

HOUSE BILL No. 4782

June 20, 2017, Introduced by Reps. Hughes, Kesto, Marino, Lucido and Leutheuser and referred to the Committee on Tourism and Outdoor Recreation.

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 IS EQUIPPED WITH A SEAT OR SADDLE FOR USE**
3 **BY THE RIDER, FULLY OPERABLE PEDALS FOR HUMAN PROPULSION, AND AN**
4 **ELECTRIC MOTOR OF LESS THAN 750 WATTS, AND THAT FALLS WITHIN 1 OF**
5 **THE FOLLOWING CATEGORIES:**

6 **(A) CLASS 1 ELECTRIC BICYCLE. AS USED IN THIS SUBDIVISION,**
7 **"CLASS 1 ELECTRIC BICYCLE" MEANS AN ELECTRIC BICYCLE THAT IS**

1 EQUIPPED WITH AN ELECTRIC MOTOR THAT PROVIDES ASSISTANCE ONLY WHEN
2 THE RIDER IS PEDALING AND THAT STOPS PROVIDING ASSISTANCE WHEN THE
3 ELECTRIC BICYCLE REACHES A SPEED OF 20 MILES PER HOUR.

4 (B) CLASS 2 ELECTRIC BICYCLE. AS USED IN THIS SUBDIVISION,
5 "CLASS 2 ELECTRIC BICYCLE" MEANS AN ELECTRIC BICYCLE THAT IS
6 EQUIPPED WITH A MOTOR THAT PROPELS THE ELECTRIC BICYCLE TO A SPEED
7 OF NO MORE THAN 20 MILES PER HOUR, WHETHER THE RIDER IS PEDALING OR
8 NOT.

9 (C) CLASS 3 ELECTRIC BICYCLE. AS USED IN THIS SUBDIVISION,
10 "CLASS 3 ELECTRIC BICYCLE" MEANS AN ELECTRIC BICYCLE THAT IS
11 EQUIPPED WITH A MOTOR THAT PROVIDES ASSISTANCE ONLY WHEN THE RIDER
12 IS PEDALING AND THAT STOPS PROVIDING ASSISTANCE WHEN THE ELECTRIC
13 BICYCLE REACHES A SPEED OF 28 MILES PER HOUR.

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

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

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

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

22 Sec. 33. "Motor vehicle" means every vehicle that is self-
23 propelled, but for purposes of chapter 4 of this act motor vehicle
24 does not include industrial equipment such as a forklift, a front-
25 end loader, or other construction equipment that is not subject to
26 registration under this act. Motor vehicle does not include an
27 electric patrol vehicle being operated in compliance with the

1 electric patrol vehicle act, 1997 PA 55, MCL 257.1571 to 257.1577.
2 Motor vehicle does not include an electric personal assistive
3 mobility device. Motor vehicle does not include an electric
4 carriage. Motor vehicle does not include a commercial quadricycle.
5 **MOTOR VEHICLE DOES NOT INCLUDE AN ELECTRIC BICYCLE.**

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

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

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

23 **(3) A PERSON SHALL NOT TAMPER WITH OR MODIFY AN ELECTRIC**
24 **BICYCLE SO AS TO CHANGE THE MANUFACTURED MOTOR-POWERED SPEED**
25 **CAPABILITY OR MOTOR ENGAGEMENT OF THE ELECTRIC BICYCLE WITHOUT**
26 **REPLACING THE LABEL REQUIRED UNDER SUBSECTION (2) WITH AN**
27 **APPROPRIATE LABEL PRINTED IN ARIAL FONT AND IN AT LEAST 9-POINT**

1 TYPE. FOR PURPOSES OF THIS ACT, A DEVICE SHALL NOT BE CONSIDERED AN
2 ELECTRIC BICYCLE IF THE MOTOR IS MODIFIED IN A MANNER THAT MAKES IT
3 CAPABLE OF PROPELLING THE DEVICE AT A SPEED THAT EXCEEDS THOSE
4 DESCRIBED IN SECTION 13E.

