



An Bille um Thrácht ar Bhóithre (Leasú) (Feithiclí Leictreacha Éadroma Pearsanta), 2021

Road Traffic (Amendment) (Personal Light Electric Vehicles) Bill 2021

Mar a tionscnaíodh

As initiated



**AN BILLE UM THRÁCHT AR BHÓITHRE (LEASÚ) (FEITHICLÍ LEICTREACHA
ÉADROMA PEARSANTA), 2021
ROAD TRAFFIC (AMENDMENT) (PERSONAL LIGHT ELECTRIC VEHICLES) BILL
2021**

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ACTS REFERRED TO

Finance (Excise Duties) (Vehicles) Act 1952 (No. 24)
Finance (Excise Duties) (Vehicles) Acts 1952 and 1960
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Road Safety Authority Act 2006 (No. 14)
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**AN BILLE UM THRÁCHT AR BHÓITHRE (LEASÚ) (FEITHICLÍ LEICTREACHA
ÉADROMA PEARSANTA), 2021**
**ROAD TRAFFIC (AMENDMENT) (PERSONAL LIGHT ELECTRIC VEHICLES) BILL
2021**

Bill

5

entitled

An Act to regulate the use of personal light electric vehicles, including electric scooters and electrically assisted pedal cycles, and for that purpose to amend the Road Traffic Act 1961, to make a number of consequential amendments and to provide for related matters.

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Be it enacted by the Oireachtas as follows:

Definitions

1. In this Act—

“electrically assisted pedal cycle” means a bicycle or tricycle that—

- (a) is fitted with pedals that are capable of manual propulsion, 15
- (b) is fitted with an auxiliary electric motor that is capable of electrically assisting propulsion, and
- (c) otherwise complies with *section 2(2)*;

“electric scooter” means a bicycle that—

- (a) is propelled electrically by means of an electric motor, 20
- (b) is not fitted with pedals that are capable of manual propulsion,
- (c) has a means of directional control through the use of handlebars which are mechanically linked to the steered wheel,
- (d) has a means of controlling the speed through hand controls,
- (e) has a maximum design speed of no less than 6 kilometres per hour, and 25
- (f) otherwise complies with *section 2(1)*;

“Minister” means the Minister for Transport;

“personal light electric vehicle” means—

- (a) an electric scooter,
- (b) an electrically assisted pedal cycle, or 30

(c) such other class of electrically propelled vehicle as may be prescribed under *section 2(3)*;

“PLEV” means a personal light electric vehicle;

“prescribed” means prescribed by regulations made by the Minister under *section 12(1)*;

“speed limitation device” means a device whose primary function is to limit the speed of a vehicle to the value specified in *subsections (1), (2) and (3) of section 2*. 5

Requirements in relation to PLEVs

2. (1) For the purposes of this Act, an electric scooter shall comply with the following requirements:
- (a) have 2 wheels, one front and one rear, aligned along the direction of travel; 10
 - (b) be designed to carry no more than one person;
 - (c) be fitted with no other means of mechanical or electrical propulsion other than an electric motor that has a maximum continuous rated power that does not exceed 250 watts;
 - (d) be fitted with a speed limitation device that limits the speed of the scooter to not more than 25 kilometres per hour; 15
 - (e) be fitted with a power control in respect of which the default output of the electric motor is nil; and
 - (f) conform to such restrictions as may be prescribed under *section 3*.
- (2) For the purposes of this Act, an electrically assisted pedal cycle shall comply with the following requirements: 20
- (a) the cycle shall—
 - (i) be fitted with no other means of mechanical or electrical propulsion other than an auxiliary electric motor that has a maximum continuous rated power that does not exceed 250 watts, and 25
 - (ii) conform to such restrictions as may be prescribed under *section 3*;
 - (b) the auxiliary electric motor—
 - (i) shall not be capable of propelling the cycle in the absence of any manual propulsion, and
 - (ii) shall be fitted with a speed limitation device that gradually reduces the output from the motor as the cycle reaches a speed of 25 kilometres per hour and cuts off all output when it reaches that speed. 30
- (3) For the purposes of this Act, the Minister may prescribe any other class of electrically propelled vehicle to be a PLEV for the purposes of this Act, subject to the class of vehicle concerned— 35
- (a) being equipped with no other means of electrical or mechanical propulsion other than an electric motor that has a maximum continuous rated power that does not exceed 250 watts,

- (b) being fitted with a speed limitation device that limits the speed of the vehicle to not more than 25 kilometres per hour,
- (c) conforming to such restrictions as may be prescribed under *section 3*, and
- (d) conforming to such other requirements for the purposes of this section as the Minister may prescribe. 5

(4) In this section, “maximum continuous rated power” has the meaning given to it in Regulation (EU) No. 168/2013 of the European Parliament and of the Council of 15 January 2013¹ on the approval and market surveillance of two or three-wheeled vehicles and quadricycles.

