

April 27, 2021

Chair Grier Hopkins  
House Transportation Committee  
Alaska State Legislature  
State Capitol  
Juneau AK, 99801

Dear Chair Hopkins and Members of the House Transportation Committee:

On behalf of the PeopleForBikes Coalition, we write to testify in support of HB 87 and offer suggested amendments that we think would improve the bill.

The PeopleForBikes Coalition is the national advocacy group and trade association that works for better policies and infrastructure for bike riding. Our coalition includes nearly 300 companies and brands that manufacture, distribute, or sell bicycles and related products, including electric bicycles.

Electric bicycles are a still emerging technology that need clear rules to regulate their use and create stability in the marketplace. Our goal at PeopleForBikes has been to harmonize terminology and regulation at all levels of government so electric bicycles have consistent rules throughout the United States. Recognition of electric bicycles in state traffic laws is critical so that electric bicycle riders, retailers, and local communities all understand the how they should be used on streets. Broadly speaking, they should be treated like traditional bicycles.

An electric 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. Beyond these components, they are equipped just like traditional bicycles. They look, ride, and handle almost identically to traditional bicycles.

Recent advances in electronic and battery technology have made electric bicycles more affordable and more enjoyable to ride. As technology has developed, the broad category of electric bicycles has divided into three types or classes of electric bicycle based on their speed and type of motor engagement. These are known as Class 1, 2, or 3 electric bicycles. They can quickly be summarized as follows:

- Class 1: Pedal-assist electric bicycle (the rider must be pedaling for the motor to engage), top speed of 20 miles per hour.

- Class 2: Throttle-assist electric 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 bicycle, top speed of 28 miles per hour.

Electric 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 bicycles for recreational purposes and that the electric assist features of an electric bicycles have enabled them to ride their bike for more of their life than they otherwise would have. Younger people are increasingly electric bicycles for transportation. Electric bicycles are also a dependable option for people limited by fitness, age, or disability; as well as for those who make frequent trips of less than 10 miles.

Until recently, the regulation of electric bicycles in the United States had evolved in a piecemeal and uncoordinated manner. The federal government has regulated electric bicycles since 2002, when legislation was passed clarifying their product safety standards. Under this federal law, electric bicycles are treated identically to bicycles for these purposes. They are regulated by the United States 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 bicycles. Other states, such as Alaska, 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 bicycle is. As a result, manufacturers were faced with inconsistent and often unclear rules that governed what an electric bicycle was and where electric bicycle purchasers could use their product.

Recognizing the need for greater consistency as the market for electric bicycles grew, the U.S. bike industry developed the three-class system to specify the different types of bicycles on the marketplace. This helps local government makes better decision regarding where electric bicycle should be ridden and what their capabilities are. All electric bicycles sold in the U.S. are labeled according to these classes, and they are well-known by consumers and retailers. The three-class system for electric bicycle regulation has now been adopted in 30 states<sup>1</sup>; and bills are progressing in 11 other states this year. It has also been adopted by four federal agencies.

There are many aspects of HB 87 that we fully support. It is crucial that electric bicycles be defined, clearly separated from laws that apply to motor vehicles, and regulated like bicycles. HB 87 achieves many of these aims.

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<sup>1</sup> Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Louisiana, Maine, Maryland, Michigan, Mississippi, New Hampshire, New Jersey, New York, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin and Wyoming

However, we believe the bill would benefit from using the class-based definitions that have been widely adopted in the U.S. Critically, by not using these definitions, the current language appears to exclude Class 2 electric bicycles from the definition of an electric bicycle. This will continue to leave owners of these bicycles – perhaps the most popular type of electric bicycle in the U.S. – in a grey area of the law. Class 2 electric bicycles have been sold and regulated as bicycles for more than 20 years under federal law, and the overwhelming majority of other states in the U.S. (at least 43) treats them as an electric bicycle.

We also believe the bill could be improved with some additional language clarifying that in the absence of specific rules for electric bicycles, the laws for traditional bicycles will apply to their use, and that local communities may regulate electric bicycles based on their class. Proposed revisions are included in this letter.

PeopleForBikes supports House Bill 87, but we do believe some additional changes are needed. We would urge that the bill be amended to address the issues we have identified and passed.

Sincerely,



Alex Logemann  
Policy Counsel

## Proposed Amendments to HB 87

### HB 87: "An Act relating to electric-assisted bicycles." HOUSE BILL NO. 87

"An Act relating to electric-assisted bicycles."

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

\* **Section 1.** [AS 19.10.399](#)(9) is amended to read:

(9) "motor vehicle" means a vehicle that is self-propelled except a vehicle moved by human or animal power; **"motor vehicle" does not include an electric-assisted bicycle as defined in [AS 28.90.990\(a\)](#);**

\* **Sec. 2.** [AS 19.10.399](#)(16) is amended to read:

(16) "vehicular way or area" means a way, path, or area, other than a highway or private property, that is designated by official traffic control devices or customary usage and that is open to the public for purposes of pedestrian or vehicular travel, and which way or area may be restricted in use to pedestrians, bicycles, or other specific types of vehicles as determined by the Department of Public Safety or other agency having jurisdiction over the way, path, or area; **in this paragraph, "bicycle" has the meaning given in [AS 28.90.990\(a\)](#).**

\* **Sec. 3.** [AS 28.05.011](#)(a) is amended to read:

(a) The commissioner of public safety shall, unless otherwise provided by statute, adopt regulations in compliance with [AS 44.62](#) (Administrative Procedure Act) necessary to carry out the provisions of this title and other statutes whose administration is vested in the Department of Public Safety. The regulations must include

