



peopleforbikes

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TO: Representative Proehl and the House Transportation Committee
FROM: Ash Lovell, Ph.D. Electric Bicycle Policy & Campaign Director, PeopleforBikes
DATE: Jan. 25, 2022
SUBJECT: SB 101: Electric-assisted bicycles; relating to the regulation and approved use thereof; providing for use of certain sizes of motors

Dear Representative Proehl and the members of the House Transportation Committee,

On behalf of the PeopleForBikes Coalition, I encourage passage of SB 101.

The PeopleForBikes Coalition is the national advocacy group and trade association that works for better policies and infrastructure for bike riding. Our coalition includes companies that manufacture or sell bicycles and related products, including electric-assisted bicycles.

Electric-assisted bicycles are a still emerging technology and having clear rules to regulate their use creates stability in the marketplace. As electric-assisted bicycle adoption continues to grow and these products evolve into a more mature technology, manufacturers, retailers, and bike riders need clear rules defining these products and clearly state what rules apply to them when they are being used. Our goal at PeopleForBikes has been to harmonize terminology and regulation at all levels of government so electric-assisted bicycles have as consistent rules as possible throughout the United States.

An electric-assisted bicycle is designed similarly to a traditional bicycle but has three additional components – a small motor that provides assistance to the bike rider, a battery to provide power to the motor, and electronics that enable the rider to control the system. Recent advances in electronic and battery technology have made electric-assisted bicycles more affordable and more enjoyable to ride. As technology has matured, the broad category of electric-assisted bicycles has developed into three types or classes of electric-assisted bicycle depending on their speed and type of motor engagement. These are known as Class 1, 2, or 3 electric-assisted bicycles. They can quickly be described as follows:

- Class 1: Pedal-assist electric-assisted bicycle (the rider must be pedaling for the motor to engage), top speed of 20 miles per hour.
- Class 2: Throttle-assist electric-assisted bicycle (the motor can provide power independently of whether the rider is pedaling, top speed of 20 miles per hour.
- Class 3: Pedal-assist electric-assisted bicycle, top speed of 28 miles per hour.

Electric-assisted bicycles are enjoyed by people from all walks of life, and they are being widely adopted by Americans from all age groups. Older Americans often report using electric-assisted bicycles for recreational purposes and that the electric assist features of an electric-assisted bicycles have enabled them to ride their bike for more of their life than they otherwise would have. Younger people are increasingly using electric-assisted bicycles for transportation or as a car replacement. Electric-assisted bicycles are also a dependable option for people limited by fitness, age, or disability; as well as for those who traditionally drive to work in the 5-10 mile range.

I can personally attest to the value that an electric-assisted bicycle can provide for short range transportation. I own a Class 1 electric-assisted cargo bicycle. I frequently use my electric-assisted bicycle with to transport my two young children to and from school, to take trips to the local library and to pick up

groceries. I would have never been able to achieve the same level of practicality and functionality without the assist that my electric bicycle provides.

Until recently, the regulation of electric-assisted bicycles in the United States had evolved in a piecemeal and uncoordinated manner. The federal government has regulated electric-assisted bicycles since 2002, when legislation was passed clarifying their product safety standards. Under this federal law, electric-assisted bicycles are treated identically to bicycles for these purposes. They are regulated by the Consumer Product Safety Commission and they must comply with the federal safety standards for bicycles.

During the last 20 years, some state legislatures passed laws to recognize electric-assisted bicycles. Other states have never addressed their use. Some states borrowed the federal consumer product safety definition, others altered it, and some created entirely new definitions for what an electric-assisted bicycle is. As a result, manufacturers were faced with inconsistent and often unclear rules that governed what an electric-assisted bicycle was and where electric-assisted bicycle purchasers could use their product.

Recognizing the need for greater consistency as the market for electric-assisted bicycles grew, U.S. electric-assisted bicycle manufacturers came together to develop the three-class system seven years ago to update regulations around critical issues like speed, wattage, and operation.

The three class system for electric-assisted bicycle regulation has now been adopted in 36 states (Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nevada, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin and Wyoming); and bills are progressing in 5 other states in addition to Kansas this year. It has also been adopted into our federal funding statutes through the bipartisan infrastructure bill in 2021 (Pub. Law 117-58, to be codified at 23 U.S.C. § 217).

The legislation before the Committee would implement the three class system in Kansas. It would bring Kansas' definition of an electric-assisted bicycle into alignment with federal standards, and provide additional clarity regarding where electric-assisted bicycles can be ridden and what rules apply to people who use them. It would also facilitate local regulation of electric-assisted bicycles on bicycle paths so that local entities can make the best decision for their communities. A uniform labeling standard for all electric-assisted bicycles will help law enforcement and public safety officials easily identify the class of electric-assisted bicycle in the event of enforcement issues. Lastly, it would make clarifications to existing terms and clean-up definitions that were not modified when previous electric-assisted bicycle laws passed.

SB 101 does not make any dramatic changes to the overall system of electric-assisted bicycles regulation in Kansas. This legislation is really more of an update than of an overhaul. Today, electric-assisted bicycles are regulated similarly to bicycles and they are not treated as motor vehicle. This bill will not change that. PeopleForBikes supports SB 101, and we believe it is the proper way to regulate the use of electric-assisted bicycles in Kansas. Again, we would urge the committee to pass SB 101. Thank you for your time.

Sincerely,
Ash Lovell, Ph.D.
Electric Bicycle Policy & Campaign Director