§2063. Bicycles, roller skis, toy vehicles and scooters

1. Definitions. For the purpose of this section, "bicycle" includes a motorized bicycle, a motorized tricycle, a motorized scooter and an electric bicycle.
[PL 2019, c. 349, §6 (AMD).]

2. Riding to the right. A person operating a bicycle or roller skis upon a roadway at a speed less than the normal speed of traffic moving in the same direction at that time and place shall operate on the right portion of the way as far as practicable except when it is unsafe to do so as determined by the bicyclist or roller skier or:

A. When overtaking and passing another roller skier, bicycle or other vehicle proceeding in the same direction; [PL 2009, c. 484, §5 (AMD).]

B. When preparing for or making a left turn at an intersection or into a private road or driveway; [PL 2007, c. 400, §3 (NEW).]

C. When proceeding straight in a place where right turns are permitted; and [PL 2007, c. 400, §3 (NEW).]

D. When necessary to avoid hazardous conditions, including, but not limited to, fixed or moving objects, vehicles, bicycles, roller skiers, pedestrians, animals, broken pavement, glass, sand, puddles, ice, surface hazards or opening doors from parallel-parked vehicles, or a lane of substandard width that makes it unsafe to continue along the right portion of the way. For purposes of this paragraph, "lane of substandard width" means a lane that is too narrow for a bicycle or roller skier and a vehicle to travel safely side by side in the lane. [PL 2009, c. 484, §5 (AMD).]

This subsection does not apply in a municipality that, by ordinance approved by the Department of Public Safety and the Department of Transportation, makes other provisions regarding the operating location of a bicycle or roller skier on a roadway.
[PL 2013, c. 241, §4 (AMD).]

2-A. Bicycle or roller skier traveling on shoulder. Notwithstanding subsection 2, a person operating a bicycle or roller skis may travel on paved shoulders.
[PL 2009, c. 484, §5 (AMD).]

3. Seating. A person operating a bicycle may not ride other than upon or astride a regular and permanently attached seat.
[PL 2007, c. 400, §4 (AMD).]

3-A. Number of persons. A bicycle may not be used to carry more persons than the number for which it is designed and equipped.
[PL 2003, c. 452, Pt. Q, §43 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

4. Hitching rides. A person riding on roller skis, a bicycle or a scooter may not attach it to a moving vehicle on a way.
[PL 2009, c. 484, §5 (AMD).]

5. Rights and duties. A person riding a bicycle or scooter or operating roller skis on a way has the rights and is subject to the duties applicable to the operator of a vehicle, except as to:

A. Special regulations; and [PL 2001, c. 667, Pt. C, §17 (RPR).]

B. Provisions in this Title that by their nature can have no application. [PL 2001, c. 667, Pt. C, §17 (RPR).]
[PL 2009, c. 484, §5 (AMD).]

6. Speed. A motorized bicycle or motorized scooter may not be operated in excess of 20 miles per hour.

[PL 2001, c. 667, Pt. C, §17 (RPR).]

7. Penalties. A person 17 years of age or over who violates subsection 2, 3, 3-A, 4, 6, 9, 10, 11, 12 or 13 commits a traffic infraction for which a fine of not less than $25 and not more than $250 may be adjudged. A person under 17 years of age is not subject to a fine under this section.
[PL 2015, c. 164, §6 (AMD).]

8. Impoundment. The chief of police of a municipality, or if there is no chief of police, the chair of the local legislative body, when satisfied that a juvenile under the age of 17 years has ridden a bicycle or scooter or has operated roller skis in violation of this section, may impound the bicycle, scooter or roller skis for a period not to exceed 5 days for the first offense, 10 days for a 2nd offense and 30 days for a subsequent offense.
[PL 2009, c. 484, §5 (AMD).]

9. Passing a school bus. A person operating a bicycle or roller skis on a way, in a parking area or on school property, on meeting or overtaking a school bus from either direction when the bus has stopped with its red lights flashing to receive or discharge passengers, shall stop the bicycle or roller skis before reaching the school bus. The person may not proceed until the school bus resumes motion or until signaled by the school bus operator to proceed.

The operator of a bicycle or roller skis on a way separated by curbing or other physical barrier need not stop on meeting or passing a school bus traveling in a lane separated by the barrier from the lane in which that person is traveling.
[PL 2009, c. 484, §5 (AMD).]

10. Duty to yield. A bicyclist, roller skier or other nonmotorized traffic must yield the right-of-way to a pedestrian crossing the way in a marked crosswalk who is proceeding in accordance with a traffic-control device as provided in section 2057 or who is proceeding without a traffic-control device in operation. For purposes of this subsection, "yield the right-of-way" means to slow or stop to avoid colliding with or causing other harm to a pedestrian.
[PL 2015, c. 164, §7 (NEW).]

11. Traffic-control devices. A person operating a bicycle or roller skis shall obey a traffic-control device, unless otherwise directed by a law enforcement officer. A traffic-control device conforming to the requirements for these devices is presumed to comply with this chapter.
[PL 2015, c. 164, §7 (NEW).]

12. Stop signs. Unless directed to proceed by a law enforcement officer or traffic-control device, a person operating a bicycle or roller skis approaching a stop sign shall stop and:

A. Yield the right-of-way to a vehicle that has entered the intersection or that is approaching so closely as to constitute an immediate hazard; and [PL 2015, c. 164, §7 (NEW).]

