

ALASKA STATE LEGISLATURE
SENATE TRANSPORTATION STANDING COMMITTEE

February 16, 2023

1:31 p.m.

MEMBERS PRESENT

Senator James Kaufman, Chair
Senator David Wilson, Vice Chair
Senator Löki Tobin
Senator Jesse Kiehl
Senator Robert Myers

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

SENATE BILL NO. 62

"An Act relating to electric-assisted bicycles."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 62

SHORT TITLE: ELECTRIC-ASSISTED BICYCLES

SPONSOR(S): SENATOR(S) KAWASAKI

02/08/23	(S)	READ THE FIRST TIME - REFERRALS
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02/16/23	(S)	TRA AT 1:30 PM BUTROVICH 205

WITNESS REGISTER

SENATOR SCOTT KAWASAKI, District P
Alaska State Legislature
Juneau, AK

POSITION STATEMENT: Sponsor of SB 62.

MATT LONGBAUGH, Staff
Senator Scott Kawasaki
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Provided the sponsor statement and detailed sectional analysis for SB 62.

JEFFREY SCHMITZ, Director
Division of Motor Vehicles
Department of Administration
Anchorage, Alaska

POSITION STATEMENT: Responded to questions about SB 62.

LEE HART, Executive Director
Alaska Outdoor Alliance
Haines, Alaska

POSITION STATEMENT: Provided invited testimony in favor of SB 62.

REID HARRIS, President
Juneau Mountain Bike Alliance
Juneau, Alaska

POSITION STATEMENT: Provided testimony in favor of SB 62.

ACTION NARRATIVE

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CHAIR JAMES KAUFMAN called the Senate Transportation Standing Committee meeting to order at 1:31 p.m. Present at the call to order were Senators Wilson, Tobin, Kiehl, Myers and Chair Kaufman.

SB 62-ELECTRIC-ASSISTED BICYCLES

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CHAIR KAUFMAN announced the consideration of SENATE BILL NO. 62 "An Act relating to electric-assisted bicycles."

SENATOR SCOTT KAWASAKI, District P, Alaska State Legislature, Juneau, Alaska, sponsor of SB 62, detailed the bill and its history. He stated that SB 62 defines electric-assisted bikes in statute. Similar legislation was offered last session by former Representative Adam Wool. He noted that SB 62 is a companion bill to HB 8. Currently, electric-assisted bikes are not defined and could therefore be interpreted as motor vehicles. The bill clarifies that electric-assisted bikes are regulated as bicycles. The definitions are outlined in the bill and the sectional analysis. He stated that the bill is limited to electric-assisted bikes that reach a maximum speed of 28 miles per hour when a rider is pedaling, and 20 miles per hour when a rider is not pedaling. The total output of the electric-assisted

bicycle must not exceed 150 watts. The bill allows for electric-assisted bikes to be used wherever bicycles are currently allowed while providing the necessary regulations for users, municipalities and state agencies.

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MATT LONGABAUGH, Staff, Senator Scott Kawasaki, Alaska State Legislature, Juneau, Alaska, read the sponsor statement for SB 62.

Sponsor Statement

"An act relating to electric bicycles."

Electric-assisted bicycles (known colloquially as "e-bikes") are an emerging and exciting source of exercise, transportation, and recreation for Alaskans. Currently, 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. This is problematic because electric-assisted bicycles do not currently fit into existing definitions of any other type of vehicle. A new definition in statute is needed to address electric-assisted bicycles that should resolve this confusion for electric-assisted bicycle owners and retailers.

Forty-six other states define electric bicycles and thirty-nine of those states classify e-bikes with a three-tiered industry standard definition. Here in Alaska, the Municipality of Anchorage defined low-speed electric bicycles in 2016. Adding this definition to statute will regulate electric-assisted bicycles as a bicycle, and that any current statute related to bicycles includes electric-assisted bicycles. Additionally, e-bikes are not subject to the registration, licensing or insurance requirements that apply to motor vehicles and they may be operated where regulations currently allow bicycles to be operated.

Additionally, this legislation has passed the House in the two legislatures preceding the 33rd. Please join me in supporting Senate Bill 62 to update our statutes so that all Alaskans may enjoy and use electric-assisted bicycles.

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MR. LONGABAUGH offered the sectional analysis for SB 62.

Senate Bill 62 - Version A
Sectional Analysis

"An act relating to electric bicycles."

