



The Right to Bike Act

HB 5 - SB 31

Bill Analysis

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

As electronic bicycles (e-Bikes) become more popular in the United States, it has become important for states to have a predictable regulatory environment for manufacturers, retailers and consumers. Local authorities and cities are requesting the ability to regulate bicycle access in certain situations and environments. Eleven states have already passed similar legislation—Washington, California, Utah, Colorado, Arizona, Michigan, Illinois, Ohio, Connecticut, Tennessee, and Arkansas.

This bill amends the Transportation Code in several areas:

- Defines three classes of e-Bikes based on speed and motor assistance. Expands the definition of a bike to include an electric motor and its application.
- Sets a minimum age limit for Class 3 e-Bikes.
- Allows local authorities and municipalities to set speed limits and to restrict use in certain areas and on certain terrain.
- Requires a label to easily identify that it is an e-Bike and its classification.

This bill amends current law relating to the operation of electric and nonelectric bicycles.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Department of Motor Vehicles is modified in SECTION 5 (Section 551.106, Transportation Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 502.143, Transportation Code, as follows:

Sec. 502.143. OTHER VEHICLES. Prohibits an owner from registering the following vehicles for operation on a public highway:

(1)–(3) makes no changes to these subdivisions;
and

(4) electric bicycles, as defined by Section 664.001.

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SECTION 2. Amends Sections 541.201(2) and (24), Transportation Code, to redefine "bicycle" and "electric bicycle."

SECTION 3. Amends Section 551.001, Transportation Code, as follows:

Sec. 551.001. New heading: APPLICABILITY. Provides that, unless specifically provided otherwise, a provision of this chapter (Operation of Bicycles, Mopeds, and Play Vehicles) that applies to a person operating a bicycle applies only to a person operating a bicycle on certain surfaces, rather than providing that, except as provided by Subchapter C (Electric Personal Assistive Mobility Devices), this chapter applies only to a person operating a bicycle on certain surfaces.

SECTION 4. Amends the heading to Subchapter B, Chapter 551, Transportation Code, to read as follows:

SUBCHAPTER B. BICYCLES

SECTION 5. Amends Section 551.106, Transportation Code, as follows:

Sec. 551.106. New heading: REGULATION OF BICYCLES BY DEPARTMENT OR LOCAL AUTHORITY. (a) Creates Subsection (b) from existing text and redesignates existing Subsection (b) as Subsection (c). Prohibits the Texas Department of Motor Vehicles (TxDMV) or a local authority from prohibiting the operation, rather than prohibiting the use, of an electric bicycle:

(1) creates this subdivision from existing text and makes a nonsubstantive change; or

(2) in an area in which the operation of a nonelectric bicycle is permitted, unless the area is a path that:

(A) is not open to motor vehicles; and

(B) has a natural surface tread made by clearing and grading the native soil without adding surfacing materials.

(b) Authorizes TxDMV or a local authority to:

(1) prohibit the operation of a bicycle on a sidewalk, rather than prohibit the use of an electric bicycle, on a highway used primarily by pedestrians; and

(2) establish speed limits for bicycles on paths set aside for the exclusive operation of bicycles and other paths on which bicycles may be operated.



(c) Authorizes, rather than requires, TxDMV to establish rules for the administration of this section if necessary.

SECTION 6. Amends Subchapter B, Chapter 551, Transportation Code, by adding Section 551.107, as follows:

Sec. 551.107. OPERATION OF ELECTRIC BICYCLE. (a) Provides that Subtitles A (Application of Chapter), B (Regulation of Operation), and D (Neighborhood Electric Vehicles) and Chapter 663 (Certain Off-Highway Vehicles) do not apply to the operation of an electric bicycle.

(b) Prohibits a person from operating an electric bicycle unless the electric motor disengages or ceases to function either:

- (1) when the operator stops pedaling; or
- (2) when the brakes are applied.

(c) Prohibits a person from operating a Class 3 electric bicycle, as defined by Section 664.001, unless the person is at least 15 years of age. Provides that this subsection does not prohibit a person who is under 15 years of age from riding on a Class 3 bicycle as a passenger.

SECTION 7. Amends the heading to Subtitle G, Title 7, Transportation Code, to read as follows:

SUBTITLE G. MOTORCYCLES, OFF-HIGHWAY VEHICLES, AND ELECTRIC BICYCLES

SECTION 8. Amends Subtitle G, Title 7, Transportation Code, by adding Chapter 664, as follows:

CHAPTER 664. STANDARDS FOR ELECTRIC BICYCLES

Sec. 664.001. DEFINITIONS. Defines "class 1 electric bicycle," "class 2 electric bicycle," "class 3 electric bicycle," "electric bicycle," and "top assisted speed" for purposes of this chapter.

Sec. 664.002. LABELING. (a) Requires a person who manufactures or sells an electric bicycle to apply a permanent label to the electric bicycle in a prominent location that shows in Arial font in at least 9-point type:

- (1) whether the electric bicycle is a Class 1, Class 2, or Class 3 electric bicycle;
- (2) the top assisted speed of the electric bicycle; and
- (3) the motor wattage of the electric bicycle.

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(b) Requires a person who changes the motor-powered speed capability or engagement of an electric bicycle to replace the label required by Subsection (a) to show accurate information about the electric bicycle.

Sec. 664.003. FEDERAL STANDARDS. Requires a person who manufactures or sells an electric bicycle to ensure that the bicycle complies with the equipment and manufacturing requirements for bicycles adopted by the United States Consumer Product Safety Commission under 16 C.F.R. Part 1512.

Sec. 664.004. SPEEDOMETER. Requires a person who manufactures or sells a Class 3 electric bicycle to ensure that the bicycle is equipped with a speedometer.

SECTION 9. Makes application of Chapter 664, Transportation Code, as added by this Act, prospective to January 1, 2020.

SECTION 10. Repealer: Section 501.002(7) (relating to the definition of "electric bicycle"), Transportation Code.

Repealer: Section 502.001(12) (relating to the definition of "electric bicycle"), Transportation Code.

SECTION 11. Effective date: September 1, 2020.

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