

- SUBJECT:** Amending provisions related to the operation of electric bicycles
- COMMITTEE:** Transportation — committee substitute recommended
- VOTE:** 10 ayes — Canales, Landgraf, Bernal, Y. Davis, Hefner, Krause, Leman, Martinez, Ortega, E. Thompson
- 0 nays
- 3 absent — Goldman, Raney, Thierry
- WITNESSES:** For —Lori Merlino, BikeTexas; Kenneth "Woody" Smith, Richardson Bike Mart; William Shea; (*Registered, but did not testify:* Jay Crossley, Farm&City)
- Against — None
- On — (*Registered, but did not testify:* Jeremiah Kuntz, Texas Department of Motor Vehicles)
- BACKGROUND:** Transportation Code sec. 541.201 defines "electric bicycle" as a bicycle that is designed to be propelled by an electric motor, exclusively or in combination with human power, that cannot attain a speed more than 20 miles per hour without human power and does not exceed 100 pounds. "Bicycle" is defined as a device that a person may ride that is propelled by human power and has two tandem wheels, at least one of which is more than 14 inches in diameter.
- Under sec. 551.106, the Department of Public Safety or a local authority may not prohibit the use of an electric bicycle on a highway primarily used by motor vehicles. The use of an electric bicycle on a highway used primarily by pedestrians may be prohibited.
- Certain parties suggest revising statutes relating to electric bicycles as they grow in popularity to more predictably regulate them for manufacturers, retailers, and consumers.

DIGEST: CSHB 2188 would amend the definition of an electric bicycle and would create certain classification, operation, and manufacturing requirements for electric bicycles.

Definitions. The bill would repeal the statutory definition of "electric bicycle" and instead define the term to mean a bicycle equipped with fully operable pedals and an electric motor of fewer than 750 watts with a top assisted speed of 28 miles per hour or less.

The definition of a "bicycle" would be amended to specify that it could be ridden solely using human power.

Classification. A "Class 1 electric bicycle" would mean an electric bicycle equipped with a motor that assisted the rider only when pedaling with a top assisted speed of 20 miles per hour or less.

A "Class 2 electric bicycle" would mean an electric bicycle equipped with a motor that could be used to propel the bicycle without pedaling with a top assisted speed of 20 miles per hour or less.

A "Class 3 electric bicycle" would mean an electric bicycle equipped with a motor that assisted the rider only when pedaling with a top assisted speed between 20 and 28 miles per hour.

Regulations. The Department of Public Safety (DPS) or a local authority could not prohibit the operation of an electric bicycle in an area where nonelectric bicycles were permitted, unless the area was a path that was not open to motor vehicles and had a natural surface tread made by clearing and grading native soil without adding surfacing materials.

DPS or a local authority could prohibit the operation of a bicycle on a sidewalk and establish speed limits on bicycle paths.

Operation. CSHB 2188 would prohibit a person from operating an electric bicycle unless the motor disengaged or ceased functioning either

when the operator stopped pedaling or when the brakes were applied.

A person who was under 15 years old could not operate a Class 3 electric bicycle. The bill would not prohibit a person under 15 years old from riding a Class 3 electric bicycle as a passenger.

Certain state laws relating to titling and registration of vehicles, driver's licenses, off-highway vehicles, and the Motor Vehicle Safety Responsibility Act would not apply to the operation of an electric bicycle.

Manufacturing. CSHB 2188 would require a person who manufactured or sold an electric bicycle to apply a permanent label to the bicycle in a prominent location in a certain font identifying the class, top assisted speed, and motor wattage.

A person who changed the motor-powered speed capability or engagement of an electric bicycle would have to replace the label to show accurate information.

The manufacturer or seller of a Class 3 electric bicycle would have to ensure the bicycle was equipped with a speedometer.

The bill would require a person who manufactured or sold electric bicycles to ensure that the bicycle complied with equipment and manufacturing requirements adopted by the U.S. Consumer Product Safety Commission.

Effective date. CSHB 2188 would apply only to an electric bicycle manufactured or sold on or after January 1, 2020.

The bill would take effect September 1, 2019.