

To: Senate Transportation Committee

From: Deborah Barnes, Staff Attorney

Date: February 17, 2021

RE: Opposition Testimony to SB 101

Thank you to Chairman Petersen and Committee members for allowing the League of Kansas Municipalities the opportunity to provide testimony in opposition to SB 101.

As electric-assisted bicycles have increased in popularity, over 25 states now have various laws similar to SB 101 establishing a framework for how to treat electric-assisted bicycles under the law.

While we are not opposed to the concept of electric-assisted bicycles, or even much of SB 101, we do oppose the limits on local control proposed under this legislation. As written, the bill replaces what should be a legislative decision of a city's governing body with a quasi-judicial process. When a city's governing body takes legislative action, it is always taken at an open public meeting. A governing body weighs the pros and the cons of the action, the desires of its citizens, and the needs of its community to make legislative decisions that are in the best interest of the public through published ordinances. The quasi-judicial hearing called for in Section 9 needlessly limits a city's governing body's legislative authority. We would ask that instead the committee amend the bill by striking the language in Section 9 (g)(2)-(4) and replacing it with the following language which is similar to language used in other states:

“However, this section may not be construed to prevent a city, through the exercise of its home rule powers from adopting an ordinance governing the operation of electric-assisted bicycles on streets, highways, sidewalks, and sidewalk areas under the city's jurisdiction or to prevent a municipality, county, or agency of the state having jurisdiction over a bicycle path, multiuse path, trail or trail network from restricting or prohibiting the operation of an electric-assisted bicycle on a bicycle path, multiuse path, trail or trail network.”

We would also like to call the Committee's attention to the fact that Class 3 electric-assisted bicycles will be able to travel up to 28 mph. Other states have made additional rules for this category. While we do not have a position on whether this Class should be allowed, we do strongly encourage the Committee to investigate how these should be treated under our Kansas DUI laws. Currently, e-bicycles do not appear to fit any current category of DUI and, in researching this issue, we found articles suggesting these bicycles as a good way to avoid worrying about DUI laws. As these bicycles will be allowed on any public road, it is probably an area that is worth further consideration if SB 101 is to be considered by the full House.