The registration number shall be maintained in a legible condition at all times.
- (b) Application for registration of an electric bicycle shall be made by the owner to the Plymouth Police Department on such forms as the department shall prescribe and shall state the name and address of the owner of the electric bicycle. No person shall knowingly make a false statement in an application for registration of an electric bicycle.

- (c) The fee for initial registration of an electric bicycle and for each renewal thereof, other than electric bicycles for which application is made by a manufacturer or dealer as hereinafter provided, shall be determined annually by the Select Board.
- (d) No one under the age of 16 ½ shall be permitted to operate an electric bicycle in the Town of Plymouth. An operator of an electric bicycle must be either of the following:
 - (i) 18 years of age OR
 - (ii) *at least* 16 ½ years of age or older *and* possess a valid license
- (e) Electric bicycles shall only be permitted to be operated on public and private roads, in parking lots and in designated bike lanes. Electric bicycles are prohibited from bike paths, paved trails, natural surface trails, sidewalks and beaches.
- (f) All electric bicycle riders and passengers wear a helmet at all times. Such helmet shall fit the person's head and be secured by straps at all times while operating the electric bicycle.
- (g) When the operator of an electric bicycle is within ten feet of a pedestrian or other cyclist, the electric bicycle rider shall reduce speed and pass with caution and not in excess of 5 m.p.h. more than the pedestrian.
- (h) Before overtaking a pedestrian or cyclist from behind, the operator of an electric bicycle shall signal their presence by voice, bell, or bike horn to alert the pedestrian or cyclist.

Section 3. In addition to any other enforcement or penalty allowed under state law or Town bylaw, including but not limited to impoundment of the electric bicycle, a violation of this Act may be enforced by any police officer, via noncriminal disposition, in accordance with M.G.L. c.40, section 21D and shall be punishable by a fine of \$100 for a first offense, \$200 for a second offense, and \$300 for a third or subsequent offense.

Section 4.

- (a) Whoever operates an electric bicycle recklessly or negligently so that the lives or safety of the public might be endangered shall be punished by a fine of not less than \$250 nor more than \$1,000.
- (b) Whoever operates an electric bicycle and, without stopping and making known their name, address and the registration number of their an electric bicycle, leaves the scene after knowingly colliding with or otherwise causing injury to another electric bicycle or property shall be punished by a fine of not less than \$250 nor more than \$1,000; provided, however, that the damage to property shall be greater than \$500.
- (c) Whoever operates an electric bicycle and, without stopping and making known their name, address and the registration number of their electric bicycle, leaves the scene after knowingly colliding with or otherwise causing bodily injury to another shall be punished by a fine of not less than \$500 nor more than \$1,000.
- (d) Whoever operates an electric bicycle recklessly or negligently so that the lives or safety of the public might be endangered and, by such operation, causes serious bodily injury, shall be punished by a fine of not less than \$300 nor more than \$5,000.

Section 5. The provisions of this law are severable, and if any clause, sentence, paragraph, or section of this chapter or an application thereof shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, or section adjudged invalid.

Section 6. This law shall not apply to any law enforcement officer acting in the discharge of their duties.

Section 7. This act shall take effect upon its passage.

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