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

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

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

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

Section 5. (Page 3-4) 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 "motor vehicle."

Section 7 (Page 4) Amends AS 28.90.990(a)(19) 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."

Section 9 (Page 4-5) Amends 28.90.990(a)(33-36) to state 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

(36) Class 3: bicycles that only assist while the rider is pedaling and that stop providing assistance at the speed of 28 miles per hour.

Section 9 Cont. (Page 4-5) Amends AS 28.90.990(a)(37) to define electric assisted bicycles as 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, and includes Class 1, Class 2, and Class 3 electric assisted bicycles.

Section 10 (Page 5) Amends AS 41.23.300 is amended by adding a new section that states "bicycling" includes the use of electric-assisted bicycles, and that "electric-assisted bicycles" have the meaning provided for in the previous section.

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SENATOR WILSON asked about the standards in the bill related to the maximum allowable miles per hour. He asked about the enforcement of the regulations related to speed. He wondered about electric-assisted bicycle modifications and how that might impact speed.

MR. LONGABAUGH answered that a person riding downhill might exceed the recommended speed limit. He noted that some riders with traditional bikes can travel over 20 miles per hour. He spoke to electric-assisted bicycle modifications. He stated that the electric-assisted bike must not exceed the 28 mile per hour range, whether modified or not, to meet the electric-assisted bicycle definition.

SENATOR WILSON asked about speed categories greater than 28 miles per hour. He asked if the electric-assisted bicycles would be considered motorized vehicles if they travel faster than 28 miles per hour.

MR. LONGABAUGH deferred the question to the Division of Motor Vehicles.

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JEFFREY SCHMITZ, Director, Division of Motor Vehicles (DMV), Department of Administration, Anchorage, Alaska, directed the question to law enforcement. He stated that the electric-assisted bicycles are not defined, classified or regulated by DMV.

SENATOR WILSON struggled with the concept of a speed cap without a penalty.

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MR. LONGABAUGH replied that the Consumer Product Safety Commission (CPSC) defined electric-assisted bicycles. The definition is based on an industry standard of safety.

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SENATOR TOBIN appreciated the legislation because she enjoys long distance racing and bike commuting. She wondered if the proposed legislation would prohibit municipalities from regulating electric-assisted bicycles. She spoke about a mixed-use trail in Anchorage. She believed that the second classification allows for the bike to be propelled exclusively by motor. She hoped that the legislation would not prohibit municipalities from applying additional regulations to ensure community safety.

MR. LONGABAUGH pointed to Section 3, which amends the statute allowing municipal ordinances to separately regulate electric-assisted bicycles.

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SENATOR MYERS asked about the regulatory difference between electric-assisted bicycles and mopeds. He wondered about approved travel locations and liability insurance.

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MR. LONGABAUGH responded that the difference between an electric-assisted bicycle and a moped is that electric-assisted bicycles require operational pedals.

SENATOR MYERS replied that he understood the operational differences, but he wondered about regulatory differences.

MR. LONGABAUGH replied that mopeds are driven on roads while electric-assisted bicycles can travel anywhere bikes are typically allowed.

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SENATOR KIEHL asked about electric-assisted bicycle travel on federal land trails.

SENATOR KIEHL restated the question.

MR. LONGABAUGH replied that federal laws supersede municipality laws. He pointed out that federal regulations address electric-assisted bicycles.

SENATOR KIEHL asked about state land managers. He pointed to the last section of the bill. He referred to the Goldstream Public Use Area where an electric-assisted bicycle is treated like a regular bicycle. He asked the committee how they felt about a bicycle traveling 28 miles per hour on a trail near town.

MR. LONGABAUGH responded that federal regulations apply to the area.

SENATOR KIEHL clarified that his question involved state lands. He pointed to the last section of the bill. He opined that State Land Use Management could not restrict an electric-assisted bicycle differently than a regular bicycle.

MR. LONGABAUGH agreed with Senator Kiehl.

SENATOR KIEHL suggested polling members from the impacted districts.

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CHAIR KAUFMAN commented that the bike speed is determined by the degree of assistance provided by the electric motor.

SENATOR TOBIN suggested a friendly amendment prohibiting specific bicycle classes in certain areas. She mentioned the different types of trails in Alaska.

MR. LONGABAUGH appreciated the discussion and offered to follow up with the committee.

SENATOR WILSON noted concern about electric-assisted bicycle access on state park land. He asked about the feasibility of off-road electric-assisted bicycles and their regulation.

