

# A-Engrossed House Bill 4103

Ordered by the House February 26  
Including House Amendments dated February 26

Sponsored by Representative LEVY E; Representatives NGUYEN D, RESCHKE (Presession filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure. The statement includes a measure digest written in compliance with applicable readability standards.

**Digest: The Act modifies the definition of e-bikes and adds definitions for Class 1, Class 2 and Class 3 e-bikes. (Flesch Readability Score: 78.2).**

*[Digest: The Act states that kids under 16 years of age may ride Class 1 e-bikes. The Act also states that only those 16 years of age and older may operate Class 2 and Class 3 e-bikes. The Act creates the offense of unsafe e-bike riding. If a person violates the law, the person could face a fine of up to \$100. (Flesch Readability Score: 73.4).]*

Modifies the definition of electric assisted bicycle for purposes of the Oregon Vehicle Code. Adds definitions of Class 1, Class 2 and Class 3 electric assisted bicycles.

*[Provides that children under 16 years of age may operate Class 1 electric assisted bicycles and provides that only persons 16 years of age and older may operate Class 2 and Class 3 electric assisted bicycles.]*

*[Creates the offense of unsafe electric assisted bicycle riding. Punishes by maximum fine of \$100.]*

## A BILL FOR AN ACT

Relating to electric assisted bicycles; amending ORS 801.150, 801.258 and 807.020.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1.** ORS 801.258 is amended to read:

801.258. [*“Electric assisted bicycle” means a vehicle that:*]

*[(1) Is designed to be operated on the ground on wheels;]*

*[(2) Has a seat or saddle for use of the rider;]*

*[(3) Is designed to travel with not more than three wheels in contact with the ground;]*

*[(4) Has both fully operative pedals for human propulsion and an electric motor; and]*

*[(5) Is equipped with an electric motor that:]*

*[(a) Has a power output of not more than 1,000 watts; and]*

*[(b) Is incapable of propelling the vehicle at a speed of greater than 20 miles per hour on level ground.]*

**(1) “Class 1 electric assisted bicycle” means an electric assisted bicycle that:**

**(a) Provides assistance only when the rider is pedaling; and**

**(b) Ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.**

**(2) “Class 2 electric assisted bicycle” means an electric assisted bicycle that:**

**(a) May be propelled by its motor without a rider pedaling; and**

**(b) Ceases to provide assistance once the bicycle reaches a speed of 20 miles per hour.**

**(3) “Class 3 electric assisted bicycle” means an electric assisted bicycle that:**

**(a) Provides assistance only when the rider is pedaling;**

**(b) Ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour;**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **and**

2 (c) **Is equipped with a speedometer.**

3 (4) **“Electric assisted bicycle” means a bicycle that is equipped with an electric motor and**  
4 **that is a Class 1 electric assisted bicycle, a Class 2 electric assisted bicycle or a Class 3**  
5 **electric assisted bicycle.**

6 **SECTION 2.** ORS 801.150 is amended to read:

7 801.150. “Bicycle” means a vehicle that:

8 (1) Is designed to be operated on the ground on wheels;

9 (2) Has a seat or saddle for use of the rider;

10 (3) Is designed to travel with not more than three wheels in contact with the ground;

11 (4) Is propelled exclusively by human power; [and]

12 (5) Has every wheel more than 14 inches in diameter or two tandem wheels either of which is  
13 more than 14 inches in diameter[.]; **and**

14 **(6) Is equipped with pedals.**

15 **SECTION 3.** ORS 807.020 is amended to read:

16 807.020. A person who is granted a driving privilege by this section may exercise the driving  
17 privilege described without violation of the requirements under ORS 807.010. A grant of driving  
18 privileges to operate a motor vehicle under this section is subject to suspension and revocation the  
19 same as other driving privileges granted under the vehicle code. This section is in addition to any  
20 exemptions from the vehicle code under ORS 801.026. The following persons are granted the de-  
21 scribed driving privileges:

22 (1) A person who is not a resident of this state or who has been a resident of this state for less  
23 than 30 days may operate a motor vehicle without an Oregon license or driver permit if the person  
24 holds a current out-of-state license issued to the person. For the purpose of this subsection, a person  
25 is a resident of this state if the person meets the residency requirements described in ORS 807.062.  
26 To qualify under this subsection, the person must have the out-of-state license or driver permit in  
27 the person’s possession. A person is not granted driving privileges under this subsection:

28 (a) If the person is under the minimum age required to be eligible for driving privileges under  
29 ORS 807.060;

30 (b) During a period of suspension or revocation by this state or any other jurisdiction of driving  
31 privileges or of the right to apply for a license or driver permit issued by this state or any other  
32 jurisdiction; or

33 (c) That exceed the driving privileges granted to the person by the out-of-state license or driver  
34 permit.

