

HOUSE BILL REPORT

HB 2782

As Reported by House Committee On:
Transportation

Title: An act relating to electric-assisted bicycles.

Brief Description: Concerning electric-assisted bicycles.

Sponsors: Representatives Kilduff, Stambaugh, Chapman, Muri and Doglio.

Brief History:

Committee Activity:

Transportation: 1/31/18, 2/6/18 [DPS].

Brief Summary of Substitute Bill

- Defines and classifies electric-assisted bicycles.
- Modifies the definition of bicycle.
- Requires a manufacturer or distributor of new electric-assisted bicycles to affix a label to the electric-assisted bicycle indicating classification number, top assisted speed, and motor wattage.
- Removes a driver's license requirement for the operation of an electric-assisted bicycle.
- Restricts the operation of Class 3 electric-assisted bicycles to persons age 16 or older.
- Specifies where electric-assisted bicycles may be used.
- Prohibits electric-assisted bicycles from operating on a non-motorized trail unless allowed by a local jurisdiction or state agency.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 23 members: Representatives Clibborn, Chair; Fey, Vice Chair; Wylie, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Chapman, Gregerson, Hayes, Irwin,

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Kloba, Lovick, McBride, Morris, Ortiz-Self, Pellicciotti, Pike, Riccelli, Rodne, Stambaugh, Tarleton, Valdez and Van Werven.

Minority Report: Do not pass. Signed by 2 members: Representatives Shea and Young.

Staff: Paul Ingiosi (786-7114).

Background:

In 1997 Washington defined electric-assisted bicycles as bicycles with two or three wheels, a saddle, fully operative pedals for human propulsion, and an electric motor with a power output of no more than 1,000 watts. The electric-assisted bicycle must also be incapable of propelling the device at a speed of more than 20 miles per hour (mph) on level ground, and be incapable of further increasing the speed of the device when human power alone is used to propel the device beyond 20 mph.

A 2002 federal law amended the Consumer Product Safety Commission definition of electric-assisted bicycles and defined a low-speed bicycle as "A two- or three-wheeled vehicle with fully operable pedals and an electric motor of less than 750 watts, whose maximum speed on a paved level surface, when powered solely by such a motor while ridden by an operator who weighs 170 pounds, is less than 20 mph." While the federal government regulates the manufacturing and first sale of an electric-assisted bicycle, the operation on roadways and paths is under a state's control.

In Washington there is no driver's license requirement for operators at least 16 years of age; however, persons under 16 years of age may not operate an electric-assisted bicycle. Provisions relating to bicycle helmets apply to riders of electric-assisted bicycles. Electric-assisted bicycles may not be operated on a fully controlled limited access highway or sidewalk but may have access to highways of the state to the same extent as bicycles. Additionally, local jurisdictions may restrict or otherwise limit the access of electric-assisted bicycles.

Summary of Substitute Bill:

An electric-assisted bicycle's motor must have a power output of no more than 750 watts and the electric-assisted bicycle must meet the requirements of one of three classifications:

1. Class 1 electric-assisted bicycle in which the motor provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of 20 mph;
2. Class 2 electric-assisted bicycle in which the motor may be used exclusively to propel the bicycle and is not capable of providing assistance when the bicycle reaches the speed of 20 mph; or
3. Class 3 electric-assisted bicycle in which the motor provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of 28 mph and is equipped with a speedometer.

The definition of a bicycle is updated to include electric-assisted bicycles.

Beginning July 1, 2018, manufacturers or distributors of new electric-assisted bicycles for sale or distribution in Washington must permanently affix in a prominent location on the electric-assisted bicycle a label that contains the classification number, top assisted speed, and motor wattage. Individuals may not tamper or modify an electric-assisted bicycle to change the speed capability unless the label is appropriately replaced. Manufacturers and distributors must also comply with the equipment and manufacturing requirements for bicycles adopted by the United States Consumer Product Safety Commission.

While there is no driver's license required for the operation of an electric-assisted bicycle, persons under the age of 16 may not operate a Class 3 electric-assisted bicycle.

Electric-assisted bicycles may be operated on a fully controlled limited access highway, and Class 1 and 2 electric-assisted bicycles may be used on a sidewalk. Class 3 electric-assisted bicycles may not be used on a sidewalk unless there is no alternative to travel over a sidewalk as part of a bicycle or pedestrian path. Finally, Class 1 and 2 electric-assisted bicycles may use a shared-use path or any part of a highway designated for the use of bicycles, such as a bicycle lane, but local jurisdictions or state agencies may still restrict or otherwise limit the access of electric-assisted bicycles. State agencies and local jurisdictions may also regulate the use of electric-assisted bicycles on facilities and properties under their jurisdiction and control. Class 3 electric-assisted bicycles may be operated on facilities that are within or adjacent to a highway; however, they may not be operated on a shared-use path except where local jurisdictions allow the use. State and local agencies may regulate the use of Class 3 electric-assisted bicycles on facilities and properties under their jurisdiction and control. Electric-assisted bicycles are prohibited from operating on a trail specifically designated as non-motorized unless a local jurisdiction or state agency with jurisdiction over a trail allows their operation.

Substitute Bill Compared to Original Bill:

In the substitute bill, authority to restrict or otherwise limit the access of electric-assisted bicycles is expanded to include state agencies, and authority to regulate the use of electric-assisted bicycles on facilities and property under their jurisdiction and control is expanded to include local jurisdictions. Electric-assisted bicycles are prohibited from operating on a non-motorized trail unless a local jurisdiction or state agency having jurisdiction over a trail allows their operation.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) There have been electric-assisted bicycle laws updated in seven other states. Advocates in Washington wanted to update current state laws to match national standards. The legislation provides local control; individual jurisdictions and unique trail communities can tailor the application by code or ordinance. Users are wanting a framework for where electric-assisted bicycles can operate. There needs to be consistency across state agencies and local jurisdictions. Manufacturers are already adopting regulations passed in other states. Clarity in electric-assisted bicycle laws would be helpful and a great move overall. Accessibility is a driver for the current popularity of electric-assisted bicycles.

(Opposed) None.

(Other) There are some concerns with the bill as written: local agencies can implement controls but state agencies cannot; and concern over changing the basic definition of a bicycle. Trail bicycle and horseback riders are not interested in opening the door to throttle-assisted bicycles on rural trails.

Persons Testifying: (In support) Representative Muri; Alex Alston, Washington Bikes; Mike Radenbaugh, Rad Power Bikes; Robert Yates, Friends of the John Wayne Pioneer Trail; and Margaret McCauley.

(Other) Jeff Chapman, Back Country Horsemen of Washington.

Persons Signed In To Testify But Not Testifying: None.