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## OLR Bill Analysis

### sHB 6862

#### ***AN ACT CONCERNING ELECTRIC SCOOTERS, ELECTRIC BICYCLES AND MOTOR-DRIVEN CYCLES.***

#### **SUMMARY**

This bill makes various changes related to the laws governing the manufacture, sale, and use of electric bicycles (e-bikes) and the legal classification of lower speed one-, two-, and three-wheeled vehicles.

Regarding e-bikes, among other things, the bill:

1. generally requires anyone who modifies an e-bike to change its motor-powered speed capability or motor engagement to modify the required label appropriately,
2. prohibits sellers from representing vehicles as e-bikes if they do not meet state law's definition of an e-bike and requires them to disclose the vehicle's likely legal classification to customers,
3. broadly permits class 1 e-bikes on bicycle or multi-use trails or paths, and
4. imposes penalties for several existing e-bike laws.

The bill modifies definitions applicable to lower speed one-, two-, and three-wheeled vehicles and clarifies the treatment of electric powered vehicles in these categories by:

1. replacing the definition of "electric foot scooter" with one for "electric scooter" and broadening the definition to also include certain electric scooters designed to be ridden sitting down (e.g., by increasing the scooter weight limit to 100 pounds) and
2. expanding the "motor-driven cycle" definition to include (a) motorized unicycles and (b) vehicles with an electric or hybrid

motor, if the motor has a capacity under 50 cubic centimeters (cc), has a wattage less than 3,700 watts, or produces five-brake horsepower or less.

The bill also makes numerous technical and conforming changes, principally related to the electric scooter definition (§§ 6-25).

EFFECTIVE DATE: October 1, 2025

## **§§ 1 & 2 — E-BIKE MODIFICATION AND OUT-OF-CLASS VEHICLES**

### ***E-Bike Classification***

Under existing law and unchanged by the bill, an e-bike is a bicycle that (1) has operable foot pedals and an electric motor of less than 750 watts and (2) qualifies as a class 1, class 2, or class 3 bicycle (see Table below).

**Table: E-bike Classes**

<b><i>Class</i></b>	<b><i>Motor Engagement</i></b>	<b><i>Motor Disengagement</i></b>	<b><i>Top Speed</i></b>
Class 1	Only while the rider uses the foot pedals	When the rider stops pedaling or when it hits the top speed	20 mph
Class 2	While the rider pedals or with a throttle (i.e. they may be powered exclusively by the motor)	When the brakes are applied or when it hits the top speed	20 mph
Class 3	Only while the rider uses the foot pedals	When the rider stops pedaling or when it hits the top speed	28 mph

### ***Vehicles That Are Not E-bikes Under the Law***

The bill specifies that a vehicle with an electric motor for propulsion is not considered an e-bike under the law if it (1) does not meet the definition of an e-bike as sold or offered for sale or (2) has one or multiple operating modes, a throttle, and the capability to exceed 20 mph on motor power alone in any mode when the throttle is engaged.

It also specifies that these vehicles are not e-bikes under the law if they have been configured or modified by someone (or are designed, manufactured, or intended by the manufacturer, importer, or seller to be configured or modified) to not meet existing law's e-bike definition

due to:

1. the inclusion of a mechanical switch or button;
2. a change in the software controlling the electric drive system;
3. the use of a mobile application; or
4. any other means intended by a person, manufacturer, importer, or seller to modify the vehicle, or allow it to be modified, to no longer meet the definition.

### ***Labeling***

Existing law requires manufacturers of e-bikes offered for sale in Connecticut to, among other things, (1) attach a label to each e-bike that states the bike's classification, maximum speed, and motor wattage, and (2) ensure that the motor disengages according to the specifications of its classification. The bill specifies that the label must be in at least nine-point type size.

Additionally, the bill generally requires anyone who modifies an e-bike to change its motor-powered speed capability or motor engagement to modify the label appropriately. Specifically, if the e-bike no longer meets the definition of an e-bike, the person must remove the label. If the modification changes the e-bike's classification, the person must replace the label with one that accounts for the modification and has the new applicable classification, including its maximum speed and motor wattage.

The bill imposes a penalty for violating the labeling requirements of (1) up to \$100 for a first offense and (2) \$100 to \$300 for a subsequent offense.

### ***Prohibition on Misrepresentation and Required Disclosures***

The bill prohibits sellers of vehicles that have an electric motor but are not considered an "e-bike" under the law (see above) from (1) selling them as e-bikes or (2) offering them for sale if they are labeled as class 1, class 2, or class 3 e-bikes.

The bill also requires sellers of these vehicles who describe them as an “electric bicycle,” “electric bike,” “e-bike,” or other similar term, before the time of sale, to provide consumers with a clear and conspicuous written statement:

1. disclosing the name or classification of the vehicle under state law, or the most likely classification after an intended or anticipated modification described above (see § 2(a)(3)), and
2. stating that (a) the vehicle does not meet the law’s definition of “e-bike,” (b) it is subject to applicable motor vehicle laws if used on public roads or lands, and (c) insurance policies may not cover crashes involving the vehicle and owners should contact their insurance company to determine coverage.

Under the bill, sellers must also include this information in any digital or print advertisements for these vehicles (e.g., social media, e-mail, newspapers, magazines, brochures, and posters).

The bill makes it an unfair or deceptive trade practice under the Connecticut Unfair Trade Practices Act (CUTPA, see BACKGROUND) for sellers of vehicles that have an electric motor but are not considered e-bikes to violate the bill’s provisions prohibiting misrepresenting vehicles as e-bikes and requiring various disclosures.

