

By: Frullo

H.B. No. 2188

A BILL TO BE ENTITLED

AN ACT

relating to the operation of electric and non-electric bicycles.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 502.143, Transportation Code, is amended to read as follows:

Sec. 502.143. OTHER VEHICLES. An owner may not register the following vehicles for operation on a public highway:

- (1) power sweepers;
- (2) motorized mobility devices; and
- (3) electric personal assistive mobility devices[+

~~and~~

~~[(4) electric bicycles].~~

SECTION 2. Sections 541.201(2) and (24), Transportation Code, are amended to read as follows:

(2) "Bicycle" means a device that a person may ride and that:

(A) is capable of being ridden solely using  
~~[propelled by]~~ human power; and

(B) has two tandem wheels at least one of which is  
more than 14 inches in diameter.

(24) "Electric bicycle" has the meaning assigned by  
Section 664.001 ~~[means a bicycle that:~~

~~[(A) is designed to be propelled by an electric~~  
~~motor, exclusively or in combination with the application of human~~

1 ~~power,~~

2 ~~[(B) cannot attain a speed of more than 20 miles~~  
3 ~~per hour without the application of human power; and~~

4 ~~[(C) does not exceed a weight of 100 pounds].~~

5 SECTION 3. Section 551.001, Transportation Code, is amended  
6 to read as follows:

7 Sec. 551.001. APPLICABILITY ~~[PERSONS AFFECTED]~~. Unless  
8 specifically provided otherwise, a provision of ~~[Except as provided~~  
9 ~~by Subchapter C,]~~ this chapter that applies to a person operating a  
10 bicycle applies only to a person operating a bicycle on:

11 (1) a highway; or

12 (2) a path set aside for the exclusive operation of  
13 bicycles.

14 SECTION 4. The heading to Subchapter B, Chapter 551,  
15 Transportation Code, is amended to read as follows:

16 SUBCHAPTER B. BICYCLES ~~[REGULATION OF OPERATION]~~

17 SECTION 5. Section 551.106, Transportation Code, is amended  
18 to read as follows:

19 Sec. 551.106. REGULATION OF ~~[ELECTRIC]~~ BICYCLES BY  
20 DEPARTMENT OR LOCAL AUTHORITY. (a) The department or a local  
21 authority may not prohibit the operation ~~[use]~~ of an electric  
22 bicycle:

23 (1) on a highway that is used primarily by motor  
24 vehicles; or

25 (2) in an area in which the operation of a non-electric  
26 bicycle is permitted, unless the area is a path that:

27 (A) is not open to motor vehicles; and

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

3            (b) The department or a local authority may:

4                    (1) prohibit the operation of a [use of an electric]  
5 bicycle on a sidewalk; and

6                    (2) establish speed limits for bicycles on paths set  
7 aside for the exclusive operation of bicycles and other paths on  
8 which bicycles may be operated [highway used primarily by  
9 pedestrians].

10            (c) [~~b~~] The department may [~~shall~~] establish rules for  
11 the administration of this section if necessary.

12            SECTION 6. Subchapter B, Chapter 551, Transportation Code,  
13 is amended by adding Section 551.107 to read as follows:

14            Sec. 551.107. OPERATION OF ELECTRIC BICYCLE. (a)  
15 Subtitles A, B, and D and Chapter 663 do not apply to the operation  
16 of an electric bicycle.

17            (b) A person may not operate an electric bicycle unless the  
18 electric motor disengages or ceases to function either:

19                    (1) when the operator stops pedaling; or

20                    (2) when the brakes are applied.

21            (c) A person may not operate a Class 3 electric bicycle, as  
22 defined by Section 664.001, unless the person is at least 15 years  
23 of age. This subsection does not prohibit a person who is under 15  
24 years of age from riding on a Class 3 bicycle as a passenger.

25            SECTION 7. The heading to Subtitle G, Title 7,  
26 Transportation Code, is amended to read as follows:

1 SUBTITLE G. MOTORCYCLES, ~~[AND]~~ OFF-HIGHWAY VEHICLES, AND ELECTRIC  
2 BICYCLES

3 SECTION 8. Subtitle G, Title 7, Transportation Code, is  
4 amended by adding Chapter 664 to read as follows:

5 CHAPTER 664. STANDARDS FOR ELECTRIC BICYCLES

6 Sec. 664.001. DEFINITIONS. In this chapter:

7 (1) "Class 1 electric bicycle" means an electric  
8 bicycle:

9 (A) equipped with a motor that assists the rider  
10 only when the rider is pedaling; and

11 (B) with a top assisted speed of 20 miles per hour  
12 or less.

13 (2) "Class 2 electric bicycle" means an electric  
14 bicycle:

15 (A) equipped with a motor that may be used to  
16 propel the bicycle without the pedaling of the rider; and

17 (B) with a top assisted speed of 20 miles per hour  
18 or less.

19 (3) "Class 3 electric bicycle" means an electric  
20 bicycle:

21 (A) equipped with a motor that assists the rider  
22 only when the rider is pedaling; and

23 (B) with a top assisted speed of more than 20 but  
24 less than 28 miles per hour.

25 (4) "Electric bicycle" means a bicycle:

26 (A) equipped with:

27 (i) fully operable pedals; and

1                    (ii) an electric motor of fewer than 750  
2 watts; and

3                    (B) with a top assisted speed of 28 miles per hour  
4 or less.

5                    (5) "Top assisted speed" means the speed at which the  
6 bicycle's motor ceases propelling the bicycle or assisting the  
7 rider.

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

12                    (1) whether the electric bicycle is a Class 1, Class 2,  
13 or Class 3 electric bicycle;

14                    (2) the top assisted speed of the electric bicycle;  
15 and

16                    (3) the motor wattage of the electric bicycle.

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

21                    Sec. 664.003. FEDERAL STANDARDS. A person who manufactures  
22 or sells an electric bicycle shall ensure that the bicycle complies  
23 with the equipment and manufacturing requirements for bicycles  
24 adopted by the United States Consumer Product Safety Commission  
25 under 16 C.F.R. Part 1512.

26                    Sec. 664.004. SPEEDOMETER. A person who manufactures or  
27 sells a Class 3 electric bicycle shall ensure that the bicycle is

1 equipped with a speedometer.

2           SECTION 9. Chapter 664, Transportation Code, as added by  
3 this Act, applies only to an electric bicycle manufactured or sold  
4 on or after January 1, 2020.

5           SECTION 10. Sections 501.002(7) and 502.001(12),  
6 Transportation Code, are repealed.

7           SECTION 11. This Act takes effect September 1, 2019.