

An Act

ENROLLED HOUSE
BILL NO. 1265

By: Bush of the House

and

Pugh of the Senate

An Act relating to motor vehicles; amending 47 O.S. 2011, Section 1-104, as amended by Section 1, Chapter 319, O.S.L. 2012 (47 O.S. Supp. 2018, Section 1-104), which relates to bicycles; modifying definition; creating classes of electric-assisted bicycles; requiring electric-assisted bicycles meet certain manufacturing and equipment requirements; amending 47 O.S. 2011, Section 1-134, which relates to motor vehicles; exempting electric-assisted bicycles from definition; amending 47 O.S. 2011, Section 11-1103, which relates to motor-driven cycle restrictions; modifying certain restrictions for operation of electric-assisted bicycles; allowing electric-assisted bicyclist similar rights and duties as bicyclists; exempting electric-assisted bicycles from certain requirements; requiring manufacturers to affix certain labels; prohibiting certain tampering with motors unless new label attached; specifying where electric-assisted bicycles may be ridden; specifying age requirements for operation; requiring speedometer be installed on certain electric-assisted bicycles; stating electric-assisted bicycles are motor vehicles required for certain federal law; amending 47 O.S. 2011, Section 12-701, which relates to bicycles; making electric-assisted bicycle subject to certain equipment requirements; repealing 47 O.S. 2011, Section 11-805.2, which relates to electric-assisted bicycle operators; providing for codification; and providing an effective date.

SUBJECT: Electric-assisted bicycles

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 47 O.S. 2011, Section 1-104, as amended by Section 1, Chapter 319, O.S.L. 2012 (47 O.S. Supp. 2018, Section 1-104), is amended to read as follows:

Section 1-104. A. A bicycle is a device upon which any person or persons may ride, propelled solely by human power through a belt, chain, or gears, and having two or more wheels, excluding mopeds.

B. An electric-assisted bicycle is any bicycle with:

1. Two or three wheels; and

2. Fully operative pedals for human propulsion and equipped with an electric motor with a power output of not more than seven hundred fifty (750) watts that meets the requirements of one of the following three classes:

- a. ~~with a power output not to exceed one thousand (1,000) watts~~ "Class 1 electric-assisted bicycle" shall mean an electric-assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of twenty (20) miles per hour,
- b. ~~incapable of propelling the device at a speed of more than thirty (30) miles per hour on level ground~~ "Class 2 electric-assisted bicycle" shall mean an electric-assisted bicycle equipped with a motor that may be used exclusively to propel the bicycle, and that is not capable of providing assistance when the bicycle reaches the speed of twenty (20) miles per hour, and
- c. ~~incapable of further increasing the speed of the device when human power alone is used to propel the device at a speed of thirty (30) miles per hour or more~~ "Class 3 electric-assisted bicycle" shall mean an electric-assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of twenty-eight (28) miles per hour.

An electric-assisted bicycle shall meet the manufacturing and equipment requirements ~~of the Federal Motor Vehicle Safety Standards~~

~~as set forth in federal regulations adopted by the Consumer Product Safety Commission for bicycles~~ and shall operate in such a manner that the electric motor disengages or ceases to function when the rider stops pedaling or the brakes are applied.

C. A motorized bicycle is any bicycle having:

1. Fully operative pedals for propulsion by human power;

2. A power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged; and

3. A combustion engine with a piston or rotor displacement of eighty (80 cu cm) cubic centimeters or less, regardless of the number of chambers in the engine, which is capable of propelling the bicycle at a maximum design speed of not more than thirty-five (35) miles per hour on level ground.

D. As used in this title, the term "bicycle" shall include tricycles, quadcycles, or similar human-powered devices, electric-assisted bicycles, and motorized bicycles unless otherwise specifically indicated.

SECTION 2. AMENDATORY 47 O.S. 2011, Section 1-134, is amended to read as follows:

Section 1-134. Motor vehicle.

A. A motor vehicle is:

1. Any vehicle which is self-propelled; or

2. Any vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

B. As used in this title, the term "motor vehicle" shall not include:

1. Implements of husbandry, as defined in Section 1-125 of this title;

2. Electric personal assistive mobility devices as defined in Section 1-114A of this title;

3. Motorized wheelchairs, as defined in Section 1-136.3 of this title; ~~or~~

4. Vehicles moved solely by human or animal power; or

5. Electric-assisted bicycles as defined in Section 1-104 of this title.

SECTION 3. AMENDATORY 47 O.S. 2011, Section 11-1103, is amended to read as follows:

Section 11-1103. A. No person under the age of sixteen (16) years shall drive a motorcycle, motor-driven cycle, motorized scooter, or motorized bicycle, ~~or an electric-assisted bicycle~~ on any highway of this state while transporting any other person.

