

ALASKA STATE LEGISLATURE
SENATE TRANSPORTATION STANDING COMMITTEE

February 3, 2022

1:43 p.m.

MEMBERS PRESENT

Senator Robert Myers, Chair
Senator Mike Shower, Vice Chair
Senator Click Bishop
Senator Peter Micciche
Senator Jesse Kiehl

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 87(JUD)
"An Act relating to electric-assisted bicycles."

- MOVED CSHB 87(JUD) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 87

SHORT TITLE: ELECTRIC-ASSISTED BICYCLES

SPONSOR(S): REPRESENTATIVE(S) WOOL

02/18/21	(H)	READ THE FIRST TIME - REFERRALS
02/18/21	(H)	TRA, JUD
04/20/21	(H)	TRA AT 1:00 PM BARNES 124
04/20/21	(H)	Heard & Held
04/20/21	(H)	MINUTE(TRA)
04/27/21	(H)	TRA AT 1:00 PM BARNES 124
04/27/21	(H)	Moved HB 87 Out of Committee
04/27/21	(H)	MINUTE(TRA)
04/28/21	(H)	TRA RPT 4DP 2NR
04/28/21	(H)	DP: DRUMMOND, HANNAN, MCKAY, MCCABE
04/28/21	(H)	NR: CRONK, HOPKINS
05/03/21	(H)	JUD AT 1:00 PM GRUENBERG 120
05/03/21	(H)	Heard & Held
05/03/21	(H)	MINUTE(JUD)
05/05/21	(H)	JUD AT 1:00 PM GRUENBERG 120

05/05/21 (H) Heard & Held
05/05/21 (H) MINUTE(JUD)
05/07/21 (H) JUD AT 1:00 PM GRUENBERG 120
05/07/21 (H) Moved CSHB 87(JUD) Out of Committee
05/07/21 (H) MINUTE(JUD)
05/10/21 (H) JUD RPT CS(JUD) 5DP 2AM
05/10/21 (H) DP: VANCE, KREISS-TOMKINS, DRUMMOND,
SNYDER, CLAMAN
05/10/21 (H) AM: EASTMAN, KURKA
05/19/21 (H) LIMIT ALL DEBATE TO 2 MIN EACH Y23 N16
E1
05/19/21 (H) TRANSMITTED TO (S)
05/19/21 (H) VERSION: CSHB 87(JUD)
05/19/21 (S) READ THE FIRST TIME - REFERRALS
05/19/21 (S) TRA, STA
02/03/22 (S) TRA AT 1:30 PM BELTZ 105 (TSBldg)

WITNESS REGISTER

REPRESENTATIVE ADAM WOOL
Alaska State Legislature
Juneau, Alaska
POSITION STATEMENT: Sponsor of HB 87.

ASHLEY CARRICK, Staff
Representative Adam Wool
Juneau, Alaska
POSITION STATEMENT: Presented the sectional analysis and delivered a PowerPoint on HB 87 on behalf of the sponsor.

ALEX LOGEMANN, Policy Counsel
People for Bikes Coalition
Denver, Colorado
POSITION STATEMENT: Provided invited testimony in support of HB 87.

ACTION NARRATIVE

[1:43:32 PM](#)

CHAIR ROBERT MYERS called the Senate Transportation Standing Committee meeting to order at 1:43 p.m. Present at the call to order were Senators Kiehl, Shower, Micciche, and Chair Myers. Senator Bishop arrived as the meeting was in progress.

HB 87-ELECTRIC-ASSISTED BICYCLES

[1:44:11 PM](#)

CHAIR MYERS announced the consideration of CS FOR HOUSE BILL NO. 87(JUD) "An Act relating to electric-assisted bicycles."

[1:44:40 PM](#)

REPRESENTATIVE ADAM WOOL, Alaska State Legislature, Juneau, Alaska, provided a summary of HB 87. He stated that HB 87 would define electric-assisted bicycles in statute. He stated that electric-assisted bicycles or e-bikes could fall under other categories, including electric personal motor vehicles, motor vehicles, or motor-driven cycles. He introduced the bill when a former employer related that while riding his electric-assisted bicycle, he was pulled over by a police officer and not allowed to continue riding the bicycle since he did not have a driver's license.

REPRESENTATIVE WOOL paraphrased the sponsor statement.

[Original punctuation provided.]

Electric-assisted bicycles are an emerging and exciting source of exercise, transportation, and recreation for Alaska's residents. Currently, the state of Alaska does not have any laws pertaining to electric-assisted bicycles, nor related references to operating licenses, safety requirements, local traffic laws, or related definitions. Despite this, an electric-assisted bicycle does not fit into existing definitions of any other type of vehicle. A new definition in statute is needed to address electric-assisted bicycles that can help to remove confusion for electric-assisted bicycle owners and retailers.