Weight and size restrictions of PLEVs

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3. The Minister may—

- (a) prescribe one or more of the following by way of restriction in relation a PLEV or any class of PLEV:
 - (i) the weight of a PLEV;
 - (ii) the height of a PLEV; 15
 - (iii) the length of a PLEV;
 - (iv) the width of a PLEV,
 and

(b) in respect of any matter referred to in *paragraph (a)*—

- (i) prescribe a maximum or minimum amount, or both, of any amount or measurement concerned, and 20
- (ii) prescribe the amount or measurement concerned in respect of a PLEV or any part of a PLEV, or both.

Prohibition of interference with speed limitation device

4. (1) A person commits an offence if he or she removes or tampers with or attempts to remove or tamper with a speed limitation device that is fitted on a PLEV, or causes another person to remove or tamper with or attempt to remove or tamper with such a device. 25

(2) A person who commits an offence under this section is liable on summary conviction— 30

- (a) in the case of a first offence, to a class D fine, or
- (b) in the case of a second or subsequent offence, to a class C fine.

Prohibition of use of mobile phone while driving

5. (1) A person commits an offence if he or she drives a PLEV in a public place while holding a mobile phone. 35

¹ OJ No. L60, 2.3.13, p. 52

| | |
|---|----|
| (2) <i>Subsection (1)</i> does not apply to a member of the Garda Síochána, within the meaning of the Garda Síochána Act 2005, who is acting in the course of his or her duties and holding a mobile phone in relation to the performance of his or her duties. | |
| (3) It is a defence for a person charged with an offence under <i>subsection (1)</i> , to show that he or she was— | 5 |
| (a) using the mobile phone concerned to call the Garda Síochána, an ambulance, fire or other emergency service on numbers prescribed for such service, or | |
| (b) involved in or acting in response to a genuine emergency. | |
| (4) A person who commits an offence under this section is liable on summary conviction— | 10 |
| (a) in the case of a first offence, to a class D fine, or | |
| (b) in the case of a second or subsequent offence, to a class C fine. | |
| (5) In this section, “hold” and “mobile phone” have the meaning given to them in section 3 of the Road Traffic Act 2006. | |
| | |
| Disqualifications in relation to age | 15 |
| 6. (1) A person is not permitted to drive a PLEV in a public place if he or she has not attained— | |
| (a) the age of 16 years, or | |
| (b) in respect of any class of PLEV, such other age as may be prescribed under <i>subsection (2)</i> . | 20 |
| (2) The Minister may prescribe an age, being an age that is greater than the age of 16 years, as the age below which a person shall not be permitted to drive a specified class of PLEV in a public place. | |
| (3) A person who drives a PLEV in contravention of <i>subsection (1)</i> commits an offence. | |
| (4) A person who commits an offence under this section is liable on summary conviction— | 25 |
| (a) in the case of a first offence, to a class D fine, or | |
| (b) in the case of a second or subsequent offence, to a class C fine. | |
| | |
| Amendment of section 3 (interpretation) of Road Traffic Act 1961 | |
| 7. Section 3 of the Road Traffic Act 1961 is amended in subsection (1)— | 30 |
| (a) in the definition of “mechanically propelled vehicle” by inserting “a personal light electric vehicle,” after “not including”, and | |
| (b) in the definition of “vehicle” by substituting “, a pedal cycle or a personal light electric vehicle” for “or a pedal cycle”. | |

Amendment of section 1 (excise duties in respect of mechanically propelled vehicles used on public roads) of Finance (Excise Duties) (Vehicles) Act 1952

8. Section 1 of the Finance (Excise Duties) (Vehicles) Act 1952 is amended in subsection (4) by the insertion of the following paragraph after paragraph (f):

“(fa) personal light electric vehicles, as defined in section 1 of the *Road Traffic (Amendment) (Personal Light Electric Vehicles) Act 2021*,” 5

Amendment of section 130 (interpretation) of Finance Act 1992

9. Section 130 of the Finance Act 1992 is amended in the definition of “mechanically propelled vehicle” by inserting “a personal light electric vehicle, within the meaning of the *Road Traffic (Amendment) (Personal Light Electric Vehicles) Act 2021*,” after “not including”. 10