B. The operator of a motorcycle, motor-driven cycle, motorized scooter, or motorized bicycle, ~~or electric-assisted bicycle~~ who has attained the age of sixteen (16) years or older may carry a passenger if the vehicle has a wheel diameter of twelve (12) inches or greater and is factory-designed and equipped with either:

1. A double seating device with double foot rests; or

2. A sidecar attachment providing a separate seat space within such sidecar attachment for each person riding therein so that such person shall be seated entirely within the body of said sidecar.

C. No rider of a motorcycle, motor-driven cycle, motorized scooter, or motorized bicycle, ~~or electric-assisted bicycle~~ shall hold to any moving vehicle for the purpose of being propelled.

D. No driver of a motorcycle, motor-driven cycle, motorized scooter, motorized bicycle, or electric-assisted bicycle shall pass other vehicles between lanes of traffic traveling in the same direction. This subsection shall not apply to the operator of an authorized emergency vehicle.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 11-1209 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. Except as specifically provided in this section, an electric-assisted bicycle or an operator of an electric-assisted

bicycle shall be afforded the rights and privileges and be subject to all of the duties and provisions of this act.

B. An electric-assisted bicycle or a person operating an electric-assisted bicycle is not subject to the Oklahoma statutory provisions relating to financial responsibility, vehicle insurance, driver licenses, vehicle registration or certificates of title.

C. On and after January 1, 2020, manufacturers and distributors of electric-assisted bicycles shall apply a label that is permanently affixed in a prominent location to each electric-assisted bicycle. The label shall contain the classification number, top assisted speed and motor wattage of the electric-assisted bicycle, and it shall be printed in Arial font in at least 9-point type.

D. A person shall not tamper with or modify an electric-assisted bicycle so as to change the motor-powered speed capability or engagement of an electric-assisted bicycle, unless he or she appropriately replaces the label indicating the classification required in subsection C of this section.

E. An electric-assisted bicycle may be ridden where bicycles are permitted to travel subject to the following provisions:

1. A Class 1 electric-assisted bicycle or a Class 2 electric-assisted bicycle may be ridden on bicycle or multiuse paths where bicycles are permitted. However, the local authority or state agency having jurisdiction over a bicycle or multiuse path may prohibit the operation of a Class 1 electric-assisted bicycle or Class 2 electric-assisted bicycle on that path.

2. A Class 3 electric-assisted bicycle shall not be ridden on a bicycle or multiuse path unless it is within or adjacent to a highway or roadway or unless the local authority or state agency having jurisdiction over the path permits that operation.

3. This subsection shall not apply to a trail designated as nonmotorized if such trail has a natural surface tread made by clearing and grading the native soil with no added surfacing materials. A local authority or state agency may regulate the use of electric-assisted bicycles or any class thereof on such trails that are under its jurisdiction.

F. The use of Class 3 electric-assisted bicycles shall be subject to the following provisions:

1. No person under sixteen (16) years of age may operate a Class 3 electric-assisted bicycle. A person under sixteen (16) years of age may ride as a passenger on a Class 3 electric-assisted bicycle that is designed to accommodate passengers.

2. All Class 3 electric-assisted bicycles shall be equipped with a speedometer that is capable of displaying the speed the electric-assisted bicycle is traveling in miles per hour.

G. An electric-assisted bicycle shall be considered a motor vehicle to the extent required for compliance with 23 U.S.C., Section 154.

SECTION 5. AMENDATORY 47 O.S. 2011, Section 12-701, is amended to read as follows:

Section 12-701. No provision in this chapter shall apply to bicycles or to equipment for use on bicycles except as to provisions in this article or unless a provision has been made specifically applicable to bicyclists, bicycles, electric-assisted bicycles or their equipment. As used in Chapter 12 of this title, "bicycle" shall include, unless otherwise specifically indicated, bicycles, mopeds, motorized bicycles, and electric-assisted bicycles, as those terms are defined in Chapter 1 of this title.

SECTION 6. REPEALER 47 O.S. 2011, Section 11-805.2, is hereby repealed.

SECTION 7. This act shall become effective November 1, 2019.

Passed the House of Representatives the 5th day of March, 2019.

Presiding Officer of the House
of Representatives

Passed the Senate the 8th day of April, 2019.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____