(1) rules of the road relating to the driving, stopping, standing, parking, and other conduct of vehicles, to pedestrians, and to official traffic control devices; regulations adopted under this paragraph may not prohibit the use of an electric personal motor vehicle **or an electric-assisted bicycle** on a sidewalk, bike path, or vehicular way or area restricted to the use of pedestrians; limitations on regulation of electric personal motor vehicles **or electric-assisted bicycles** imposed under this paragraph do not apply to a municipal ordinance regulating electric personal motor vehicles, **or electric-assisted bicycles, or specific classes of electric-assisted bicycles,** enacted to meet local requirements; **unless otherwise specified by regulations addressing electric-assisted bicycles, electric-assisted bicycles or users of electric-assisted bicycle shall be afforded the same rights and be subject to the same duties as bicycles or users of bicycles, and they shall not be regulated as another type of vehicle;**

- (2) minimum equipment for vehicles, including minimum standards of compliance to be met by manufacturers and vehicle sales and repairs businesses;
- (3) inspection of vehicles other than commercial motor vehicles, and the removal of vehicles from areas of public use when they are found to be in a defective or unsafe condition;
- (4) abandonment of vehicles;
- (5) management of records of the Department of Public Safety required for that department's administration of this title and its regulations adopted under this title, including provisions for ensuring the accuracy of information contained in automated and manual information retrieval systems;
- (6) definitions of words and phrases used in this title and in regulations adopted under this title unless otherwise provided by statute;
- (7) certification and regulation of junk yards.

\* **Sec. 4.** [AS 28.10.011](#) is amended to read:

**Sec. 28.10.011. Vehicles subject to registration.** Every vehicle driven, moved, or parked **on** [UPON] a highway or other public parking place in the state shall be registered under this chapter except when the vehicle is

- (1) driven or moved on a highway only for the purpose of crossing the highway from one private property to another, including an implement of husbandry as defined by regulation;
- (2) driven or moved on a highway under a dealer's plate or temporary permit as provided for in [AS 28.10.031](#) and 28.10.181(j);
- (3) special mobile equipment as defined by regulation;
- (4) owned by the United States;
- (5) moved by human or animal power;
- (6) exempt under 50 U.S.C. App. 501-591 (Soldiers' and Sailors' Civil Relief Act);
- (7) driven or parked only on private property;
- (8) the vehicle of a nonresident as provided under [AS 28.10.121](#);
- (9) transported under a special permit under [AS 28.10.151](#);
- (10) being driven or moved on a highway, vehicular way, or a public parking place in the state that is not connected by a land highway or vehicular way to
  - (A) the land-connected state highway system; or
  - (B) a highway or vehicular way with an average daily traffic volume greater than 499;
- (11) an implement of husbandry operated in accordance with the provisions of [AS 19.10.065](#);
- (12) an electric personal motor vehicle;
- (13) an electric-assisted bicycle.**

\* **Sec. 5.** [AS 28.90.990](#)(a)(12) is amended to read:

(12) "electric personal motor vehicle" means an electric personal assistive mobility device that is a self-balancing vehicle with two nontandem wheels, designed to transport only one person, has an electric propulsion system, and has a maximum speed of not more than 15 miles an hour; **"electric personal motor vehicle" does not include an electric-assisted bicycle;**

\* **Sec. 6.** [AS 28.90.990](#)(a)(18) is amended to read:

(18) "motor vehicle" means a vehicle **that** [WHICH] is self-propelled, except **for** a vehicle moved by human or animal power; **"motor vehicle" does not include an electric-assisted bicycle;**

\* **Sec. .** [AS 28.90.990](#)(a)(19) is amended to read:

(19) "motorcycle" means a vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground; the term does not include a tractor **or an electric-assisted bicycle;**

\* **Sec. 7.** [AS 28.90.990](#)(a)(20) is amended to read:

(20) "motor-driven cycle" means a motorcycle, motor scooter, motorized bicycle, or similar conveyance with a motor attached and having an engine with 50 or less cubic centimeters of displacement; **"motor-driven cycle" does not include an electric-assisted bicycle;**

\* **Sec. 8.** [AS 28.90.990](#)(a) is amended by adding new paragraphs to read:

(33) "bicycle" includes an electric-assisted bicycle;

(34) "electric-assisted bicycle" means a bicycle that

(A) is designed to travel with not more than three wheels in contact with the ground;

(B) has fully operative pedals for human propulsion; **and**

(C) **has a seat or saddle for use of the rider;**

(D) **is equipped with an electric motor that has a power output of not more than 750 watts;**

(E) **meets the requirements of one of the following three classes:**

(i) "class 1 electric-assisted bicycle" means 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 20 miles per hour.

(ii) "class 2 electric-assisted bicycle" 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 20 miles per hour.

(iii) "class 3 electric bicycle" means 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 28 miles per hour.

(i) has a power output of not more than 750 watts;

(ii) provides assistance only when the rider is pedaling;

and

(iii) stops providing assistance to the rider when the bicycle reaches a speed of 28 miles per hour.

; and

(F) a label, permanently affixed in a prominent location, shall contain the classification number, top assisted speed, and motor wattage of the electric-assisted bicycle.

\* **Sec. 9.** [AS 41.23](#) is amended by adding a new section to article 1 to read:

**Sec. 41.23.300. Definitions.** In [AS 41.23.010](#) - 41.23.300,

(1) "bicycling" includes the operation of an electric-assisted bicycle;

(2) "electric-assisted bicycle" has the meaning given in

[AS 28.90.990\(a\)](#).