## **§§ 1 & 3 — CHANGES TO EXISTING E-BIKE LAWS**

### ***E-bikes on Trails***

The bill broadly permits the use of class 1 e-bikes on bicycle or multi-use trails or paths. While e-bikes may generally be ridden wherever regular bicycles are allowed, current law prohibits the use of both class 1 and 2 e-bikes on bicycle and certain multi-use trails or paths, except where permitted by local ordinance. This includes multi-use trails and paths designated for non-motorized traffic and with a natural surface tread made by clearing and grading the soil and without added surfacing materials. Existing law, unchanged by the bill, prohibits class 3 e-bikes from all bicycle and multi-use trails or paths.

***Penalties for E-bike Law Violations***

The bill imposes a specific penalty for the following e-bike laws by making violations infractions (see BACKGROUND): (1) riding e-bikes where prohibited, including on trails and paths under certain circumstances (as described above); (2) riding a class 3 e-bike under age 16; and (3) riding an e-bike, including as a passenger, without a helmet meeting the law's requirements.

Under current law, there is no specific penalty for violating these provisions, but riders or passengers may be subject to the general penalty for vehicle highway use violations that are not designated an infraction or do not have a specified penalty (i.e. a fine of up to \$50, CGS § 14-296). By making these violations infractions, the bill treats e-bike law violations the same as bicycle and other traffic violations.

***Manufacturer Penalties***

The bill also imposes a penalty on e-bike manufacturers of up to \$100 for a first offense, and \$100 to \$300 for a subsequent offense, for failing to (1) ensure e-bikes they offer for sale in Connecticut comply with applicable federal requirements for bicycles and e-bikes, (2) equip these class 3 e-bikes with a speedometer, and (3) ensure that e-bike motors disengage according to the specifications of their classification. Current law does not specify a penalty for these violations.

**§§ 4 & 5 — ONE-, TWO-, AND THREE-WHEELED VEHICLE CLASSIFICATIONS*****Motor-Driven Cycle Definition***

Under current law, a “motor-driven cycle” is any of the following with a seat at least 26 inches high and a motor displacing less than 50 cubic centimeters (cc): a (1) motorcycle; (2) motor scooter; or (3) bicycle with attached motor, except electric bicycles. Because cc is a measurement of cylinder volume in an internal combustion engine, this definition only explicitly captures gas-powered vehicles. So, it is unclear under current law whether a similar electric-powered vehicle would be considered a motor-driven cycle or a motorcycle.

The bill expands this definition to include vehicles with gasoline,

electric, or hybrid motors that have a capacity of less than 50cc, have a wattage of 3,700 watts or less, or produce five brake horsepower or less, as applicable. It also (1) excludes electric scooters (see below) from the motor-driven cycle definition and (2) incorporates into this definition one-wheeled vehicles “with a floorboard that can be stood upon while riding or with foot rests for the operator” (i.e. motorized unicycles). (These vehicles are not subject to the motor-related or minimum seat height requirements.)

As under existing law, street-legal two- or three-wheeled vehicles that exceed these engine capacities are generally considered motorcycles. Unlike motorcycles, motor-driven cycles do not need to be registered and riders do not need a motorcycle endorsement.

#### ***Modification of Electric Foot Scooter Definition***

The bill replaces the definition of “electric foot scooter” with one for “electric scooter” and broadens the definition to also include certain electric scooters designed to be ridden while sitting down. In doing so, it treats certain low-powered, seated electric scooters in the same way that electric foot scooters are treated under the law.

Under current law, an electric foot scooter is a device that (1) weighs up to 75 pounds; (2) has two or three wheels, handlebars, and a floorboard that a rider can stand on; (3) is powered by an electric motor and human power; and (4) has a maximum speed of 20 mph on a paved level surface, with or without human propulsion. The bill renames these devices “electric scooters” and (1) increases their maximum weight to 100 pounds, (2) eliminates the floorboard requirement and instead requires they be designed to be ridden in either an upright or seated position, and (3) excludes e-bikes and one-wheeled vehicles from the definition.

### **BACKGROUND**

#### ***Connecticut Unfair Trade Practices Act (CUTPA)***

By law, CUTPA prohibits businesses from engaging in unfair and deceptive acts or practices. It allows the consumer protection commissioner, under specified procedures, to issue regulations defining

an unfair trade practice, investigate complaints, issue cease and desist orders, order restitution in cases involving less than \$10,000, impose civil penalties of up to \$5,000, enter into consent agreements, ask the attorney general to seek injunctive relief, and accept voluntary statements of compliance. It also allows individuals to sue. Courts may issue restraining orders; award actual and punitive damages, costs, and reasonable attorney's fees; and impose civil penalties of up to \$5,000 for willful violations and up to \$25,000 for a restraining order violation.

***Infractions***

Infractions are punishable by fines, usually set by Superior Court judges, of between \$35 and \$90, plus a \$20 or \$35 surcharge and an additional fee based on the fine's amount. There may also be other applicable charges depending on the type of infraction. For example, certain motor vehicle infractions trigger a Special Transportation Fund surcharge of 50% of the fine. An infraction is not a crime and violators can generally pay the fine by mail without making a court appearance.

**COMMITTEE ACTION**

Transportation Committee

Joint Favorable Substitute

Yea    34    Nay   0    (03/19/2025)