

SUBSTITUTE FOR
HOUSE BILL NO. 4782

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 32b, 33, and 657 (MCL 257.32b, 257.33, and 257.657), section 32b as amended by 2012 PA 424, section 33 as amended by 2015 PA 127, and section 657 as amended by 2015 PA 126, and by adding sections 13e and 662a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 SEC. 13E. "ELECTRIC BICYCLE" MEANS A DEVICE UPON WHICH AN
2 INDIVIDUAL MAY RIDE THAT SATISFIES ALL OF THE FOLLOWING:
- 3 (A) THE DEVICE IS EQUIPPED WITH ALL OF THE FOLLOWING:
- 4 (i) A SEAT OR SADDLE FOR USE BY THE RIDER.
- 5 (ii) FULLY OPERABLE PEDALS FOR HUMAN PROPULSION.
- 6 (iii) AN ELECTRIC MOTOR OF NOT GREATER THAN 750 WATTS.
- 7 (B) THE DEVICE FALLS WITHIN 1 OF THE FOLLOWING CATEGORIES:

1 (i) CLASS 1 ELECTRIC BICYCLE. AS USED IN THIS SUBPARAGRAPH,
2 "CLASS 1 ELECTRIC BICYCLE" MEANS AN ELECTRIC BICYCLE THAT IS
3 EQUIPPED WITH AN ELECTRIC MOTOR THAT PROVIDES ASSISTANCE ONLY WHEN
4 THE RIDER IS PEDALING AND THAT DISENGAGES OR CEASES TO FUNCTION
5 WHEN THE ELECTRIC BICYCLE REACHES A SPEED OF 20 MILES PER HOUR.

6 (ii) CLASS 2 ELECTRIC BICYCLE. AS USED IN THIS SUBPARAGRAPH,
7 "CLASS 2 ELECTRIC BICYCLE" MEANS AN ELECTRIC BICYCLE THAT IS
8 EQUIPPED WITH A MOTOR THAT PROPELS THE ELECTRIC BICYCLE TO A SPEED
9 OF NO MORE THAN 20 MILES PER HOUR, WHETHER THE RIDER IS PEDALING OR
10 NOT, AND THAT DISENGAGES OR CEASES TO FUNCTION WHEN THE BRAKES ARE
11 APPLIED.

12 (iii) CLASS 3 ELECTRIC BICYCLE. AS USED IN THIS SUBPARAGRAPH,
13 "CLASS 3 ELECTRIC BICYCLE" MEANS AN ELECTRIC BICYCLE THAT IS
14 EQUIPPED WITH A MOTOR THAT PROVIDES ASSISTANCE ONLY WHEN THE RIDER
15 IS PEDALING AND THAT DISENGAGES OR CEASES TO FUNCTION WHEN THE
16 ELECTRIC BICYCLE REACHES A SPEED OF 28 MILES PER HOUR.

17 Sec. 32b. (1) "Moped" means a 2- or 3-wheeled vehicle to which
18 both of the following apply:

19 (a) It is equipped with a motor that does not exceed 100 cubic
20 centimeters piston displacement and cannot propel the vehicle at a
21 speed greater than 30 miles per hour on a level surface.

22 (b) Its power drive system does not require the operator to
23 shift gears.

24 (2) MOPED DOES NOT INCLUDE AN ELECTRIC BICYCLE.

25 Sec. 33. "Motor vehicle" means every vehicle that is self-
26 propelled, but for purposes of chapter 4 of this act motor vehicle
27 does not include industrial equipment such as a forklift, a front-

1 end loader, or other construction equipment that is not subject to
2 registration under this act. Motor vehicle does not include an
3 electric patrol vehicle being operated in compliance with the
4 electric patrol vehicle act, 1997 PA 55, MCL 257.1571 to 257.1577.
5 Motor vehicle does not include an electric personal assistive
6 mobility device. Motor vehicle does not include an electric
7 carriage. Motor vehicle does not include a commercial quadricycle.
8 **MOTOR VEHICLE DOES NOT INCLUDE AN ELECTRIC BICYCLE.**

9 Sec. 657. Each person riding a bicycle, **ELECTRIC BICYCLE**,
10 electric personal assistive mobility device, or moped or operating
11 a low-speed vehicle or commercial quadricycle upon a roadway has
12 all of the rights and is subject to all of the duties applicable to
13 the driver of a vehicle under this chapter, except for special
14 regulations in this article and except for the provisions of this
15 chapter that by their nature do not apply.