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CHAIR KAUFMAN reconvened the meeting and moved to invited testimony on SB 62.

LEE HART, Executive Director, Alaska Outdoor Alliance, Haines, Alaska, provided testimony about electric assisted bicycles. She spoke for the Alaska Outdoor Alliance (AOA) in favor of SB 62. She mentioned a new active transportation coalition seeded by the Alaska Department of Health. She noted that electric-assisted bicycles resemble traditional bicycles in both appearance and operation. The electric motor provides a boost to climb hills, extends the trip range and enables new recreational options for some riders. She spoke further about the benefits of electric-assisted bikes.

MS. HART stated that electric-assisted bicycle sales grew 300 percent in the past five years. She pointed out a three-tier definition of electric-assisted bicycles. She applauded the sponsor and the members of the committee for their leadership on the issue. She agreed with Senator Tobin's suggestion of a friendly amendment restricting class-three electric-assisted bicycles from operating in designated, non-motorized areas. This proposed friendly amendment addresses the speeding issue.

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SENATOR TOBIN asked about the considerations and challenges electric-assisted bicycles bring to multimodal transportation systems. She asked how the committee might help the department develop inclusive outdoor recreation options.

MS. HART responded that electric-assisted bicycles expand outdoor access, which levels the playing field to better accommodate Alaska's senior and physically impaired population. She stated that electric-assisted bicycles provide an alternative transportation option in urban areas.

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SENATOR TOBIN asked about infrastructure expansions that make locations friendly for electric-assisted bicycles. She asked how the legislature might anticipate infrastructure expansions.

Ms. HART stressed the importance of consistent definitions for consumers. Consumers require education about appropriate use and locations for electric-assisted bicycles. She pointed to an example of electric-assisted bicycles in the Alaska tourism industry. She stressed the importance of proper labeling and classification of electric-assisted bicycles in the tourism and rental industries.

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SENATOR TOBIN pointed to the zero fiscal notes. She wondered about potential resources for the signage Ms. Hart proposed.

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REID HARRIS, President, Juneau Mountain Bike Alliance, Juneau, Alaska, provided information about electric-assisted bicycles. He explained that the Juneau Mountain Bike Alliance provides stewardship for Juneau mountain bike trails. He clarified that the bill adds a statutory definition for electric-assisted bicycles. The proposed legislation defines the three classifications of electric-assisted bicycles. The alliance conversed with the City and Borough of Juneau and the federal government about the classification of electric-assisted bicycles. He stated that some trails are not appropriate for electric-assisted bicycles. He spoke about prohibition of mechanized transport in specially designated federal areas. The alliance believes that the decisions about classification and allowability reside with the land managers.

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MR. HARRIS spoke to the question about modifying electric-assisted bicycles, which might damage the equipment and drain the battery quickly. He pointed to page four of the bill and the classifications. He stated that each class of bike is built for a specific use. The Class 1 electric-assisted bicycle is used for trail riding. The Class 2 bikes have a throttle-assist option that is popular with hunters. The Class 3 bike is designed for commuting via roadways. He opined that 20 miles per hour was a safe speed for trail riding. The alliance submitted a letter of support for the legislation.

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SENATOR MYERS wondered about an urban commute and why mopeds and electric-assisted bicycles are regulated differently.

MR. HARRIS stated that the previous bill had a presentation with pictures of the various electric-assisted bicycles. The pictures compared the electric-assisted bicycles to mopeds. He offered to provide the committee with the photo from the past presentation. He was unaware of the exact differences between a class three electric-assisted bicycle and a moped. He mentioned the lack of helmet laws in Alaska.

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SENATOR WILSON pointed to Section 3, page 2, line 17 related to the rights of a bicycle rider. He mentioned public use land and certain motor vehicle requirements.

MR. HARRIS replied that the legal department might answer questions about rights and duties. He wondered about the rights and duties of the bicyclist.

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SENATOR WILSON asked if an electric moped would be considered a moped without a gasoline tank.

CHAIR KAUFMAN asked committee members to work with the bill sponsor to answer further questions.

SENATOR KIEHL believed that an electric-assisted bike should have pedals, but a moped is not required to.

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CHAIR KAUFMAN held SB 62 in committee.

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There being no further business to come before the committee, Chair Kaufman adjourned the Senate Transportation Standing Committee meeting at 2:24 p.m.