

LEGAL SERVICES

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MEMORANDUM

February 27, 2023

SUBJECT: Electric-Assisted Bicycles
(HB 8; Work Order No. 33-LS0196\A)

TO: Representative Ashley Carrick
Attn: Stuart Relay

FROM: Margret Bergerud *Margret Bergerud*
Legislative Counsel

You asked whether municipalities may prohibit the use of electric-assisted bicycles (ebikes) on sidewalks under HB 8. The short answer is yes. AS 28.05.011(a), as amended by sec. 3 of the bill, provides that the Department of Public Safety (DPS) may not prohibit the use of ebikes on pedestrian paths. However, the section also specifically provides that this limitation does not apply to a municipal ordinance regulating ebikes enacted to meet local requirements. Page 2, lines 14 – 18 of the bill also require that, unless DPS adopts contrary regulations, an ebike must be treated as a bicycle. Therefore, a municipality may enact an ordinance prohibiting the use of ebikes on pedestrian paths in the municipality if ebikes are treated identically to bicycles. In fact, ordinances that prohibit the use of bicycles on pedestrian paths or sidewalks, or enact speed limits on bicycles in those areas, would automatically apply to ebikes upon the effective date of this bill.