Amendment of section 4 (functions of Authority) of Road Safety Authority Act 2006

10. Section 4 of the Road Safety Authority Act 2006 is amended in subsection (4)—

- (a) in paragraph (a) by the substitution of “use;” for “use; and”,
- (b) in paragraph (b) by the substitution of “regard;” for “regard.”, and 15
- (c) by the insertion of the following paragraph after paragraph (b):

“(c) make guidelines as to the safe operation of personal light electric vehicles, within the meaning of the *Road Traffic (Amendment) (Personal Light Electric Vehicles) Act 2021*, in the State.”.

Consequential amendments 20

11. (1) The provisions of the Road Traffic Act 1961 referred to in *column (2)* of *Table 1* of the *Schedule* are amended in the manner referred to in *column (3)* of that *Table* of the *Schedule* opposite the reference in *column (2)* to the provision concerned.
- (2) The provisions of the Road Traffic Act 1994 referred to in *column (2)* of *Table 2* of the *Schedule* are amended in the manner referred to in *column (3)* of that *Table* of the *Schedule* opposite the reference in *column (2)* to the provision concerned. 25
- (3) The provisions of the Road Traffic Act 2010 referred to in *column (2)* of *Table 3* of the *Schedule* are amended in the manner referred to in *column (3)* of that *Table* of the *Schedule* opposite the reference in *column (2)* to the provision concerned.
- (4) The provisions of the Roads Act 1993 referred to in *column (2)* of *Table 4* of the *Schedule* are amended in the manner referred to in *column (3)* of that *Table* of the *Schedule* opposite the reference in *column (2)* to the provision concerned. 30

Regulations

12. (1) The Minister may by regulations provide for any matter referred to in this Act as prescribed or to be prescribed. 35
- (2) Regulations under this Act may contain such incidental, supplementary and consequential provisions as appear to the Minister to be necessary or expedient for the

purposes of the regulations.

- (3) Every regulation under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next 21 days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly but without prejudice to the validity of anything previously done under the regulation. 5

Short title, collective citation, construction and commencement

13. (1) This Act may be cited as the Road Traffic (Amendment) (Personal Light Electric Vehicles) Act 2021.
- (2) *Sections 1 to 7, subsection (1), this subsection, Tables 1 to 3 of the Schedule, and the Road Traffic Acts 1961 to 2018* may be cited together as the Road Traffic Acts 1961 to 2021 and shall be construed together as one. 10
- (3) This subsection, *section 8* and the Finance (Excise Duties) (Vehicles) Acts 1952 and 1960 may be cited together as the Finance (Excise Duties) (Vehicles) Acts 1952 to 2021. 15
- (4) This subsection, *section 10* and the Road Safety Authority Acts 2006 and 2012 may be cited together as the Road Safety Authority Acts 2006 to 2021 and shall be construed together as one.
- (5) This subsection, *section 11(4), Table 4 of the Schedule* and the Roads Acts 1993 to 2015 may be cited together as the Roads Acts 1993 to 2021 and shall be construed together as one. 20
- (6) This Act comes into operation on such day as may be fixed by order of the Minister.

SCHEDULE
CONSEQUENTIAL AMENDMENTS

Section 11

TABLE 1
AMENDMENTS TO ROAD TRAFFIC ACT 1961

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| Reference No. (1) | Provision (2) | Amendment (3) | |
|----------------------|-------------------|---|----|
| 1 | Section 3(1) | In the definition of “driving” substitute “, tricycle or personal light electric vehicle” for “or tricycle” | 10 |
| 2 | Section 20(6) | Insert “or personal light electric vehicle” after “pedal cycle” | |
| 3 | Section 20(6) | Substitute “the vehicle” for “the cycle” | |
| 4 | Section 20(7)(a) | Insert “or personal light electric vehicle” after “pedal cycle” | 15 |
| 5 | Section 20(7)(b) | Insert “or personal light electric vehicle” after “pedal cycle” | |
| 6 | Section 20(8) | Insert “or personal light electric vehicle” after “pedal cycle” | 20 |
| 7 | Section 20(8)(a) | Substitute “the vehicle” for “the cycle” | |
| 8 | Section 20(8)(b) | Substitute “the vehicle” for “the cycle” | |
| 9 | Section 20(16)(a) | Insert “or vehicle” after “a cycle” | |
| 10 | Section 20(16)(b) | Insert “or vehicle” after “the cycle” | |
| 11 | Section 20(17)(b) | Insert “or vehicle” after “the cycle” | 25 |
| 12 | Section 100(1) | Substitute “, tricycle or a personal light electric vehicle” for “or a tricycle” | |
| 13 | Section 100(1) | Insert “or personal light electric vehicle” after “pedal bicycle” | |
| 14 | Section 107(1) | Substitute “, pedal cycle or a personal light electric vehicle” for “or a pedal cycle” | 30 |
| 15 | Section 107(4) | Substitute “, pedal cycle or a personal light electric vehicle” for “or a pedal cycle” | |
| 16 | Section 108 | Insert “or personal light electric vehicle” after “pedal cycle” | 35 |
| 17 | Section 108 | Substitute “the vehicle” for “the cycle” | |
| 18 | Section 112(3) | Insert “or personal light electric vehicle” after “pedal cycle” | |

