LEGISLATIVE BILL 738

Introduced by Raybould, 28.
Read first time January 18, 2023
Committee: Transportation and Telecommunications

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

Be it enacted by the people of the State of Nebraska,
Section 1. Section 60-601, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

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

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

60-611 Bicycle shall mean:

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

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

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

(1) Two or three wheels;

(2) A saddle or seat for the rider;

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

(4) An electric motor:

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

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

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

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

(e) That does not provide power if the electric bicycle is traveling

at a speed of more than twenty miles per hour.

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

(1) Two or three wheels;

(2) A saddle or seat for the rider;

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

(4) An electric motor:

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

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

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

no more than twenty miles per hour on level ground;

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

(e) That does not provide power if the electric bicycle is traveling

at a speed of more than twenty miles per hour.

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

(1) Two or three wheels;

(2) A saddle or seat for the rider;

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

(4) An electric motor:

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

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

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

no more than twenty-eight miles per hour on level ground;

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

(e) That does not provide power if the electric bicycle is traveling

at a speed of more than twenty-eight miles per hour.
Sec. 7. **Electric bicycle** means a Class I electric bicycle, a Class II electric bicycle, and a Class III electric bicycle.

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

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

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

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

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

(2) Such governmental entity described in subsection 1 of this section may further authorize the supervising official of any area under its ownership or control to permit, control, or prohibit operation of any motor vehicle, minibike, motorcycle, off-road recreational vehicle of any or all types, electric bicycles, other powered vehicle, electric personal assistive mobility device, or vehicle which is not self-propelled on all or any portion of any area under its ownership or control at any time by
posting or, in case of an emergency, by personal notice. Any person
operating any such vehicle where prohibited, where not permitted, or in a
manner so as to endanger the peace and safety of the public or as to harm
or destroy the natural features or manmade features of any such area
shall be guilty of a Class III misdemeanor.

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