35 (2) A person who is a member of the Armed Forces of the United States or a member of the  
36 commissioned corps of the National Oceanic and Atmospheric Administration may operate a motor  
37 vehicle without an Oregon license or driver permit if the person is operating a motor vehicle in the  
38 course of the person’s duties in the Armed Forces or the National Oceanic and Atmospheric Ad-  
39 ministration.

40 (3) A person without a license or driver permit may operate a road roller or road machinery  
41 that is not required to be registered under the laws of this state.

42 (4) A person without a license or driver permit may temporarily operate, draw, move or propel  
43 a farm tractor or implement of husbandry.

44 (5) A person without a license or driver permit may operate a motor vehicle to demonstrate  
45 driving ability during the course of an examination administered under ORS 807.070 for the purpose

1 of qualifying for a license or driver permit. This subsection only applies when an authorized exam-  
2 iner is in a seat beside the driver of the motor vehicle.

3 (6) Driving privileges for snowmobiles are exclusively as provided in ORS 821.150.

4 (7) Driving privileges for Class I all-terrain vehicles are exclusively as provided in ORS 821.170,  
5 unless a person is operating a Class I all-terrain vehicle on an all-terrain vehicle highway access  
6 route that is designated by the Oregon Transportation Commission as open to all-terrain vehicles.

7 (8) Driving privileges for Class III all-terrain vehicles are exclusively as provided in ORS  
8 821.172, unless a person is operating a Class III all-terrain vehicle on an all-terrain vehicle highway  
9 access route that is designated by the commission as open to all-terrain vehicles.

10 (9) Driving privileges for Class IV all-terrain vehicles are exclusively as provided in ORS  
11 821.176, unless a person is operating a Class IV all-terrain vehicle on an all-terrain vehicle highway  
12 access route that is designated by the commission as open to all-terrain vehicles.

13 (10) A person without a license or driver permit may operate a golf cart in accordance with an  
14 ordinance adopted under ORS 810.070.

15 (11) The spouse of a member of the Armed Forces of the United States on active duty or the  
16 spouse of a member of the commissioned corps of the National Oceanic and Atmospheric Adminis-  
17 tration who is accompanying the member on assignment in this state may operate a motor vehicle  
18 if the spouse has a current out-of-state license or driver permit issued to the spouse by another state  
19 in the spouse's possession.

20 (12) A person who is a member of the Armed Forces of the United States on active duty or a  
21 member of the commissioned corps of the National Oceanic and Atmospheric Administration may  
22 operate a motor vehicle if the person has a current out-of-state license or driver permit in the  
23 person's possession that is issued to the person by the person's state of domicile or by the Armed  
24 Forces of the United States in a foreign country. Driving privileges described under this subsection  
25 that are granted by the Armed Forces apply only for a period of 45 days from the time the person  
26 returns to the United States.

27 (13) A person who does not hold a motorcycle endorsement may operate a motorcycle if the  
28 person is:

29 (a) Within an enclosed cab;

30 (b) Operating a vehicle designed to travel with three wheels in contact with the ground at  
31 speeds of less than 15 miles per hour; or

32 (c) Operating an auticycle.

33 *[(14) A person may operate a bicycle that is not an electric assisted bicycle without any grant of*  
34 *driving privileges.]*

35 *[(15) A person may operate an electric assisted bicycle without a driver license or driver permit if*  
36 *the person is 16 years of age or older.]*

37 **(14) Except as provided in subsection (15) of this section, a person may operate a bicycle**  
38 **without any grant of driving privileges.**

39 **(15) A person may operate the following without any grant of driving privileges if the**  
40 **person is 16 years of age or older:**

41 **(a) A Class 1 electric assisted bicycle;**

42 **(b) A Class 2 electric assisted bicycle; or**

43 **(c) A Class 3 electric assisted bicycle.**

44 (16) A person may operate a motor assisted scooter without a driver license or driver permit if  
45 the person is 16 years of age or older.

1           (17) A person who is not a resident of this state or who has been a resident of this state for less  
2 than 30 days may operate a motor vehicle without an Oregon license or driver permit if the person  
3 is at least 15 years of age and has in the person's possession a current out-of-state equivalent of a  
4 Class C instruction driver permit issued to the person. For the purpose of this subsection, a person  
5 is a resident of this state if the person meets the residency requirements described in ORS 807.062.  
6 A person operating a motor vehicle under authority of this subsection has the same privileges and  
7 is subject to the same restrictions as a person operating under the authority of a Class C instruction  
8 driver permit issued as provided in ORS 807.280.

9           (18) A person may operate an electric personal assistive mobility device without any grant of  
10 driving privileges if the person is 16 years of age or older.

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