

# Legislative Analysis

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## DEFINITION AND REGULATION OF ELECTRIC BICYCLES

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<http://www.house.mi.gov/hfa>

**House Bill 4782 as introduced**  
**Sponsor: Rep. Holly Hughes**

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

**House Bill 4783 as introduced**  
**Sponsor: Rep. Klint Kesto**

**Committee: Tourism and Outdoor Recreation**  
**Complete to 9-5-17**

### 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 stops providing assistance 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.
- Class 3 - Provides assistance only when the rider is pedaling and stops providing assistance when it reaches a speed of 28 mph.

Both Class 1 and Class 3 electric bicycles would have to function in a manner such that the motor disengages when the rider stops pedaling. A Class 2 electric bicycle would have to function in a manner such that the motor disengages when the brakes are applied. A Class 3 electric bicycle would have to be equipped with a working speedometer that displays the speed it is traveling in miles per hour (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 intended 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 makes it capable of propelling it at a speed that exceeds those specified in the bill.

### **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**

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 operate a Class 1 electric bicycle on a linear paved 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.

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.

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