B. Having yielded, a person operating a bicycle or roller skis may proceed. All other operators approaching the intersection shall yield the right-of-way to the person operating a bicycle or roller skis so proceeding. [PL 2015, c. 164, §7 (NEW).]
[PL 2015, c. 164, §7 (NEW).]

13. One-way road. On a public way posted for one-way traffic, unless directed to proceed by a law enforcement officer or traffic-control device, a bicycle may be ridden only in the direction designated.
[PL 2015, c. 164, §7 (NEW).]

14. Electric bicycles. The following provisions govern electric bicycles.

A. A person operating an electric bicycle is not subject to the provisions of this Title relating to financial responsibility, driver's licenses, registration and license plate requirements. [PL 2019, c. 349, §7 (NEW).]

B. Beginning October 1, 2019, a manufacturer, distributor or seller of electric bicycles in this State shall apply a label that is permanently affixed, in a prominent location, to each electric bicycle. The label must contain the classification number, top assisted speed and motor wattage of the electric bicycle and must be printed in Arial font in at least 9-point type. [PL 2019, c. 349, §7 (NEW).]

C. A person may not tamper with or modify an electric bicycle so as to change the motor-powered speed capability or motor engagement between pedal-assist and throttle-assist types of engagement, unless the person appropriately replaces the label indicating the classification required in paragraph B.

A person may not tamper with or modify an electric bicycle in a manner that allows the motor to provide assistance above the speed of:

(1) Twenty miles per hour if the electric bicycle is being propelled exclusively by the motor; or

(2) Twenty-eight miles per hour if the motor is providing assistance only when the rider is pedaling.

If the motor on an electric bicycle is modified so that a limit established in subparagraph (1) or (2) is exceeded, that vehicle is no longer an electric bicycle. [PL 2019, c. 349, §7 (NEW).]

D. An electric bicycle must comply with the equipment and manufacturing requirements for bicycles adopted by the United States Consumer Product Safety Commission pursuant to 16 Code of Federal Regulations, Part 1512. [PL 2019, c. 349, §7 (NEW).]

E. The motor on an electric bicycle must disengage or cease to propel the electric bicycle when the brakes are applied or, if the electric bicycle is a Class 1 electric bicycle or Class 3 electric bicycle, when the operator stops pedaling. [PL 2019, c. 349, §7 (NEW).]

F. This paragraph governs the operation of electric bicycles on bicycle and multi-use paths and other bikeways as defined in section 2322, subsection 7, referred to in this paragraph as bicycle paths.

(1) A Class 1 electric bicycle or a Class 2 electric bicycle may be operated in any place where bicycles are permitted to travel, including, but not limited to, bicycle paths, except that a municipality, local authority or governing body of a public agency that has jurisdiction over a bicycle path may prohibit the operation of a Class 1 electric bicycle or Class 2 electric bicycle on that bicycle path.

(2) A Class 3 electric bicycle may not be operated on a bicycle path unless it is within a highway or roadway or the bicycle path has been authorized for the operation of Class 3 electric bicycles by the municipality, local authority or governing body of a public agency that has jurisdiction over the bicycle path.

(3) Notwithstanding subparagraphs (1) and (2), an electric bicycle may not be operated on a bicycle path designated for nonmotorized traffic if significant portions of the bicycle path have a natural surface, including gravel, stones or wooden bridging, unless authorized by the municipality, local authority or governing body of a public agency that has jurisdiction over the bicycle path. [PL 2019, c. 349, §7 (NEW).]

G. A Class 3 electric bicycle must be equipped with a speedometer that displays the speed the electric bicycle is traveling in miles per hour. [PL 2021, c. 86, §1 (AMD).]

H. This paragraph governs age restrictions for use of electric bicycles.

(1) A person under 16 years of age may not operate a Class 2 or Class 3 electric bicycle.

(2) A person under 16 years of age may be a passenger on a Class 2 or Class 3 electric bicycle only if it is designed to accommodate passengers.

(3) A person under 16 years of age who is an operator or passenger on an electric bicycle shall wear a properly fitted and fastened bicycle helmet, as defined in section 2322, subsection 2. [PL 2019, c. 349, §7 (NEW).]

I. The operator of an electric bicycle is subject to the restrictions provided under section 2112-A and 23 United States Code, Section 154. [PL 2019, c. 349, §7 (NEW).]

This subsection may not be construed to limit the authority of the owner of a private way or the owner of private property to restrict or allow the operation of electric bicycles on the owner's private way or private property.
[PL 2021, c. 86, §1 (AMD).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 371, §1 (AMD). PL 2001, c. 148, §3 (AMD). PL 2001, c. 197, §6 (AMD). PL 2001, c. 360, §9 (AMD). PL 2001, c. 667, §C17 (RPR). PL 2003, c. 452, §§Q42,43 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2005, c. 577, §29 (AMD). PL 2007, c. 400, §§2-6 (AMD). PL 2009, c. 212, §1 (AMD). PL 2009, c. 484, §5 (AMD). PL 2013, c. 241, §4 (AMD). PL 2013, c. 482, §2 (AMD). PL 2015, c. 164, §§6, 7 (AMD). PL 2019, c. 349, §§6, 7 (AMD). PL 2021, c. 86, §1 (AMD).

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