On the municipal level, the Municipality of Anchorage defined low-speed electric bicycles in 2016. On the state level, forty-seven states define electric bicycles, with thirty-eight states classifying e-bikes with a three-tiered industry standard definition. Adding this definition will regulate electric-assisted bicycles as a bicycle - clarifying that Alaskans do not need a driver's license or to wear a helmet to operate an electric assisted bicycle; they are not subject to registration, licensing, or insurance requirements that apply to motor vehicles; and they may be operated where regulations currently allow for bicycles to be operated.

Please join me in supporting House Bill 87 to bring our statutes up to date to reflect technological and recreational advances related to electric-assisted bicycles.

[1:46:58 PM](#)

SENATOR BISHOP joined the meeting.

[1:47:11 PM](#)

ASHLEY CARRICK, Staff, Representative Adam Wool, Alaska State Legislature, Juneau, Alaska, paraphrased the sectional analysis for HB 87.

[Original punctuation provided.]

HB 87 Sectional Analysis Electric-Assisted bicycles

This bill amends Titles 19, 28, and 41 of the Alaska Statutes.

Section 1 (page 1) Amends AS 19.10.399(9) to state that the definition of motor vehicle excludes electric assisted bicycles

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Section 2 (page 1) Amends AS 19.10.399 (16) to state that electric-assisted bicycles are to be regulated as bicycles in regards to operation on a way, path, or area

Section 3 (page 1-2) Amends AS 28.05.011(a) states that electric-assisted bicycles should be regulated as bicycles in regards to rules of the road; also includes electric-assisted bicycles under an existing provision allowing municipal ordinances to separately regulate in this area

Section 4 (page 2-3) Amends AS 28.10.011 to state that an electric-assisted bicycle is not required to be registered as a vehicle

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Section 5 (page 3) Amends AS 28.90.990(a)(12) to state that an electric-assisted bicycle does not fall under the definition of an "electric personal motor vehicle"

Section 6 (page 4) Amends AS 28.90.990(a)(18) to state that an electric-assisted bicycle does not fall under the definition of a "motor vehicle"

Section 7 (page 4) Amends AS 28.90.990(a)(18) to state that an electric-assisted bicycle does not fall under the definition of a "motorcycle"

Section 8 (page 4) Amends AS 28.90.990(a)(20) to state that an electric-assisted bicycle does not fall under the definition of a "motor-driven cycle"

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Section 9 (page 4) Amends AS 28.90.990(a)(33-36) states that the term "bicycle" includes electric assisted bicycles in the three following classes: (34) Class 1: bicycles that assist only while the rider is pedaling and that stop providing assistance at the speed of 20 miles per hour, (35) Class 2: bicycles that can propel whether or not the rider is pedaling and that stop providing assistance at the speed of 20 miles per hour, and (36) Class 3: bicycles that assist only while the rider is pedaling and that stop providing assistance at the speed of 28 miles per hour

Section 10 (page 5) Amends AS 41.23.300 states that "bicycling" includes the use of electric-assisted bicycles, and that "electric-assisted bicycles" have the meaning provided in the previous section

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MS. CARRICK presented a PowerPoint on HB 87, Electric-Assisted Bicycles. She reviewed slide 2, Goals. She stated that one goal of HB 87 was to regulate electric-assisted bicycles as bicycles.

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MS. CARRICK reviewed slide 3, New Definition for Electric-Assistance Bicycle, which read:

A bicycle that is:

- Designed to travel with not more than three wheels in contact with the ground
- Has fully operative pedals for human propulsion

- Is equipped with an electric motor that has a power output of not more than 750 watts (1 hp)

Electric-bicycles are further defined by the following three classes:

- Class 1: bicycles that assist only while the rider is pedaling and that stop providing assistance at the speed of 20 miles per hour
- Class 2: bicycles that can propel whether or not the rider is pedaling and that stop providing assistance at the speed of 20 miles per hour
- Class 3: bicycles that assist only while the rider is pedaling and that stop providing assistance at the speed of 28 miles per hour

MS. CARRICK explained that the sponsor added designations Class 1, 2, and 3 for e-bikes at the industry's request, and from committee discussions.

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MS. CARRICK reviewed slide 4, Overview of Electric Bike Regulations, which depicted a map of the United States. She stated that 46 states have a definition for electric bicycles, and 37 states adopted the model definition regulating three classes of electric-assisted bicycles. Only a few states have not clarified their laws on electric-assisted bicycles.

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MS. CARRICK reviewed slide 5, E-Bikes are NOT. She said that e-bikes are not mopeds, motor scooters, dirt bikes, Segways, motorcycles, cars, or electric wheelchairs. She related that each of these motorized vehicles is defined elsewhere in statute.