TABLE 2
AMENDMENTS TO ROAD TRAFFIC ACT 1994

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| Reference No. (1) | Provision (2) | Amendment (3) | |
|----------------------|------------------|--|----|
| 1 | Section 35(2)(c) | Insert “and personal light electric vehicles” after “pedal cycles” | 45 |
| 2 | Section 35(2)(d) | Insert “, personal light electric vehicles or both” after | |

| | | | |
|---|------------------|---|---|
| | | “pedal cycles” | |
| 3 | Section 35(2)(h) | Substitute “, pedal cycles and personal light electric vehicles” for “and pedal cycles” | |
| 4 | Section 38(9) | In paragraph (b) of the definition of “traffic calming measures” substitute “, cyclists and persons driving personal light electric vehicles” for “and cyclists” | 5 |

TABLE 3
AMENDMENTS TO ROAD TRAFFIC ACT 2010

| Reference No. (1) | Provision (2) | Amendment (3) | |
|----------------------|------------------|---|----|
| 1 | Section 6(1)(b) | Insert “or personal light electric vehicle” after “pedal cycle” | 10 |
| 2 | Section 6(2)(b) | Insert “or personal light electric vehicle” after “pedal cycle” | 15 |

TABLE 4
AMENDMENTS TO ROADS ACT 1993

| Reference No. (1) | Provision (2) | Amendment (3) | |
|----------------------|----------------------|---|----------|
| 1 | Section 2(1) | After the definitions of “pedal cycle” and “pedal cyclist” insert the following definition: “ ‘personal light electric vehicle’ has the meaning assigned to it by the <i>Road Traffic (Amendment) (Personal Light Electric Vehicles) Act 2021</i> ;” | 20 25 |
| 2 | Section 43(4) | Substitute “, pedal cyclists and persons driving personal light electric vehicles” for “and pedal cyclists” | |
| 3 | Section 44(4) | Substitute “, pedal cyclists and persons driving personal light electric vehicles” for “and pedal cyclists” | 30 |
| 4 | Section 57(2) | Insert “personal light electric vehicles,” after “pedal cycles,” | |
| 5 | Section 68(1) | Substitute for “pedal cyclists and pedestrians” the following: “pedal cyclists and either or both of the following: (a) persons driving personal light electric vehicles; (b) pedestrians.” | 35 |
| 6 | Section 68(2)(b)(ii) | Substitute for “pedal cyclists and pedestrians” the following: “pedal cyclists and either or both of the following: (I) persons driving personal light electric vehicles; (II) pedestrians.” | 40 |

An Bille um Thrácht ar Bhóithre (Leasú)
(Feithiclí Leictreacha Éadroma Pearsanta),
2021

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do rialáil úsáid feithiclí leictreacha éadroma pearsanta, lena n-áirítear, scútaí leictreacha agus rothair cos leictrea-chuidithe, agus chun na críche sin do leasú an Achta um Thrácht ar Bhóithre, 1961, do dhéanamh roinnt leasuithe iarmhartacha agus do dhéanamh socrú i dtaobh nithe gaolmhara.

An Teachta Ailín Ó Fearghail a thug isteach,
4 Márta, 2021

Road Traffic (Amendment) (Personal Light
Electric Vehicles) Bill 2021

BILL

(as initiated)

entitled

An Act to regulate the use of personal light electric vehicles, including electric scooters and electrically assisted pedal cycles, and for that purpose to amend the Road Traffic Act 1961, to make a number of consequential amendments and to provide for related matters.

Introduced by Deputy Alan Farrell,
4th March, 2021