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LED BULLETIN

Legal Guidance for Massachusetts Law Enforcement — September 27, 2022

Electronic Bicycles

Electronic bicycles — aka ebikes — are regulated in almost the same way as bicycles. Signed into law, Chapter 176 of the Acts of 2022 clarifies how police officers should treat ebikes.

Ebike definition.

- **90, § 1 defines an ebike.** It is: (1) a bicycle or tricycle; (2) equipped with fully operational pedals; and (3) an electric motor of 750 watts or less with a power output limit. An ebike is either:
 - **Class 1** — provides power only when the rider is pedaling, but provides no power assistance above 20 mph; or
 - **Class 2** — provides power with or without pedaling, but provides no power assistance above 20 mph.

Note: The ebike motor can only power the ebike up to 20 mph. Any speed above 20 mph is achieved by manual pedaling.

- **Not moped or scooter.** 90, § 1 specifically states that an ebike is never classified as a moped or motorized scooter.
- **No registration.** Regular bikes and ebikes do not require a registration. 85, § 11D.
- **Manufacturing, labeling, and modifying.** Under 85, § 11B^{3/4}, an ebike must comply with Consumer Product Safety Commission requirements, have a permanent label displaying the motor wattage and top assisted speed, and must *not* be modified to change speed output unless relabeled (which might result in its becoming a moped or motorized scooter under Massachusetts law).

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Ebike enforcement. 85, § 11B³/₄ requires that ebike riders abide by all the laws governing non-motorized bicycles.

- **90C citations.** This means that, just like regular cyclists, ebike riders may be issued 90C citations for equipment violations (e.g., no lights/reflectors at night) and for moving violations (e.g., red light, failure to yield when entering roadway, failure to yield for pedestrian, etc.).

On the citation, check the box for bicycle violation. The fine for any violation is \$20. See 85, § 11E. The only exception is a helmet violation, which draws no fine to encourage the rider to spend the money on buying a helmet. 85, § 11B(2)(iii).

For a detailed breakdown of bike violations that now apply to ebike riders too, see *LED's 2022 Motor Vehicle Manual, Chapter 14*.

- **Arrest for failure to ID.** Ebike riders may be arrested by officers if they fail to provide their name and address, or give false information, when officers stop them to issue a citation. 85, § 11E.¹
- **Helmet.** Helmets must be worn by ebike riders age 16 and under. 85, § 11B(2)(iii).

Ebike access.

- **No sidewalks.** Unlike regular bicyclists, ebike riders may *never* operate on sidewalks. 85, § 11B³/₄.
- **No highways.** Like bicyclists, ebike riders may not operate on limited access or express highways where signs prohibit bicycles.
- **Yes — other roads.** Like bicyclists, ebike riders may pass on the right and are not restricted to the right side of the road. Ebikes may ride no more than two abreast and must stay within a single lane.
- **Maybe — bike paths or bikeways.** Ebikes may use bike paths or bikeways. However, the authority in charge of the bike path or bikeway may adopt an ordinance or regulation that forbids use by ebikes *or* imposes a speed limit for them. 85, § 11B³/₄(c).
- **Maybe — natural trail.** Ebike riders may *not* operate on a natural surface trail designated for nonmotorized traffic. However, the authority in charge of the trail may adopt an ordinance or regulation permitting ebike use, including conditions such as a speed limit. 85, § 11B³/₄(d).

Hope this helps you on the street,

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¹ However, 85, 11E does not confer a right of arrest for the rider who fails to ID himself in relation to a helmet violation.