

CONFIDENTIAL
LEGISLATIVE BILL REVIEW FORM: 2016

Bill Number: H542 Name of Bill: An Act Relating to Motor-Assisted Bicycles

Agency/Dept: DPS/VSP Author of Bill Sgt John Helfant
Review: _____

Date of Bill Review: January 25, 2016 Related Bills and Key Players: Rep Maida Townsend

Status of Bill: (check one)

Upon Introduction As passed by 1st body As passed by both bodies

Recommended Position:

Support Oppose Remain Neutral Support with modifications identified in # 8 below

Analysis of Bill

1. Summary of bill and issue it addresses. Bill is designed to permit the use of motorized bicycles on public highways under the same rules as bicycles. Motorized bicycles would have a maximum speed of 20mph.
2. Is there a need for this bill? If motorized bicycles are to be used on VT highways then the bill is necessary since the laws on motorcycles do not apply and the motorized bicycle would fall under the definition of a motor vehicle. Therefore if the Legislature wants motorized bicycles to be treated as bicycles then legislation would be required.
3. What are likely to be the fiscal and programmatic implications of this bill for this Department? There are no fiscal implications or programmatic implications for this department
4. What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it? There are no fiscal or programmatic implications for other departments in state government. DMV and Law Enforcement may have issue with the lack of helmets required, the ability of suspended drivers and the ability of impaired drivers to operate a motorized bicycle because there are no laws governing these activities for bicycles.
5. What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it? There may be fiscal implications for the Auto Insurance industry in payouts for injured motorized bicyclists or pedestrians. The Insurance Industry may have issue with the lack of helmets required, the ability of suspended drivers and the ability of impaired drivers to operate a motorized bicycle because there are no laws governing these activities for bicycles.

6. Other Stakeholders:

6.1 Who else is likely to support the proposal and why?

Bicycle clubs and bicyclists in general.

AARP

Disability Groups

On January, 17, 2016 I spoke with Rep. Maida Townsend, who explained that a constituent was operating a motorized bicycle this year and was stopped by local law enforcement. LEO advised that the motorized bicycle had to be registered as well as other things. VT DMV informed the constituent that the motorized bicycle needed to be inspectable. Therefore, legislation was drafted to codify motorized bicycles as bicycles. Rep Townsend and I spoke about the impaired, suspended and helmet concerns. Rep Townsend indicated that she would look into these issues as they had not risen with other administrators in DMV or the AG's office. Townsend called me back a few days later and indicated that she would want the Bill to go through as is and then deal with new bicycle laws in a separate bill in the future.

On January 27, 2016 I spoke with Noah, owner of Bicycle Express in Northfield VT. Noah thought that the law would be beneficial to all cyclists and bring more interest to cycling. Noah also thought that the law would help alleviate commuter traffic in more metro areas.

6.2 Who else is likely to oppose the proposal and why?

Law Enforcement and Insurance Company's
General Motoring Public

7. Rationale for recommendation:

https://en.wikipedia.org/wiki/Motorized_bicycle

www.nycewheels.com/bikes.html

<http://www.iihs.org/iihs/sr/statusreport/article/48/10/2>

<http://www.wcax.com/story/29347584/vermont-doctor-killed-in-crash>

Motorized Bicycles would be considered motor vehicles, at the time the engine is running, therefore the motorized bicycle would be subject to all motor vehicle laws. Therefore if the legislature wants motorized bicycles to be considered bicycles then legislation is required to exempt them from motor vehicle law.

Serious consideration should be given to impaired and suspended driving laws as well as helmet laws for motorized bicycles. Even though they would be limited to 20mph, motorized bicycles will be in vehicular traffic and impaired or suspended operators of motorized bicycles could be a hazard to themselves or other motorists.

8. Specific modifications that would be needed to recommend support of this bill: The law would have to include language which prohibited the use of a motorized bicycles by unhelmeted, impaired or suspended drivers for law enforcement to support the bill.

9. Will this bill create a new board or commission AND/OR add or remove appointees to an existing one? If so, which one and how many? No Boards or Commissions will need to be created.

Secretary/Commissioner has reviewed this document

A handwritten signature in black ink, appearing to be "K. Dudley", written over a faint rectangular stamp.

Date: 2/4/16