16 **SEC. 662A. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION,**
17 **AN INDIVIDUAL RIDING AN ELECTRIC BICYCLE IS SUBJECT TO THE SAME**
18 **REQUIREMENTS UNDER THIS ACT AS AN INDIVIDUAL RIDING A BICYCLE.**

19 **(2) BEGINNING ON JANUARY 1, 2018, A MANUFACTURER OR**
20 **DISTRIBUTOR OF ELECTRIC BICYCLES OFFERED FOR SALE OR DISTRIBUTION**
21 **IN THIS STATE SHALL PERMANENTLY AFFIX IN A PROMINENT LOCATION ON**
22 **THE ELECTRIC BICYCLE A LABEL THAT CONTAINS THE CLASSIFICATION**
23 **NUMBER, TOP ASSISTED SPEED, AND MOTOR WATTAGE OF THE ELECTRIC**
24 **BICYCLE. THE LABEL REQUIRED UNDER THIS SUBSECTION SHALL BE PRINTED**
25 **IN ARIAL FONT AND SHALL BE AT LEAST 9-POINT TYPE.**

26 **(3) A PERSON SHALL NOT TAMPER WITH OR MODIFY AN ELECTRIC**
27 **BICYCLE SO AS TO CHANGE THE MANUFACTURED MOTOR-POWERED SPEED**

1 CAPABILITY OR MOTOR ENGAGEMENT OF THE ELECTRIC BICYCLE WITHOUT
2 REPLACING THE LABEL REQUIRED UNDER SUBSECTION (2) WITH AN
3 APPROPRIATE LABEL PRINTED IN ARIAL FONT AND IN AT LEAST 9-POINT
4 TYPE. FOR PURPOSES OF THIS ACT, A DEVICE SHALL NOT BE CONSIDERED AN
5 ELECTRIC BICYCLE IF THE MOTOR IS MODIFIED IN A MANNER THAT NO
6 LONGER MEETS THE CRITERIA DESCRIBED IN SECTION 13E, OR IF THE MOTOR
7 EXCEEDS 750 WATTS.

8 (4) ALL OF THE FOLLOWING APPLY TO A CLASS 3 ELECTRIC BICYCLE:

9 (A) A CLASS 3 ELECTRIC BICYCLE SHALL NOT BE OPERATED BY AN
10 INDIVIDUAL LESS THAN 14 YEARS OF AGE. AN INDIVIDUAL LESS THAN 14
11 YEARS OF AGE MAY RIDE AS A PASSENGER ON A CLASS 3 ELECTRIC BICYCLE
12 THAT IS DESIGNED TO ACCOMMODATE PASSENGERS.

13 (B) AN INDIVIDUAL LESS THAN 18 YEARS OF AGE WHO OPERATES OR
14 RIDES AS A PASSENGER ON A CLASS 3 ELECTRIC BICYCLE SHALL WEAR A
15 PROPERLY FITTED AND FASTENED BICYCLE HELMET THAT MEETS FEDERAL
16 STANDARDS ESTABLISHED BY THE UNITED STATES CONSUMER PRODUCT SAFETY
17 COMMISSION OR THE AMERICAN SOCIETY FOR TESTING AND MATERIALS.

18 (5) AN ELECTRIC BICYCLE SHALL COMPLY WITH APPLICABLE EQUIPMENT
19 AND MANUFACTURING REQUIREMENTS FOR ELECTRIC BICYCLES ESTABLISHED
20 UNDER FEDERAL LAW, INCLUDING STANDARDS ADOPTED BY THE UNITED STATES
21 CONSUMER PRODUCT SAFETY COMMISSION AND COMPILED IN 16 CFR PART
22 1512.

23 (6) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (7), AN
24 INDIVIDUAL MAY OPERATE AN ELECTRIC BICYCLE ON ANY PART OF A HIGHWAY
25 THAT IS OPEN TO A BICYCLE, INCLUDING, BUT NOT LIMITED TO, A LANE
26 DESIGNATED FOR THE EXCLUSIVE USE OF BICYCLES AND THE SHOULDER.

