

**HOUSE BILL NO. 123**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES WOOL, Kreiss-Tomkins, Drummond, Josephson

Introduced: 4/5/19

Referred: Transportation, Judiciary

**A BILL****FOR AN ACT ENTITLED**1   **"An Act relating to electric-assisted bicycles."**2   **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**3    \* **Section 1.** AS 19.10.399(9) is amended to read:4                   (9) "motor vehicle" means a vehicle that is self-propelled except a  
5       vehicle moved by human or animal power; **"motor vehicle" does not include an**  
6       **electric-assisted bicycle as defined in AS 28.90.990(a);**7    \* **Sec. 2.** AS 19.10.399(16) is amended to read:8                   (16) "vehicular way or area" means a way, path, or area, other than a  
9       highway or private property, that is designated by official traffic control devices or  
10      customary usage and that is open to the public for purposes of pedestrian or vehicular  
11      travel, and which way or area may be restricted in use to pedestrians, bicycles, or other  
12      specific types of vehicles as determined by the Department of Public Safety or other  
13      agency having jurisdiction over the way, path, or area; **in this paragraph, "bicycle"**  
14      **has the meaning given in AS 28.90.990.**15    \* **Sec. 3.** AS 28.05.011(a) is amended to read:

(a) The commissioner of public safety shall, unless otherwise provided by statute, adopt regulations in compliance with AS 44.62 (Administrative Procedure Act) necessary to carry out the provisions of this title and other statutes whose administration is vested in the Department of Public Safety. The regulations must include

(1) rules of the road relating to the driving, stopping, standing, parking, and other conduct of vehicles, to pedestrians, and to official traffic control devices; regulations adopted under this paragraph may not prohibit the use of an electric personal motor vehicle or an electric-assisted bicycle on a sidewalk, bike path, or vehicular way or area restricted to the use of pedestrians; limitations on regulation of electric personal motor vehicles or electric-assisted bicycles imposed under this paragraph do not apply to a municipal ordinance regulating electric personal motor vehicles or electric-assisted bicycles enacted to meet local requirements;

(2) minimum equipment for vehicles, including minimum standards of compliance to be met by manufacturers and vehicle sales and repairs businesses;

(3) inspection of vehicles other than commercial motor vehicles, and the removal of vehicles from areas of public use when they are found to be in a defective or unsafe condition;

(4) abandonment of vehicles;

(5) management of records of the Department of Public Safety required for that department's administration of this title and its regulations adopted under this title, including provisions for ensuring the accuracy of information contained in automated and manual information retrieval systems;

(6) definitions of words and phrases used in this title and in regulations adopted under this title unless otherwise provided by statute;

(7) certification and regulation of junk yards.

\* **Sec. 4.** AS 28.10.011 is amended to read:

**Sec. 28.10.011. Vehicles subject to registration.** Every vehicle driven, moved, or parked upon a highway or other public parking place in the state shall be registered under this chapter except when the vehicle is

(1) driven or moved on a highway only for the purpose of crossing the

highway from one private property to another, including an implement of husbandry as defined by regulation;

(2) driven or moved on a highway under a dealer's plate or temporary permit as provided for in AS 28.10.031 and 28.10.181(j);

(3) special mobile equipment as defined by regulation;

(4) owned by the United States;

(5) moved by human or animal power;

(6) exempt under 50 U.S.C. App. 501-591 (Soldiers' and Sailors' Civil Relief Act);

(7) driven or parked only on private property;

(8) the vehicle of a nonresident as provided under AS 28.10.121;

(9) transported under a special permit under AS 28.10.151;

(10) being driven or moved on a highway, vehicular way, or a public parking place in the state that is not connected by a land highway or vehicular way to

(A) the land-connected state highway system; or

(B) a highway or vehicular way with an average daily traffic volume greater than 499;

(11) an implement of husbandry operated in accordance with the provisions of AS 19.10.065;

(12) an electric personal motor vehicle;

**(13) an electric-assisted bicycle.**

\* **Sec. 5.** AS 28.90.990(a)(12) is amended to read:

(12) "electric personal motor vehicle" means an electric personal assistive mobility device that is a self-balancing vehicle with two nontandem wheels, designed to transport only one person, has an electric propulsion system, and has a maximum speed of not more than 15 miles an hour; **"electric personal motor vehicle" does not include an electric-assisted bicycle;**

\* **Sec. 6.** AS 28.90.990(a)(18) is amended to read:

(18) "motor vehicle" means a vehicle **that** [WHICH] is self-propelled, except **for** a vehicle moved by human or animal power; **"motor vehicle" does not include an electric-assisted bicycle;**

1 \* **Sec. 7.** AS 28.90.990(a)(20) is amended to read:

2 (20) "motor-driven cycle" means a motorcycle, motor scooter,  
3 motorized bicycle, or similar conveyance with a motor attached and having an engine  
4 with 50 or less cubic centimeters of displacement; **"motor-driven cycle" does not**  
5 **include an electric-assisted bicycle;**

6 \* **Sec. 8.** AS 28.90.990(a) is amended by adding new paragraphs to read:

7 (33) "bicycle" includes an electric-assisted bicycle;

8 (34) "electric-assisted bicycle" means a bicycle that

9 (A) is designed to travel with not more than three wheels in  
10 contact with the ground;

11 (B) has fully operative pedals for human propulsion; and

12 (C) is equipped with an electric motor that

13 (i) has a power output of not more than 750 watts;

14 (ii) provides assistance only when the rider is pedaling;

15 and

16 (iii) ceases to provide assistance to the rider when the  
17 bicycle reaches a speed of 28 miles per hour.

18 \* **Sec. 9.** AS 41.23 is amended by adding a new section to article 1 to read:

19 **Sec. 41.23.300. Definition.** In AS 41.23.010 - 41.23.300, "bicycle" has the  
20 meaning given in AS 28.90.990.