



Legal Update

MGL c 85 § 11B ¾: Electric Bicycles, rights, privileges, duties

In August the legislature made some changes and additions to our laws regarding electric bicycles. Definitions were added to Chapter 90 and section §11B ¾ was added to Chapter 85. The changes are described below.

New definitions in MGL c 90 § 1:

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.

Class 1 electric bicycle – 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.

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.

The definitions of “motorized bicycle,” “motorcycle,” and “motor vehicle” were also amended to specifically EXCLUDE electric bicycles from those definitions.

MGL c 85 §11B ¾: Electric Bicycles, rights, privileges, duties; regulations

This statute says that electric bicycles are, with some limited exceptions described below, the same as a bicycle under the law. The statute states that an electric bike operator is afforded all the same rights and privileges of an operator of a bicycle. This also means that an operator of an electric bicycle must adhere to all the same rules and laws as operators of bicycles.

For specific guidance on the application of these cases or any law, please consult your supervisor or your department’s legal advisor or prosecutor.

There are certain exceptions in the statute where electric bicycles are treated differently than bicycles.

1. Electric bicycles shall not be ridden or operated on sidewalks. MGL c 85 §11B ¾ (b).
2. Municipalities, local authorities or state agencies that have jurisdiction over a bike path or bikeway may adopt regulations that prohibit or otherwise regulate the use of electric bicycles on the bike path or bikeway. This includes the imposition of speed limits. MGL c 85 §11B ¾ (c).
3. Electric bicycles shall not be operated on trails designated for nonmotorized traffic that has a natural surface tread with no surfacing materials added that a municipality, local authority or state agency has jurisdiction over. The municipality, local authority or state agency can adopt ordinances or regulations permitting the use of electric bicycles on such trails. MGL 85 §11B ¾ (d).

The statute also created rules that require manufacturers or distributors of electric bicycles to affix labels to electric bicycles.

1. Manufacturers and distributors of electric bicycles shall apply a permanent label in a prominent location of each electric bicycle indicating the classification number, top assisted speed and motor wattage. MGL c 85 §11B ¾ (f). (This section becomes effective 1/1/23).
2. No person shall tamper with or modify an electric bicycle so as to change the motor-powered speed capability or engagement of an electric bicycle, unless the person appropriately replaces the label required by (f). MGL c 85 §11B ¾ (g).

For specific guidance on the application of these cases or any law, please consult your supervisor or your department's legal advisor or prosecutor.