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

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

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

15 (C) A CLASS 3 ELECTRIC BICYCLE SHALL BE EQUIPPED WITH A
16 WORKING SPEEDOMETER THAT DISPLAYS THE SPEED THE ELECTRIC BICYCLE IS
17 TRAVELING IN MILES PER HOUR.

18 (5) A CLASS 1 ELECTRIC BICYCLE AND A CLASS 3 ELECTRIC BICYCLE
19 SHALL FUNCTION IN A MANNER SUCH THAT THE MOTOR IS DISENGAGED
20 THROUGH A MECHANISM THAT, WHEN THE RIDER STOPS PEDALING, THE
21 ELECTRIC MOTOR WILL DISENGAGE OR CEASE TO FUNCTION. A CLASS 2
22 ELECTRIC BICYCLE SHALL FUNCTION IN A MANNER SUCH THAT THE ELECTRIC
23 MOTOR IS DISENGAGED OR CEASES TO FUNCTION WHEN THE BRAKES ARE
24 APPLIED.

25 (6) AN ELECTRIC BICYCLE SHALL COMPLY WITH APPLICABLE EQUIPMENT
26 AND MANUFACTURING REQUIREMENTS FOR ELECTRIC BICYCLES ESTABLISHED
27 UNDER FEDERAL LAW, INCLUDING STANDARDS ADOPTED BY THE UNITED STATES

1 CONSUMER PRODUCT SAFETY COMMISSION AND COMPILED IN 16 CFR PART
2 1512.

3 (7) AN INDIVIDUAL MAY OPERATE AN ELECTRIC BICYCLE ON ANY PART
4 OF A HIGHWAY THAT IS OPEN TO A BICYCLE, INCLUDING, BUT NOT LIMITED
5 TO, A LANE DESIGNATED FOR THE EXCLUSIVE USE OF BICYCLES AND THE
6 SHOULDER.

7 (8) AN INDIVIDUAL MAY OPERATE A CLASS 1 ELECTRIC BICYCLE ON A
8 LINEAR PAVED TRAIL THAT HAS AN ASPHALT, CRUSHED LIMESTONE, OR
9 SIMILAR SURFACE, OR A RAIL TRAIL. A LOCAL AUTHORITY OR AGENCY OF
10 THIS STATE HAVING JURISDICTION OVER A TRAIL DESCRIBED IN THIS
11 SUBSECTION MAY REGULATE OR PROHIBIT THE OPERATION OF A CLASS 1
12 ELECTRIC BICYCLE ON THAT TRAIL.

13 (9) AN INDIVIDUAL MAY OPERATE A CLASS 2 OR CLASS 3 ELECTRIC
14 BICYCLE ON A LINEAR PAVED TRAIL THAT HAS AN ASPHALT, CRUSHED
15 LIMESTONE, OR SIMILAR SURFACE, OR A RAIL TRAIL IF AUTHORIZED BY THE
16 LOCAL AUTHORITY OR AGENCY OF THIS STATE HAVING JURISDICTION OVER
17 THE TRAIL.

18 (10) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, AN
19 INDIVIDUAL SHALL NOT OPERATE AN ELECTRIC BICYCLE ON A TRAIL THAT IS
20 DESIGNATED AS NONMOTORIZED AND THAT HAS A NATURAL SURFACE TREAD
21 THAT IS MADE BY CLEARING AND GRADING THE NATIVE SOIL WITH NO ADDED
22 SURFACING MATERIALS. A LOCAL AUTHORITY OR AGENCY OF THIS STATE
23 HAVING JURISDICTION OVER A TRAIL DESCRIBED IN THIS SUBSECTION MAY
24 ALLOW AND REGULATE THE OPERATION OF AN ELECTRIC BICYCLE ON THAT
25 TRAIL.

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