July 20, 2023

The Honorable Cathy Tilton
Speaker of the House
Alaska State Legislature
State Capitol, Room 208
Juneau, AK 99801-1182

Dear Speaker Tilton:

Under the authority vested in me by Article II, Section 15, of the Alaska Constitution, I have vetoed the following bill:

SCS HB 8(STA)

"An Act relating to electric-assisted bicycles; and providing for an effective date."

I vetoed this bill because it creates unnecessary bureaucracy by regulating a recreational activity.

Sincerely,

Mike Dunleavy
Governor

Enclosure
AN ACT

Relating to electric-assisted bicycles; and providing for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

THE ACT FOLLOWS ON PAGE 1
AN ACT

Relating to electric-assisted bicycles; and providing for an effective date.

*Section 1. AS 19.10.399(9) is amended to read:

(9) "motor vehicle" means a vehicle that is self-propelled, except for a vehicle moved by human or animal power; "motor vehicle" does not include an electric-assisted bicycle as defined in AS 28.90.990(a);

*Sec. 2. AS 19.10.399(16) is amended to read:

(16) "vehicular way or area" means a way, path, or area, other than a highway or private property, that is designated by official traffic control devices or customary usage and that is open to the public for purposes of pedestrian or vehicular travel, and which way or area may be restricted in use to pedestrians, bicycles, or other specific types of vehicles as determined by the Department of Public Safety or other agency having jurisdiction over the way, path, or area; in this paragraph, "bicycle" has the meaning given in AS 28.90.990(a);

*Sec. 3. AS 28.05.011(a) is amended to read:
(a) The commissioner of public safety shall, unless otherwise provided by statute, adopt regulations in compliance with AS 44.62 (Administrative Procedure Act) necessary to carry out the provisions of this title and other statutes whose administration is vested in the Department of Public Safety. The regulations must include

1. rules of the road relating to the driving, stopping, standing, parking, and other conduct of vehicles, to pedestrians, and to official traffic control devices; regulations adopted under this paragraph may not prohibit the use of an electric personal motor vehicle or an electric-assisted bicycle on a sidewalk, bike path, or vehicular way or area restricted to the use of pedestrians; limitations on regulation of electric personal motor vehicles or electric-assisted bicycles imposed under this paragraph do not apply to a municipal ordinance regulating electric personal motor vehicles, electric-assisted bicycles, or specific classes of electric-assisted bicycles enacted to meet local requirements; unless otherwise specified by regulation,

   (A) an electric-assisted bicycle is considered a bicycle and may not be regulated as another type of vehicle; and

   (B) a user of an electric-assisted bicycle shall be afforded the same rights and be subject to the same duties as a user of a bicycle;

2. minimum equipment for vehicles, including minimum standards of compliance to be met by manufacturers and vehicle sales and repairs businesses;

3. inspection of vehicles other than commercial motor vehicles, and the removal of vehicles from areas of public use when they are found to be in a defective or unsafe condition;

4. abandonment of vehicles;

5. management of records of the Department of Public Safety required for that department's administration of this title and its regulations adopted under this title, including provisions for ensuring the accuracy of information contained in automated and manual information retrieval systems;

6. definitions of words and phrases used in this title and in regulations adopted under this title unless otherwise provided by statute;

7. certification and regulation of junk yards.
Sec. 28.10.011. Vehicular subject to registration. Every vehicle driven, moved, or parked on a highway or other public parking place in the state shall be registered under this chapter except when the vehicle is

1. driven or moved on a highway only for the purpose of crossing the highway from one private property to another, including an implement of husbandry as defined by regulation;
2. driven or moved on a highway under a dealer's plate or temporary permit as provided for in AS 28.10.031 and 28.10.181(j);
3. special mobile equipment as defined by regulation;
4. owned by the United States;
5. moved by human or animal power;
6. exempt under 50 U.S.C. App. 501-591 (Soldiers' and Sailors' Civil Relief Act);
7. driven or parked only on private property;
8. the vehicle of a nonresident as provided under AS 28.10.121;
9. transported under a special permit under AS 28.10.151;
10. being driven or moved on a highway, vehicular way, or a public parking place in the state that is not connected by a land highway or vehicular way to
    A. the land-connected state highway system; or
    B. a highway or vehicular way with an average daily traffic volume greater than 499;
11. an implement of husbandry operated in accordance with the provisions of AS 19.10.065;
12. an electric personal motor vehicle;
13. an electric-assisted bicycle.

