

# SENATE BILL REPORT

## ESSB 6434

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As Passed Senate, February 9, 2018

**Title:** An act relating to electric-assisted bicycles.

**Brief Description:** Concerning electric-assisted bicycles.

**Sponsors:** Senate Committee on Transportation (originally sponsored by Senators Rolfes, Rivers, Nelson, Brown and Saldaña).

**Brief History:**

**Committee Activity:** Transportation: 1/31/18, 2/05/18, 2/06/18 [DPS].

**Floor Activity:**

Passed Senate: 2/09/18, 44-2.

**Brief Summary of Engrossed First Substitute Bill**

- Modifies the definition of electric-assisted bicycles and provides a classification system.
- Requires a manufacturer or distributor of new electric-assisted bicycles to affix a label indicating the classification number, top assisted speed, and motor wattage.
- Adjusts the minimum age required for operating different classes of electric-assisted bicycles.
- Clarifies where electric-assisted bicycles may be operated.

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### SENATE COMMITTEE ON TRANSPORTATION

**Majority Report:** That Substitute Senate Bill No. 6434 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Chase, Cleveland, Dhingra, Fortunato, Liias, McCoy, O'Ban, Sheldon, Takko, Wellman and Zeiger.

**Staff:** Kim Johnson (786-7472)

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*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.*

**Background:** Electric-assisted bicycles are defined as bicycles that can be operated with pedals, but also having an electric motor capable of propelling the bike not more than 20 mph on level ground. Additionally, the electric motor output can not be more than 1000 watts.

In 2002, the Consumer Product Safety Commission definition of electric-assisted bicycles was amended to define 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 is less than 20 mph. The Consumer Product Safety Commission regulates the manufacturing and first sale of an electric-assisted bicycle. Where the bicycles are allowed to operate is under a state's control.

Electric-assisted bicycles are exempt from vehicle registration and licensing requirements. No driver's license is required to operate an electric bike in Washington, if the driver is at least 16 years of age. Provisions relating to bicycle helmets apply to riders of electric-assisted bicycles. Electric-assisted bicycles have the same access to trails, paths and public roads that regular bikes have, unless restricted by local ordinance. However, electric assisted bicycles may not be operated on a fully controlled limited access highway or a sidewalk.

**Summary of Engrossed First Substitute Bill:** Definitions. The definition of a bicycle is updated to include electric-assisted bicycles.

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:

- Class 1—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;
- Class 2—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
- Class 3—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.

Manufacturer Marking. 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.

Age Limitation. Persons under the age of 16 may not operate a Class 3 electric-assisted bicycle. There is no age limit for the operation of Class 1 and 2 electric-assisted bicycles.

Operation Location. All classes of 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. 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 and state agencies may still restrict or otherwise limit the access of Class 1 and 2 electric-assisted bicycles. 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 electric-assisted bicycles on facilities and properties under their jurisdiction and control.

Local regulations for electric-assisted bicycles must be consistent along the entire length of a shared-use path that crosses two or more jurisdictional boundaries in order for the local regulation to be enforceable.

Generally a person may not operate an electric-assisted bicycle on a trail that is designated as non-motorized and that has a natural surface, unless otherwise authorized by the state agency or local authority having jurisdiction over the trail.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill:** *The committee recommended a different version of the bill than what was heard.* PRO: I have a Class 1 electric bike and live on a very hilly island. It was very difficult to ride a regular bike near my home. Pedal assist still gives you a great workout, it is just a little boost to help you make it up a hill. I am in love with my bike. It lets me get out and recreate.

The purpose of this bill is to update current state laws to meet national standards and will also provide a framework that localities can tailor to meet their local needs. These bikes usually travel only one or two miles per hour faster than a traditional bike. This technology is very good at flattening out hills. They are also quiet. Seven other states have passed e-bike legislation similar to the bill before you over the past three years. Sales are up for e-bikes more than 450 percent. This is the only type of bicycle with an upswing in sales. E-bikes open up biking to demographics that may be unable to enjoy it otherwise. Living in Seattle with all the hills, an e-bike has changed my life.

**Persons Testifying:** PRO: Alex Alston, Washington Bikes; Mike Radenbaugh, Founder and President, Rad Power Bikes; Margaret McCauley, citizen; Robert Yates, Board Chair, Friends of the John Wayne Pioneer Trail; Senator Sharon Nelson.

**Persons Signed In To Testify But Not Testifying:** No one.