

Legislative Analysis



DEFINITION AND REGULATION OF ELECTRIC BICYCLES

Phone: (517) 373-8080
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House Bill 4782 (H-3) as reported from committee
Sponsor: Rep. Holly Hughes

Analysis available at
<http://www.legislature.mi.gov>

House Bill 4783 reported from committee w/o amendment
Sponsor: Rep. Klint Kesto

(Enacted as Public Acts 139 & 140 of 2017)

Committee: Tourism and Outdoor Recreation
Complete to 9-14-17

SUMMARY:

House Bill 4782 would amend the Michigan Vehicle Code (MCL 257.32b, et al.) to include and define the term "electric bicycle" and to provide regulations for the operation of Classes 1, 2 and 3 of an electric bicycle. House Bill 4783 would amend the Insurance Code (MCL 500.3101) to add the term "electric bicycle", as it is proposed to be defined in the Michigan Vehicle Code, to section 3101(I) which references motor vehicle exclusions from insurance requirements under the Insurance Code. A more detailed explanation of House Bill 4782 follows.

Electric Bicycle

Electric Bicycle would be defined to mean a device upon which an individual may ride that is equipped with a seat or saddle for use by the rider, fully operable pedals for human propulsion and an electric motor, less than 750 watts, and that falls within one of the following categories:

- Class 1 - Provides assistance only when the rider is pedaling and disengages or ceases to function when the bicycle reaches a speed of 20 miles per hour (mph).
- Class 2 - Is equipped with a motor that propels the bicycle to a speed of no more than 20 mph whether the rider is pedaling or not and that disengages or ceases to function when the brakes are applied.
- Class 3 - Provides assistance only when the rider is pedaling and disengages or ceases to function when it reaches a speed of 28 mph.

An individual riding an electric bicycle would be subject to the same requirements as an individual riding a bicycle and when operating on a roadway would have the same rights and duties as a vehicle driver under the Michigan Vehicle Code.

An electric bicycle would have to comply with applicable equipment and manufacturing requirements established under federal law including standards adopted by the US Consumer Product Safety Commission (16 CFR Part 1512).

House Bill 4782 specifies that neither mopeds nor motor vehicles as defined under the Michigan Vehicle Code would not include an electric bicycle.

Manufacturer/Distributor Duties

Beginning January 1, 2018, a manufacturer or distributor of new electric bicycles offered for sale or distribution in Michigan would have to permanently affix, in a prominent location, a label that contains the classification number, top assisted speed, and motor wattage. The label would need to be printed in Arial font and at least 9-point type.

Prohibitions

A person could not tamper with or modify an electric bicycle to change the manufactured motor-powered speed capability or motor engagement without replacing the label with an appropriate label printed in the same specifications as stated above. A device could not be considered an electric bicycle if the motor is modified in a manner that no longer meets the criteria specified in the bill or exceeds 750 watts.

Operation of Class 3 Electric Bicycle by a Minor

A Class 3 electric bicycle could not be operated by an individual less than 14 years of age. However, an individual less than 14 years of age could ride as a passenger on electric bicycles designated to accommodate passengers. An individual less than 18 years of age who operates or rides as a passenger would be required to wear a properly fitted and fastened bicycle helmet meeting federal standards or the American Society for Testing and Materials.

Access to Highways and Trails

However, an individual could operate an electric bicycle on any part of a highway open to a bicycle, including, but not limited to, a lane designed for exclusive use of bicycles and the shoulder.

An individual could not operate an electric bicycle within a city that prohibits the use of nonemergency motor vehicles unless the city council of that city, by majority vote, adopts a resolution allowing the operation of electric bicycles within its city limits. An individual could not operate an electric bicycle within the Mackinac Island State Park unless he or she has obtained the required permit from the Mackinac Island State Park Commission, or unless it authorizes the operation of electronic bicycles within its jurisdiction. If a city, as described in the bill, or the Mackinac Island State Park Commission authorizes the operation of electric bicycles within its jurisdiction, either could regulate the operation of electric bicycles within its jurisdiction.

An individual could operate a Class 1 electric bicycle on a linear trail having an asphalt, crushed limestone or similar surface or rail trail; however a local authority or state agency having jurisdiction over the trail could regulate or prohibit such use. An individual also could operate a Class 2 or Class 3 electric bicycle on such trails if authorized by the local authority or state agency having jurisdiction of the trail.

The bill specifies that an individual could not operate an electric bicycle on a trail that is designed as non-motorized and has a natural surface tread made by clearing and grading the native soil with no added surfacing materials. However, a local authority or state agency with jurisdiction over the trail could allow the operation of an electric bicycle on that trail.

A disabled person or a veteran who has been issued a windshield placard under the Code could operate an electronic bicycle on a linear paved trail that has an asphalt, crushed limestone, or similar surface, a rail trail or a trail that is designed as non-motorized that has a natural surface tread made by clearing and grading the native soil with no added surfacing materials. The term "disabled veteran" would mean an individual who has satisfied the requirements of section 803f (2) of the code.

The bill requires the proposed section to be administered in a manner that complies with Americans with the Disabilities Act and the Persons with Disabilities Civil Rights Act.

Before an entity could prohibit, authorize or regulate the use of electric bicycles within its jurisdiction, that entity would be required to hold a public hearing on the matter. However, the bill would not apply to the use of electric bicycles on a congressionally authorized public trail system.

House Bill 4783 is tie-barred to House Bill 4872 meaning it could not take effect unless House Bill 4782 is enacted.

FISCAL IMPACT:

House Bills 4782 and 4783 would have no fiscal impact on the Department of State, the Department of Insurance and Financial Services, or on other units of state or local government.

POSITIONS:

The following organizations support the bills: Department of Natural Resources supports the bill: BPSA and PeopleForBikes, International Mountain Bicycling Association, Michigan Environmental Council, Michigan Municipal League, National Park Service, Michigan Townships Association, North Country Trail Association, Programs to Educate all Cyclist (PEAC). (9-6-17)

Representatives from the following organizations testified in support of the bills on 9-6-17: American Cycle and Fitness, Bosch, Cherry Capitol Cycling Club, League of Michigan Bicyclists, Mayor and City Council, City of Mackinac Island Convention and Visitors Bureau, Michigan Mountain Biking Association, Michigan Trails and Greenways, Traverse Area Recreation and Transportation, Inc. (TART).

Legislative Analyst: E. Best
Fiscal Analyst: Michael Cossen
Marcus Coffin

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.