Sec. 5. AS 28.90.990(a)(12) is amended to read:

12. "electric personal motor vehicle" means an electric personal assistive mobility device that is a self-balancing vehicle with two nontandem wheels, designed to transport only one person, has an electric propulsion system, and has a maximum speed of not more than 15 miles an hour; "electric personal motor
vehicle" does not include an electric-assisted bicycle;

* Sec. 6. AS 28.90.990(a)(18) is amended to read:

(18) "motor vehicle" means a vehicle that [WHICH] is self-propelled, except for a vehicle moved by human or animal power; "motor vehicle" does not include an electric-assisted bicycle;

* Sec. 7. AS 28.90.990(a)(19) is amended to read:

(19) "motorcycle" means a vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground; "motorcycle" [THE TERM] does not include a tractor or an electric-assisted bicycle;

* Sec. 8. AS 28.90.990(a)(20) is amended to read:

(20) "motor-driven cycle" means a motorcycle, motor scooter, motorized bicycle, or similar conveyance with a motor attached and having an engine with 50 or less cubic centimeters of displacement; "motor-driven cycle" does not include an electric-assisted bicycle;

* Sec. 9. AS 28.90.990(a) is amended by adding new paragraphs to read:

(33) "bicycle" includes an electric-assisted bicycle;

(34) "class 1 electric-assisted bicycle" means a bicycle equipped with an electric motor that provides assistance only when the rider is pedaling and that stops providing assistance when the bicycle reaches the speed of 20 miles per hour;

(35) "class 2 electric-assisted bicycle" means a bicycle equipped with an electric motor that may be used exclusively to propel the bicycle and that stops providing assistance when the bicycle reaches the speed of 20 miles per hour;

(36) "class 3 electric-assisted bicycle" means a bicycle equipped with an electric motor that provides assistance only when the rider is pedaling and that stops providing assistance when the bicycle reaches the speed of 28 miles per hour;

(37) "electric-assisted bicycle" means a bicycle that (A) is designed to travel with not more than three wheels in contact with the ground; (B) has fully operative pedals for human propulsion; (C) has a seat or saddle for use of the rider;
(D) is equipped with an electric motor that has a power output of not more than 750 watts; and

(E) is a class 1, class 2, or class 3 electric-assisted bicycle.

*Sec. 10. AS 41.23 is amended by adding new sections to article 1 to read:

Sec. 41.23.295. Electric-assisted bicycles. In a management plan adopted under AS 41.23.010 - 41.23.300, the department may establish different standards for nonelectric-assisted bicycles and for each class of electric-assisted bicycle.

Sec. 41.23.300. Definitions. In AS 41.23.010 - 41.23.300,

(1) "bicycling" includes the operation of an electric-assisted bicycle;

(2) "electric-assisted bicycle" has the meaning given in AS 28.90.990(a).

*Sec. 11. This Act takes effect immediately under AS 01.10.070(c).
AUTHENTICATION

The following officers of the Legislature certify that the attached enrolled bill, SCS HB 8(STA), consisting of 5 pages, was passed in conformity with the requirements of the constitution and laws of the State of Alaska and the Uniform Rules of the Legislature.

Passed by the House May 11, 2023

ATTEST:

Cathy L. Tilton, Speaker of the House

Crystalline Jones, Chief Clerk of the House

Passed by the Senate May 8, 2023

ATTEST:

Gary Stevens, President of the Senate

Liz Clark, Secretary of the Senate

veto

Approved by the Governor July 20, 2023

Mike Dunleavy, Governor of Alaska