

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 738

Introduced by Raybould, 28.

Read first time January 18, 2023

Committee: Transportation and Telecommunications

1 A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend
2 sections 60-601, 60-605, 60-611, 60-640, and 60-678, Reissue Revised
3 Statutes of Nebraska; to define and redefine terms; to provide for
4 the regulation of electric bicycles as prescribed; to provide a
5 penalty; to harmonize provisions; and to repeal the original
6 sections.

7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-601, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 60-601 Sections 60-601 to 60-6,383 and sections 4, 5, 6, and 7 of
4 this act shall be known and may be cited as the Nebraska Rules of the
5 Road.

6 Sec. 2. Section 60-605, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 60-605 For purposes of the Nebraska Rules of the Road, the
9 definitions found in sections 60-606 to 60-676 and sections 4, 5, 6, and
10 7 of this act shall be used.

11 Sec. 3. Section 60-611, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 60-611 Bicycle shall mean:

14 (1) Every every device propelled solely by human power, upon which
15 any person may ride, and having two tandem wheels either of which is more
16 than fourteen inches in diameter; and ~~or~~

17 (2) An electric bicycle. ~~a device with two or three wheels, fully~~
18 ~~operative pedals for propulsion by human power, and an electric motor~~
19 ~~with a capacity not exceeding seven hundred fifty watts which produces no~~
20 ~~more than one brake horsepower and is capable of propelling the bicycle~~
21 ~~at a maximum design speed of no more than twenty miles per hour on level~~
22 ~~ground.~~

23 Sec. 4. Class I electric bicycle means a device with the following
24 components:

25 (1) Two or three wheels;

26 (2) A saddle or seat for the rider;

27 (3) Fully operative pedals for propulsion by human power; and

28 (4) An electric motor:

29 (a) Not exceeding seven hundred fifty watts of power;

30 (b) That produces no more than one brake horsepower;

31 (c) Capable of propelling the bicycle at a maximum design speed of

1 no more than twenty miles per hour on level ground;

2 (d) That only provides power when the rider is pedaling; and

3 (e) That does not provide power if the electric bicycle is traveling
4 at a speed of more than twenty miles per hour.

5 Sec. 5. Class II electric bicycle means a device with the following
6 components:

7 (1) Two or three wheels;

8 (2) A saddle or seat for the rider;

9 (3) Fully operative pedals for propulsion by human power; and

10 (4) An electric motor:

11 (a) Not exceeding seven hundred fifty watts of power;

12 (b) That produces no more than one brake horsepower;

13 (c) Capable of propelling the bicycle at a maximum design speed of
14 no more than twenty miles per hour on level ground;

15 (d) Capable of providing power whether or not the rider is pedaling;

16 and

17 (e) That does not provide power if the electric bicycle is traveling
18 at a speed of more than twenty miles per hour.

19 Sec. 6. Class III electric bicycle means a device with the
20 following components:

21 (1) Two or three wheels;

22 (2) A saddle or seat for the rider;

23 (3) Fully operative pedals for propulsion by human power; and

24 (4) An electric motor:

25 (a) Not exceeding seven hundred fifty watts of power;

26 (b) That produces no more than one brake horsepower;

27 (c) Capable of propelling the bicycle at a maximum design speed of
28 no more than twenty-eight miles per hour on level ground;

29 (d) That only provides power when the rider is pedaling; and

30 (e) That does not provide power if the electric bicycle is traveling
31 at a speed of more than twenty-eight miles per hour.

1 Sec. 7. Electric bicycle means a Class I electric bicycle, a Class
2 II electric bicycle, and a Class III electric bicycle.

3 Sec. 8. Section 60-640, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 60-640 (1) Motor-driven cycle means every motorcycle, including
6 every motor scooter, with a motor which produces not to exceed five brake
7 horsepower as measured at the drive shaft, mopeds, and every bicycle with
8 a motor attached except for an electric a bicycle as described in
9 subdivision (2) of section 60-611. Motor-driven cycle shall not include
10 an electric personal assistive mobility device.

11 (2) For purposes of this section, motorcycle does not include an
12 autocycle.

13 Sec. 9. Section 60-678, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 60-678 (1) The State of Nebraska or any department, board,
16 commission, or governmental subdivision thereof is hereby authorized, in
17 its respective jurisdiction, to enact regulations permitting,
18 prohibiting, and controlling the use of motor vehicles, minibikes,
19 motorcycles, off-road recreation vehicles of any and all types, electric
20 bicycles, other powered vehicles, electric personal assistive mobility
21 devices, and vehicles which are not self-propelled. Any person who
22 operates any of such vehicles without the permission of the appropriate
23 governmental entity or in a place, time, or manner which has been
24 prohibited by such entity shall be guilty of a Class III misdemeanor.

25 (2) Such governmental entity described in subsection 1 of this
26 section may further authorize the supervising official of any area under
27 its ownership or control to permit, control, or prohibit operation of any
28 motor vehicle, minibike, motorcycle, off-road recreational vehicle of any
29 or all types, electric bicycles, other powered vehicle, electric personal
30 assistive mobility device, or vehicle which is not self-propelled on all
31 or any portion of any area under its ownership or control at any time by

1 posting or, in case of an emergency, by personal notice. Any person
2 operating any such vehicle where prohibited, where not permitted, or in a
3 manner so as to endanger the peace and safety of the public or as to harm
4 or destroy the natural features or manmade features of any such area
5 shall be guilty of a Class III misdemeanor.

6 Sec. 10. Original sections 60-601, 60-605, 60-611, 60-640, and
7 60-678, Reissue Revised Statutes of Nebraska, are repealed.