

SESSION OF 2022

**SUPPLEMENTAL NOTE ON HOUSE SUBSTITUTE FOR
SENATE BILL NO. 101**

As Recommended by House Committee on
Transportation

Brief*

House Sub. for SB 101 would amend the definition of and regulate the operations of electric-assisted bicycles (e-bikes).

Definitions and E-Bike Specifications

“Electric-assisted bicycle” would continue to mean a bicycle with two or three wheels, a saddle, fully operative pedals for human propulsion, and an electric motor. The bill would remove the current specifications of the motor (no more than 1,000 watts, incapable of propelling the device at more than 20 miles per hour [mph] on level ground, and incapable of increasing the speed further above 20 mph when human power alone is used to propel the device) and specify the electric motor be less than 750 watts and meet the requirements of one of three classes:

- A class 1 e-bike would be one equipped with a motor that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of 20 mph;
- A class 2 e-bike would be one equipped with a motor that may be used exclusively to propel the bicycle and is not capable of providing assistance when the bicycle reaches 20 mph; or

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- A class 3 e-bike would be one equipped with a motor that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches 28 mph.

The bill would amend definitions in other statutes to exclude e-bikes:

- In vehicle registration statutes and the Uniform Act Regulating Traffic on Highways, from the definitions of “all-terrain vehicle,” “electric-assisted scooter,” “motor vehicle,” “motorcycle,” and “motorized bicycle”; the bill also would specifically state an e-bike is not considered a motor vehicle;
- In the Vehicle Dealers and Manufacturers Licensing Act, from the definitions of “vehicle” and “motor vehicle”; and
- In the wildlife and parks laws, from the definition of “motor vehicle.”

The bill would require, on and after January 1, 2022, manufacturers and distributors of e-bikes to apply a permanently affixed label to a prominent location on each e-bike containing the classification number, top assisted speed, and motor wattage in Arial font in at least nine-point type. The bill would prohibit tampering with or modifying an e-bike in a way that changes the motor-powered speed capability or engagement of an e-bike, unless the label indicating the classification is replaced after modification.

The bill would require an e-bike to comply with the equipment and manufacturing requirements of the U.S. Consumer Product Safety Commission in 16 CFR Part 1512.

The bill would require an e-bike to operate so that the electric motor is disengaged or ceases to function when the rider stops pedaling or when the brakes are applied and would require a class 3 e-bike to be equipped with a

speedometer that displays the vehicle's speed in miles per hour.

Operating an E-Bike

The bill would state an e-bike or its rider shall be afforded all the rights and privileges, and be subject to the responsibilities, of a bicycle or its rider, and an e-bike would be a vehicle to the same extent as is a bicycle.

The bill would add an e-bike to the list of types of vehicles that need not be registered. The bill would state vehicle liability insurance, a driver's license, a certificate of title, and a license plate also would not be required.

The bill would state an e-bike may be ridden where bicycles are allowed, including, but not limited to, streets, highways, roadways, bicycle lanes, bicycle or multi-use paths, and trails or trail networks.

The bill would state its provisions would not restrict a city, through adopting an ordinance, from governing the operation of e-bikes on streets, highways, and sidewalks under its jurisdiction. Similarly, the bill would state its provisions would not prevent a municipality, county, or agency of the State having jurisdiction over a bicycle or multi-use path, trail, or trail network from restricting or prohibiting the operation of an e-bike or a specific class of e-bike on those paths and trails. The bill would authorize a local authority or state agency with jurisdiction over a trail to regulate the use of an e-bike on such trail, including a trail specifically designated as nonmotorized with a natural surface tread made by clearing and grading the native soil with no added surfacing materials.

The bill would prohibit operation of a class 3 e-bike by a person younger than 16 but would state a person younger than 16 could ride as a passenger if the e-bike is designed to accommodate passengers.

Background

The bill was introduced by the Senate Committee on Transportation at the request of a representative of PeopleForBikes.

Senate Committee on Transportation

In the Senate Committee hearing in 2021, **proponent** testimony was provided by representatives of PeopleForBikes, which they described as a trade association of nearly 300 bicycle manufacturers, distributors, and retailers. They stated the bill is part of a national effort to create uniform state laws on the use of e-bikes, the fastest growing segment of the bicycle market, and similar provisions have been enacted by 28 states and are pending in 16. They stated having three classes of e-bikes would help make clear where e-bikes with certain characteristics may be ridden or are prohibited.

A representative of the League of Kansas Municipalities (LKM) presented **opponent** testimony, specifically opposing the limits on local control proposed by the bill. The Superintendent of Parks and Golf Courses, Johnson County Park and Recreation District, provided opponent testimony citing concerns with home rule and specifically regarding allowing class 2 e-bikes on multi-use trails.

The City of Overland Park and representatives of the City of Shawnee provided written-only neutral testimony expressing concerns that the bill would limit city home-rule authority to regulate the types of e-bikes on their parks and recreation paths and trails and, specifically, operations of class 2 e-bikes on multi-use trails.

[*Note:* The memorandum “Kansas Laws Applicable to Bicycle and E-Scooter Operation” on the Kansas Legislative Research Department website summarizes current law on bicycle operations and equipment.]

The Senate Committee amended the bill to replace provisions specifying a process for a local authority or state agency to use to prohibit e-bike operation on bicycle or multi-use paths, and authorizing a local authority or state agency to prohibit class 3 e-bikes, with the provisions described above regarding the authority of local units of government and state agencies to regulate where e-bikes can be operated.

House Committee on Transportation

In the House Committee hearing in 2022, a representative of PeopleForBikes provided **proponent** testimony, and a second representative of PeopleForBikes provided written-only proponent testimony. According to testimony, 36 states have passed similar legislation, and the bill would provide uniformity in regulation.

A representative of the LKM provided neutral testimony and expressed gratitude for the 2021 amendments to the bill. The representative noted other states have made additional rules for class 3 e-bikes and encouraged review of how class 3 e-bikes should be treated under laws regarding driving under the influence.

A private citizen provided **opponent** testimony, expressing concerns about the potential lack of uniformity among adjoining Kansas municipalities and measuring watts for this purpose, and suggesting the definition of an e-bike be expanded to include e-bikes of up to 2,000 watts or use of a weight limit for an e-bike.

The House Committee recommended a substitute bill, at the suggestion of the revisor, to incorporate amendments to KSA 8-126 and KSA 8-1402a enacted in 2021.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill as introduced in 2021, the Department of Revenue and the Department of Transportation state enactment of the bill would have no fiscal effects on their agencies.

E-bike; electric-assisted bicycle; bicycle