

HOUSE BILL REPORT

ESSB 6434

As Passed House:
February 27, 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: 2/15/18, 2/21/18 [DP].

Floor Activity:

Passed House: 2/27/18, 86-12.

Brief Summary of Engrossed 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.
- Specifies where electric-assisted bicycles may be used.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass. Signed by 22 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, Kloba, Lovick, McBride, 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.

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.

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 weights 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. Electric-assisted bicycles are exempt from vehicle registration and licensing requirements. 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 Bill:

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:

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.

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.

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 nonmotorized 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.

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

Staff Summary of Public Testimony:

(In support) Two concerns were resolved with changes made to the bill as it went through the Senate. The first provided clarification regarding trails that cross jurisdictional boundaries. On those trails, state rules regarding where electric-assisted bicycles can operate are in place unless every jurisdiction along that trail can come to an agreement on what the rules are. Having one shared-use path subject to an array of electric-assisted bicycles codes could be really challenging to navigate; now when a rider enters a trail the regulations are posted and everybody knows what the rules are. The second concern addressed in the Senate was over jurisdictions that may have already implemented some electric-assisted bicycle rules, such as Seattle, and not wanting to preempt or weaken them.

(Opposed) None.

Persons Testifying: Senator Rolfes, prime sponsor; and Alex Alston, Washington Bikes.

Persons Signed In To Testify But Not Testifying: None.