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:

SEC. 13E. "ELECTRIC BICYCLE" MEANS A DEVICE UPON WHICH AN INDIVIDUAL MAY RIDE THAT IS EQUIPPED WITH A SEAT OR SADDLE FOR USE BY THE RIDER, FULLY OPERABLE PEDALS FOR HUMAN PROPULSION, AND AN ELECTRIC MOTOR OF LESS THAN 750 WATTS, AND THAT FALLS WITHIN 1 OF THE FOLLOWING CATEGORIES:

(A) CLASS 1 ELECTRIC BICYCLE. AS USED IN THIS SUBDIVISION, "CLASS 1 ELECTRIC BICYCLE" MEANS AN ELECTRIC BICYCLE THAT IS
EQUIPPED WITH AN ELECTRIC MOTOR THAT PROVIDES ASSISTANCE ONLY WHEN THE RIDER IS PEDALING AND THAT STOPS PROVIDING ASSISTANCE WHEN THE ELECTRIC BICYCLE REACHES A SPEED OF 20 MILES PER HOUR.

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

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

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

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

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

(2) MOPE D DOES NOT INCLUDE AN ELECTRIC BICYCLE.

Sec. 33. "Motor vehicle" means every vehicle that is self-propelled, but for purposes of chapter 4 of this act motor vehicle does not include industrial equipment such as a forklift, a front-end loader, or other construction equipment that is not subject to registration under this act. Motor vehicle does not include an electric patrol vehicle being operated in compliance with the
electric patrol vehicle act, 1997 PA 55, MCL 257.1571 to 257.1577.

Motor vehicle does not include an electric personal assistive mobility device. Motor vehicle does not include an electric carriage. Motor vehicle does not include a commercial quadricycle. **MOTOR VEHICLE DOES NOT INCLUDE AN ELECTRIC BICYCLE.**

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

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

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

(3) A PERSON SHALL NOT TAMPER WITH OR MODIFY AN ELECTRIC BICYCLE SO AS TO CHANGE THE MANUFACTURED MOTOR-POWERED SPEED CAPABILITY OR MOTOR ENGAGEMENT OF THE ELECTRIC BICYCLE WITHOUT REPLACING THE LABEL REQUIRED UNDER SUBSECTION (2) WITH AN APPROPRIATE LABEL PRINTED IN ARIAL FONT AND IN AT LEAST 9-POINT
TYPE. FOR PURPOSES OF THIS ACT, A DEVICE SHALL NOT BE CONSIDERED AN
ELECTRIC BICYCLE IF THE MOTOR IS MODIFIED IN A MANNER THAT MAKES IT
CAPABLE OF PROPPELLING THE DEVICE AT A SPEED THAT EXCEEDS THOSE
DESCRIBED IN SECTION 13E.

(4) ALL OF THE FOLLOWING APPLY TO A CLASS 3 ELECTRIC BICYCLE:
(A) A CLASS 3 ELECTRIC BICYCLE SHALL NOT BE OPERATED BY AN
INDIVIDUAL LESS THAN 14 YEARS OF AGE. AN INDIVIDUAL LESS THAN 14
YEARS OF AGE MAY RIDE AS A PASSENGER ON A CLASS 3 ELECTRIC BICYCLE
THAT IS DESIGNED TO ACCOMMODATE PASSENGERS.
(B) AN INDIVIDUAL LESS THAN 18 YEARS OF AGE WHO OPERATES OR
RIDES AS A PASSENGER ON A CLASS 3 ELECTRIC BICYCLE SHALL WEAR A
PROPERLY FITTED AND FASTENED BICYCLE HELMET THAT MEETS FEDERAL
STANDARDS ESTABLISHED BY THE UNITED STATES CONSUMER PRODUCT SAFETY
COMMISSION OR THE AMERICAN SOCIETY FOR TESTING AND MATERIALS.
(C) A CLASS 3 ELECTRIC BICYCLE SHALL BE EQUIPPED WITH A
WORKING SPEEDOMETER THAT DISPLAYS THE SPEED THE ELECTRIC BICYCLE IS
TRAVELING IN MILES PER HOUR.
(5) A CLASS 1 ELECTRIC BICYCLE AND A CLASS 3 ELECTRIC BICYCLE
SHALL FUNCTION IN A MANNER SUCH THAT THE MOTOR IS DISENGAGED
THROUGH A MECHANISM THAT, WHEN THE RIDER STOPS PEDALING, THE
ELECTRIC MOTOR WILL DISENGAGE OR CEASE TO FUNCTION. A CLASS 2
ELECTRIC BICYCLE SHALL FUNCTION IN A MANNER SUCH THAT THE ELECTRIC
MOTOR IS DISENGAGED OR CEASES TO FUNCTION WHEN THE BRAKES ARE
APPLIED.
(6) AN ELECTRIC BICYCLE SHALL COMPLY WITH APPLICABLE EQUIPMENT
AND MANUFACTURING REQUIREMENTS FOR ELECTRIC BICYCLES ESTABLISHED
UNDER FEDERAL LAW, INCLUDING STANDARDS ADOPTED BY THE UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION AND COMPiled IN 16 CFR PART 1512.

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

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

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

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

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