27 (7) AN INDIVIDUAL SHALL NOT OPERATE AN ELECTRIC BICYCLE WITHIN

1 A CITY THAT PROHIBITS THE USE OF NONEMERGENCY MOTOR VEHICLES,
2 UNLESS THE CITY COUNCIL OF THAT CITY, BY MAJORITY VOTE, ADOPTS A
3 RESOLUTION ALLOWING THE OPERATION OF ELECTRIC BICYCLES WITHIN CITY
4 LIMITS. AN INDIVIDUAL SHALL NOT OPERATE AN ELECTRIC BICYCLE WITHIN
5 THE MACKINAC ISLAND STATE PARK, UNLESS HE OR SHE HAS OBTAINED THE
6 REQUIRED PERMIT FROM THE MACKINAC ISLAND STATE PARK COMMISSION
7 CREATED IN PART 767 OF THE NATURAL RESOURCES AND ENVIRONMENTAL
8 PROTECTION ACT, 1994 PA 451, MCL 324.76701 TO 324.76709, OR UNLESS
9 THE MACKINAC ISLAND STATE PARK COMMISSION AUTHORIZES THE OPERATION
10 OF ELECTRIC BICYCLES WITHIN ITS JURISDICTION. IF A CITY DESCRIBED
11 IN THIS SUBSECTION OR THE MACKINAC ISLAND STATE PARK COMMISSION
12 AUTHORIZES THE OPERATION OF ELECTRIC BICYCLES WITHIN ITS
13 JURISDICTION, THE CITY OR THE MACKINAC ISLAND STATE PARK COMMISSION
14 MAY REGULATE THE OPERATION OF ELECTRIC BICYCLES WITHIN ITS
15 JURISDICTION.

16 (8) AN INDIVIDUAL MAY OPERATE A CLASS 1 ELECTRIC BICYCLE ON A
17 LINEAR TRAIL THAT HAS AN ASPHALT, CRUSHED LIMESTONE, OR SIMILAR
18 SURFACE, OR A RAIL TRAIL. A LOCAL AUTHORITY OR AGENCY OF THIS STATE
19 HAVING JURISDICTION OVER A TRAIL DESCRIBED IN THIS SUBSECTION MAY
20 REGULATE OR PROHIBIT THE OPERATION OF A CLASS 1 ELECTRIC BICYCLE ON
21 THAT TRAIL.

22 (9) AN INDIVIDUAL MAY OPERATE A CLASS 2 OR CLASS 3 ELECTRIC
23 BICYCLE ON A LINEAR TRAIL THAT HAS AN ASPHALT, CRUSHED LIMESTONE,
24 OR SIMILAR SURFACE, OR A RAIL TRAIL IF AUTHORIZED BY THE LOCAL
25 AUTHORITY OR AGENCY OF THIS STATE HAVING JURISDICTION OVER THE
26 TRAIL.

27 (10) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, AN

1 INDIVIDUAL SHALL NOT OPERATE AN ELECTRIC BICYCLE ON A TRAIL THAT IS
2 DESIGNATED AS NONMOTORIZED AND THAT HAS A NATURAL SURFACE TREAD
3 THAT IS MADE BY CLEARING AND GRADING THE NATIVE SOIL WITH NO ADDED
4 SURFACING MATERIALS. A LOCAL AUTHORITY OR AGENCY OF THIS STATE
5 HAVING JURISDICTION OVER A TRAIL DESCRIBED IN THIS SUBSECTION MAY
6 ALLOW AND REGULATE THE OPERATION OF AN ELECTRIC BICYCLE ON THAT
7 TRAIL.

8 (11) THIS STATE OR A LOCAL AUTHORITY OR AGENCY OF THIS STATE
9 SHALL ADMINISTER THE PROVISIONS OF THIS SECTION IN A MANNER THAT
10 COMPLIES WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, PUBLIC
11 LAW 101-336, AND THE PERSONS WITH DISABILITIES CIVIL RIGHTS ACT,
12 1976 PA 220, MCL 37.1101 TO 37.1607.

13 (12) BEFORE AN ENTITY DESCRIBED IN SUBSECTIONS (7) TO (10) MAY
14 PROHIBIT, AUTHORIZE, OR REGULATE THE USE OF ELECTRIC BICYCLES
15 WITHIN ITS JURISDICTION, THAT ENTITY SHALL HOLD A PUBLIC HEARING ON
16 THE MATTER.

17 (13) SUBSECTIONS (6) TO (10) DO NOT APPLY TO THE USE OF
18 ELECTRIC BICYCLES ON A CONGRESSIONALLY AUTHORIZED PUBLIC TRAIL
19 SYSTEM.

20 Enacting section 1. This amendatory act takes effect 90 days
21 after the date it is enacted into law.