



Senate Fiscal Agency
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BILL ANALYSIS



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House Bill 4782 (Substitute H-3 as passed by the House)
House Bill 4783 (as passed by the House)
Sponsor: Representative Holly Hughes (H.B. 4782)
Representative Klint Kesto (H.B. 4783)
House Committee: Tourism and Outdoor Recreation
Senate Committee: Outdoor Recreation and Tourism

Date Completed: 10-10-17

CONTENT**House Bill 4782 (H-3) would amend the Michigan Vehicle Code to do the following:**

- Define "electric bicycle", "class 1 electric bicycle", "class 2 electric bicycle", and "class 3 electric bicycle".
- Specify that a person riding an electric bicycle would have all of the rights as, and would be subject to all of the duties applicable to, the driver of a vehicle.
- Require a manufacturer or distributor of electric bicycles offered for sale or distribution in the State, beginning January 1, 2018, to affix to a bicycle a label that included its classification number, top assisted speed, and motor wattage.
- Prescribe requirements for minors riding electric bicycles.
- Prohibit an individual from operating an electric bicycle within a city that prohibited the use of nonemergency motor vehicles unless its city council adopted a resolution allowing the operation of electric bicycles within city limits.
- Allow an individual to operate a class 1 electric bicycle on a linear trail with an asphalt, crushed limestone, or similar surface, or a rail trail.
- Allow an individual to operate a class 2 or class 3 electric bicycle on a linear trail with an asphalt, crushed limestone, or similar surface, or a rail trail, if authorized by the local authority or State agency having jurisdiction over the trail.
- Require the State or a local authority or State agency to administer the bill's provisions in a manner that complied with the Americans with Disabilities Act and Persons with Disabilities Civil Rights Act.

House Bill 4783 would amend the Insurance Code to exclude an electric bicycle from the definition of "motor vehicle", and to define "electric bicycle" as it would be defined in House Bill 4782 (H-3).

House Bill 4783 is tie-barred to House Bill 4782. Each bill would take effect 90 days after its enactment. House Bill 4782 (H-3) is described in further detail below.

Definitions

"Electric bicycle" would mean a device upon which an individual may ride that satisfies both of the following:

- The device is equipped with all of the following: a seat or saddle for use by the rider, fully operable pedals for human propulsion, and an electric motor of not greater than 750 watts.

-- The device falls within one of the following categories: class 1 electric bicycle, class 2 electric bicycle, or class 3 electric bicycle.

"Class 1 electric bicycle" would mean an electric bicycle that is equipped with an electric motor that provides assistance only when the rider is pedaling and that disengages or ceases to function when the electric bicycle reaches 20 miles per hour. "Class 2 electric bicycle" would mean an electric bicycle that is equipped with a motor that propels the electric bicycle to a speed of not more than 20 miles per hour, whether the rider is pedaling or not, and that disengages or ceases to function when the brakes are applied. "Class 3 electric bicycle" would mean an electric bicycle that is equipped with a motor that provides assistance only when the rider is pedaling and that disengages or ceases to function when the electric bicycle reaches a speed of 28 miles per hour.

The bill also would amend the definitions of "moped" and "motor vehicle" to specify that those terms would not include an electric bicycle.

Electric Bicycles, Generally

Under the Michigan Vehicle Code, a person riding a bicycle, electric personal assistive mobility device, or moped, or operating a low-speed vehicle or commercial quadricycle on a roadway generally has all of the rights and is subject to all of the duties applicable to the driver of a vehicle. Under the bill, this provision also would apply to a person riding an electric bicycle.

The bill also specifies that, except as otherwise provided, an individual riding an electric bicycle would be subject to the same requirements under the Code as an individual riding a bicycle.

Manufacturers' & Distributors' Requirements

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

The bill would prohibit a person from tampering with or modifying an electric bicycle so as to change the manufactured motor-powered speed capability or motor engagement of the bicycle without replacing the label with an appropriate label printed with the information and in the manner described above. For purposes of the Code, a device would not be considered an electric bicycle if the motor were modified in a manner that no longer met the criteria in the definition of "electric bicycle", or if the motor exceeded 750 watts.

An electric bicycle would have to comply with applicable equipment and manufacturing requirements for electric bicycles established under Federal law, including standards adopted by the United States Consumer Product Safety Commission and compiled in 16 CFR Part 1512.

Operation of Class 3 Electric Bicycle by a Minor

An individual less than 14 years of age would not be permitted to operate a class 3 electric bicycle; however, he or she could ride as a passenger on a class 3 electric bicycle that was designed to accommodate passengers.

Also, an individual under 18 years of age who operated or rode as a passenger on a class 3 bicycle would have to wear a properly fitted and fastened bicycle helmet that met Federal

standards established by the United States Consumer Product Safety Commission or the American Society for Testing and Materials.

Electric Bicycle Use on Highways, Trails

Except as provided below, an individual could operate an electric bicycle on any part of a highway that was open to a bicycle, including a lane designated for the exclusive use of bicycles and the shoulder.

The bill would prohibit an individual from operating an electric bicycle within a city that prohibited the use of nonemergency motor vehicles (i.e., Mackinac Island), unless its city council, by majority vote, adopted a resolution allowing the operation of electric bicycles within city limits. An individual could not operate an electric bicycle within the Mackinac Island State Park unless he or she had obtained the required permit from the Mackinac Island State Park Commission or unless the Commission authorized the operation of electric bicycles within its jurisdiction. If the city or the Commission authorized the operation of electric bicycles within its jurisdiction, the city or Commission could regulate the operation of electric bicycles within its jurisdiction.

The bill would allow an individual to operate a class 1 electric bicycle on a linear trail that had an asphalt, crushed limestone, or similar surface, or a rail trail. A local authority or State agency having jurisdiction over this type of trail could regulate or prohibit operation of a class 1 electric bicycle on the trail. An individual could operate a class 2 or class 3 electric bicycle on a linear trail that had an asphalt, crushed limestone, or similar surface, or a rail trail, if authorized by the local authority or State agency having jurisdiction over the trail.

Except as otherwise provided, an individual could not operate an electric bicycle on a trail that was specifically designated as nonmotorized and that had a natural surface tread that was made by clearing and grading the native soil with no added surfacing materials. A local authority or State agency having jurisdiction over such a trail could allow the operation of an electric bicycle on that trail.

Before an entity described above could prohibit, authorize, or regulate the use of electric bicycles within its jurisdiction, that entity would have to hold a public hearing on the matter.

None of the provisions relating to use of a bicycle on a highway, in a city, or on a trail would apply to the use of electric bicycles on a congressionally authorized public trail system.

The State or a local authority or State agency would have to administer the bill's provisions in a manner that complied with the Americans with Disabilities Act and Persons with Disabilities Civil Rights Act.

MCL 257.32b et al. (H.B. 4782)
500.3101 (H.B. 4783)

Legislative Analyst: Jeff Mann

FISCAL IMPACT

The bills would have no fiscal impact on State or local government.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.