MS. CARRICK stated that electric-assisted bicycles or e-bikes must have fully operative pedals, and their engine size cannot exceed more than 750 watts.

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MS. CARRICK reviewed slide 6, Example Electric-Assisted Bicycle, depicting an illustration of an electric-assisted bicycle, identifying the location of the battery, electric motor, and fully operable pedals.

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SENATOR MICCICHE noted Alaska has numerous federal parks. He asked whether the sponsor has contacted federal agencies to determine how federal law will regard e-bikes. The state would essentially not regulate e-bikes, but he recalled that some federal agencies consider e-bikes motorized vehicles [and regulations were published in the Federal Register on November 2, 2020, effective on December 2, 2020.]

MS. CARRICK stated that currently, a person could ride an e-bike on the Denali Park Road since electric-assisted bicycles are considered non-motorized by the National Park Service (NPS).

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SENATOR KIEHL reviewed the bill's structure. He said that the Department of Public Safety (DPS) must treat e-bikes as regular bicycles. He asked whether the same limitations for e-bikes operated on federal land would apply to DNR state parks. He restated his question.

MS. CARRICK answered yes. She said HB 87 would essentially consider e-bikes as traditional bicycles. However, the Department of Natural Resources' regulations for bicycles would apply to e-bikes. For example, suppose a municipality or DNR wanted to limit e-bikes to a specific motor wattage to be considered non-motorized. In that case, the municipality or DNR might need to amend their regulations or definitions to exclude electric-assisted bicycles on a non-motorized trail.

[1:57:22 PM](#)

SENATOR KIEHL asked whether distinguishing e-bikes by classes would allow municipalities to exert local control.

MS. CARRICK answered that the class system is an industry standard. For example, most e-bikes are sold as Class 1, 2, or 3, which could be helpful to municipalities by allowing them to limit e-bikes on trails or paths to one class.

[1:58:28 PM](#)

REPRESENTATIVE WOOL remarked that some of the national parks allow certain classes of e-bikes but not all three. Class 1 and 3 e-bikes require active pedaling to propel them. Class 2 e-bikes provide a certain amount of speed

from the throttle without pedaling, so some federal parks do not allow them. However, it isn't easy to enforce because most e-bikes look the same. He agreed that municipalities could impose their own restrictions. For example, municipalities could allow bicycles and e-bikes on some trails and restrict them on others. He reported that the Municipality of Anchorage uses the definition for the three classes of e-bikes for use on its trails.

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SENATOR MYERS related that Alaskans like to tinker. He asked how e-bikes would be classified if the owner switched the motor to a larger one.

REPRESENTATIVE WOOL answered that making a change to any of the three classes of e-bikes would change the classification of the motorized vehicle. He explained that motor-driven cycles, including mini-bikes, are gas-powered with a certain-size horsepower. An e-bike powered by a larger motor might fit into that category. He compared it to someone who modifies a car and changes the exhaust system or removes a pollution device. It may be more challenging to detect but operating a vehicle without the exhaust system or pollution device in place is still illegal. Thus, an e-bike with a larger motor could not legally be considered an electric-assisted bicycle.

[2:00:47 PM](#)

SENATOR SHOWER referred to slide 5, E-Bikes are NOT. He remarked on the number of bicycles used in some foreign countries and the high numbers of injuries and deaths. He surmised that people would likely ride e-bikes on roadways used by motor vehicles and wondered how to regulate them. He compared it to snow machines driven on roadways creating issues. He wondered how to regulate e-bikes so they would not create hazards.

[2:03:18 PM](#)

REPRESENTATIVE WOOL said he shared his concerns. He said that defining e-bikes as bicycles means bicyclists must follow the rules and regulations that pertain to bicycles. He noted that bicycles must be operated in bike lanes and alongside the road. He stated that a Class 3 e-bike provides pedal assist assistance up to 28 mph. He noted that this was pretty slow compared to motor vehicle speeds. He said he hoped e-bike operators would not be tempted to ride their e-bikes on roadways. He pointed out that Alaska

doesn't have significant urban areas like some countries or states. He acknowledged that e-bikes could attain higher speeds much easier than when riding regular bicycles, but traditional bicycles can also go pretty fast downhill. He stated that he understood the concern.

SENATOR SHOWER offered to further discuss his concerns with the sponsor offline.

[2:05:17 PM](#)

CHAIR MYERS recalled that when he was bicycling avidly his maximum speed was approximately 15 miles per hour unless he was going downhill. He wondered how to handle e-bikes in school zones since some can attain 28 mph.

