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Governor Mike Dunleavy
STATE OF ALASKA

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,

A handwritten signature in blue ink, appearing to read "Mike Dunleavy".

Mike Dunleavy
Governor

Enclosure



LAWS OF ALASKA

2023

Source
SCS HB 8(STA)

Chapter No.

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

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

2

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

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

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

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

15 * **Sec. 3.** AS 28.05.011(a) is amended to read:

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

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

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

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

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

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

24 (4) abandonment of vehicles;

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

29 (6) definitions of words and phrases used in this title and in regulations
30 adopted under this title unless otherwise provided by statute;

31 (7) certification and regulation of junk yards.

1 * **Sec. 4.** AS 28.10.011 is amended to read:

2 **Sec. 28.10.011. Vehicles subject to registration.** Every vehicle driven,
3 moved, or parked on [UPON] a highway or other public parking place in the state
4 shall be registered under this chapter except when the vehicle is

5 (1) driven or moved on a highway only for the purpose of crossing the
6 highway from one private property to another, including an implement of husbandry
7 as defined by regulation;

8 (2) driven or moved on a highway under a dealer's plate or temporary
9 permit as provided for in AS 28.10.031 and 28.10.181(j);

10 (3) special mobile equipment as defined by regulation;

11 (4) owned by the United States;

12 (5) moved by human or animal power;

13 (6) exempt under 50 U.S.C. App. 501-591 (Soldiers' and Sailors' Civil
14 Relief Act);

15 (7) driven or parked only on private property;

16 (8) the vehicle of a nonresident as provided under AS 28.10.121;

17 (9) transported under a special permit under AS 28.10.151;

18 (10) being driven or moved on a highway, vehicular way, or a public
19 parking place in the state that is not connected by a land highway or vehicular way to

20 (A) the land-connected state highway system; or

21 (B) a highway or vehicular way with an average daily traffic
22 volume greater than 499;

23 (11) an implement of husbandry operated in accordance with the
24 provisions of AS 19.10.065;

25 (12) an electric personal motor vehicle;

26 **(13) an electric-assisted bicycle.**

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

28 (12) "electric personal motor vehicle" means an electric personal
29 assistive mobility device that is a self-balancing vehicle with two nontandem wheels,
30 designed to transport only one person, has an electric propulsion system, and has a
31 maximum speed of not more than 15 miles an hour; **"electric personal motor**

1 **vehicle" does not include an electric-assisted bicycle;**

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

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

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

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

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

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

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

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

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

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

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

27 (37) "electric-assisted bicycle" means a bicycle that

28 (A) is designed to travel with not more than three wheels in
29 contact with the ground;

30 (B) has fully operative pedals for human propulsion;

31 (C) has a seat or saddle for use of the rider;

1 (D) is equipped with an electric motor that has a power output
2 of not more than 750 watts; and

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

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

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

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

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

10 (2) "electric-assisted bicycle" has the meaning given in


11 AS 28.90.990(a).

12 * **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


Cathy L. Tilton, Speaker of the House

ATTEST:


Crystalline Jones, Chief Clerk of the House

Passed by the Senate May 8, 2023


Gary Stevens, President of the Senate

ATTEST:


Liz Clark, Secretary of the Senate

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Approved by the Governor _____ July 20 20 20


Mike Dunleavy, Governor of Alaska