

BILL ANALYSIS

C.S.H.B. 2188
By: Frullo
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been suggested that as the popularity of electric bicycles increases in the United States, so too does the need for a predictable regulatory environment for manufacturers, retailers, and consumers. There have been calls to provide local authorities and cities with the ability to regulate bicycle access in certain situations. C.S.H.B. 2188 seeks to address this issue by revising provisions relating to the operation of electric and nonelectric bicycles.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2188 amends the Transportation Code to prohibit the Department of Public Safety (DPS) from prohibiting the operation of an electric bicycle, as redefined by the bill, in an area in which the operation of a nonelectric bicycle is permitted unless the area is a path that is not open to motor vehicles and has a certain natural surface tread. The bill revises the places on which DPS or a local authority is authorized to prohibit the use of an electric bicycle from on a highway used primarily by pedestrians to on a sidewalk and to establish speed limits for electric bicycles on certain paths. The bill replaces the requirement for DPS to establish rules for the administration of provisions regulating electric bicycles with an authorization for DPS to adopt such rules if necessary. The bill exempts the operation of an electric bicycle from the applicability of statutory provisions relating to titling and registration requirements, driver's licenses and personal identification cards, the Texas Motor Vehicle Safety Responsibility Act, and certain off-highway vehicles. The bill prohibits a person from operating an electric bicycle unless the electric motor disengages or ceases to function either when the operator stops pedaling or when the brakes are applied. The bill prohibits a person from operating a Class 3 electric bicycle unless the person is at least 15 years of age but expressly does not prohibit such a person from riding on a Class 3 bicycle as a passenger.

C.S.H.B. 2188 requires a person who manufactures or sells an electric bicycle to label the bicycle in a certain manner indicating whether the electric bicycle is a Class 1, Class 2, or Class 3 electric bicycle, as defined by the bill; the top assisted speed of the electric bicycle; and the motor wattage of the electric bicycle. The bill requires a person who changes the motor-powered speed capability or engagement of an electric bicycle to replace the requisite label to show accurate information about the bicycle. The bill sets out provisions relating to a required speedometer on a Class 3 electric bicycle and to requiring the manufacturer or seller to comply with certain federal standards. These provisions apply only to an electric bicycle manufactured

or sold on or after January 1, 2020.

C.S.H.B. 2188 repeals Sections 501.002(7) and 502.001(12), Transportation Code.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 2188 differs from the original in minor or nonsubstantive ways to make technical corrections.