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REPRESENTATIVE WOOL surmised that if a bicyclist exceeded the speed limit, the operator would be breaking a traffic law. He stated that bicyclists must abide by rules of the road and stop at red lights and stop signs. He offered his view that regular bicycles could attain 28 miles per hour. He remarked that bicyclists would need to be considerate.

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SENATOR KIEHL agreed that when a bicycle is operated on a roadway, the bicyclist is subject to the rules of the road, including speed limits. He surmised that e-bikes would be faster than pedal-driven bicycles. He stated he had concerns about using e-bikes on sidewalks and bike paths used by pedestrians, but the sponsor addressed his concerns when he explained the local control options.

[2:08:12 PM](#)

SENATOR SHOWER asked whether e-bike operators would be subject to driving under the influence laws.

REPRESENTATIVE WOOL stated that someone operating any motorized vehicle, such as an e-bike on a public roadway would be a DUI. A bicycle is not a motorized vehicle but operating it in public drunk would be illegal, although he was unsure of the specific offense, such as public endangerment.

SENATOR SHOWER said he was trying to determine if there were any unintended consequences for e-bikes.

REPRESENTATIVE WOOL commented that people don't necessarily buy e-bikes so they can go faster. Since e-bikes allow pedaling without effort, they help people go uphill or travel farther, not necessarily faster. He related that he has observed people riding their e-bikes up Perseverance Trail using the assist function but then riding downhill using the regular pedaling function.

[2:10:54 PM](#)

SENATOR MICCICHE remarked that the government cannot control bad behavior. He offered his view that people need to operate an e-bike responsibly in school zones or congested areas. He characterized riding an e-bike as similar to riding a standard bike but receiving a little assistance. He surmised that regular bicycles could attain higher than 15 mph speeds going downhill. Most electric-assisted bicycles stop assisting at higher speeds. He spoke in favor of e-bikes because it would likely get more people out on bikes for longer rides, which he viewed as healthy. He surmised that if a person behaved irresponsibly, they could do so on an electric or a regular bike.

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SENATOR BISHOP asked if HB 87 had an immediate effective date.

MS. CARRICK said it was a definition bill so she thought it would have an immediate effective date but she offered to check and report back to the committee.

[2:13:50 PM](#)

ALEX LOGEMANN, Policy Counsel, People for Bikes Coalition, Denver, Colorado, spoke in support of HB 87. He stated the coalition is a national advocacy group and trade association for the US bicycle business that represents suppliers, manufacturers, and distributors in the US, including electric-assisted bicycles. He said the coalition has been active in e-bike policies for about eight years. He characterized the bill as a pro-industry regulatory framework that the coalition supports.

[2:15:00 PM](#)

MR. LOGEMANN offered to cover federal laws. The three-class system in HB 87 was also adopted into federal funding statutes that regulate motorized vehicles. Electric-assisted bicycles are allowed on facilities built with federal non-motorized funding, aligning state laws with

federal laws. This provides state and local governments assurance that when they allow e-bikes on their paths, they will not have issues related to non-motorized federal funding.

[2:15:43 PM](#)

MR. LOGEMANN recalled questions on how federal land management agencies were regulating e-bikes. He reported four agencies within the Department of the Interior, including the National Park Service, Fish and Wildlife Service, the Bureau of Reclamation, and the Bureau of Land Management use the three-class system to regulate e-bikes. The US Forest Service does not have an e-bike regulatory framework but treats e-bikes as motorized vehicles. Thus, e-bikes on USFS lands will be limited strictly to motorized trails. This bill would not change that, so e-bikes will still need to abide by USFS regulations.

[2:16:49 PM](#)

CHAIR MYERS noted that Jeffery Schmitz, Director, Division of Motor Vehicles, was available for questions, but there were no questions.

[2:17:34 PM](#)

CHAIR MYERS opened public testimony; finding none; he closed public testimony on HB 87.

CHAIR MYERS asked whether members had any amendments and there were none.

[2:18:12 PM](#)

REPRESENTATIVE WOOL made closing comments. He thanked members for hearing the bill. Almost every state in the country has adopted statutes defining e-bikes as bicycles. He said he hoped that HB 87 would become law.

[2:18:44 PM](#)

SENATOR SHOWER moved to report CSHB 87(JUD), work order 32-LS0397\B, from committee with individual recommendations and attached fiscal note(s).

CHAIR MYERS found no objection, and CSHB 87(JUD) was reported from the Senate Transportation Standing Committee.

REPRESENTATIVE WOOL thanked the committee.

[2:19:02 PM](#)

At ease

2:21:02 PM

CHAIR MYERS reconvened the meeting.

2:21:27 PM

There being no further business to come before the committee, Chair Myers adjourned the Senate Transportation Standing Committee meeting at 2:21 p.m.