

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 57th Legislature (2019)

4   HOUSE BILL 1265

                                  By: Bush

7                                   AS INTRODUCED

8           An Act relating to motor vehicles; amending 47 O.S.  
9           2011, Section 1-104, as amended by Section 1, Chapter  
10          319, O.S.L. 2012 (47 O.S. Supp. 2018, Section 1-104),  
11          which relates to bicycles; modifying definition;  
12          creating classes of electric-assisted bicycles;  
13          requiring electric-assisted bicycles meet certain  
14          manufacturing and equipment requirements; amending 47  
15          O.S. 2011, Section 1-134, which relates to motor  
16          vehicles; exempting electric-assisted bicycles from  
17          definition; amending 47 O.S. 2011, Section 11-1103,  
18          which relates to motor-driven cycle restrictions;  
19          modifying certain restrictions for operation of  
20          electric-assisted bicycles; allowing electric-  
21          assisted bicyclist similar rights and duties as  
22          bicyclists; exempting electric-assisted bicycles from  
23          certain requirements; requiring manufacturers to  
24          affix certain labels; prohibiting certain tampering  
          with motors unless new label attached; specifying  
          where electric-assisted bicycles may be ridden;  
          specifying age requirements for operation; requiring  
          speedometer be installed on certain electric-assisted  
          bicycles; stating electric-assisted bicycles are  
          motor vehicles required for certain federal law;  
          amending 47 O.S. 2011, Section 12-701, which relates  
          to bicycles; making electric-assisted bicycle subject  
          to certain equipment requirements; repealing 47 O.S.  
          2011, Section 11-805.2, which relates to electric-  
          assisted bicycle operators; providing for  
          codification; and providing an effective date.

1 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

2 SECTION 1. AMENDATORY 47 O.S. 2011, Section 1-104, as  
3 amended by Section 1, Chapter 319, O.S.L. 2012 (47 O.S. Supp. 2018,  
4 Section 1-104), is amended to read as follows:

5 Section 1-104. A. A bicycle is a device upon which any person  
6 or persons may ride, propelled solely by human power through a belt,  
7 chain, or gears, and having two or more wheels, excluding mopeds.

8 B. An electric-assisted bicycle is any bicycle with:

9 1. Two or three wheels; and

10 2. Fully operative pedals for human propulsion and equipped  
11 with an electric motor with a power output of not more than seven  
12 hundred fifty (750) watts that meets the requirements of one of the  
13 following three classes:

14 a. ~~with a power output not to exceed one thousand (1,000)~~  
15 ~~watts~~ "Class 1 electric-assisted bicycle" shall mean  
16 an electric-assisted bicycle equipped with a motor  
17 that provides assistance only when the rider is  
18 pedaling, and that ceases to provide assistance when  
19 the bicycle reaches the speed of twenty (20) miles per  
20 hour,

21 b. ~~incapable of propelling the device at a speed of more~~  
22 ~~than thirty (30) miles per hour on level ground~~ "Class  
23 2 electric-assisted bicycle" shall mean an electric-  
24 assisted bicycle equipped with a motor that may be

1           used exclusively to propel the bicycle, and that is  
2           not capable of providing assistance when the bicycle  
3           reaches the speed of twenty (20) miles per hour, and  
4           c.   ~~incapable of further increasing the speed of the~~  
5           ~~device when human power alone is used to propel the~~  
6           ~~device at a speed of thirty (30) miles per hour or~~  
7           ~~more~~ "Class 3 electric-assisted bicycle" shall mean an  
8           electric-assisted bicycle equipped with a motor that  
9           provides assistance only when the rider is pedaling,  
10           and that ceases to provide assistance when the bicycle  
11           reaches the speed of twenty-eight (28) miles per hour.

12 An electric-assisted bicycle shall meet the manufacturing and  
13 equipment requirements ~~of the Federal Motor Vehicle Safety Standards~~  
14 ~~as set forth in federal regulations~~ adopted by the Consumer Product  
15 Safety Commission for bicycles and shall operate in such a manner  
16 that the electric motor disengages or ceases to function when the  
17 rider stops pedaling or the brakes are applied.

18           C. A motorized bicycle is any bicycle having:

19           1. Fully operative pedals for propulsion by human power;

20           2. A power drive system that functions directly or  
21 automatically without clutching or shifting by the operator after  
22 the drive system is engaged; and

23           3. A combustion engine with a piston or rotor displacement of  
24 eighty (80 cu cm) cubic centimeters or less, regardless of the

1 number of chambers in the engine, which is capable of propelling the  
2 bicycle at a maximum design speed of not more than thirty-five (35)  
3 miles per hour on level ground.

4 D. As used in this title, the term "bicycle" shall include  
5 tricycles, quadcycles, or similar human-powered devices, electric-  
6 assisted bicycles, and motorized bicycles unless otherwise  
7 specifically indicated.

8 SECTION 2. AMENDATORY 47 O.S. 2011, Section 1-134, is  
9 amended to read as follows:

10 Section 1-134. Motor vehicle.

11 A. A motor vehicle is:

- 12 1. Any vehicle which is self-propelled; or  
13 2. Any vehicle which is propelled by electric power obtained  
14 from overhead trolley wires, but not operated upon rails.

15 B. As used in this title, the term "motor vehicle" shall not  
16 include:

- 17 1. Implements of husbandry, as defined in Section 1-125 of this  
18 title;  
19 2. Electric personal assistive mobility devices as defined in  
20 Section 1-114A of this title;  
21 3. Motorized wheelchairs, as defined in Section 1-136.3 of this  
22 title; ~~or~~  
23 4. Vehicles moved solely by human or animal power; or  
24

1        5. Electric-assisted bicycles as defined in Section 1-104 of  
2 this title.

3        SECTION 3.        AMENDATORY        47 O.S. 2011, Section 11-1103, is  
4 amended to read as follows:

5        Section 11-1103. A. No person under the age of sixteen (16)  
6 years shall drive a motorcycle, motor-driven cycle, motorized  
7 scooter, or motorized bicycle, ~~or an electric-assisted bicycle~~ on  
8 any highway of this state while transporting any other person.

9        B. The operator of a motorcycle, motor-driven cycle, motorized  
10 scooter, or motorized bicycle, ~~or electric-assisted bicycle~~ who has  
11 attained the age of sixteen (16) years or older may carry a  
12 passenger if the vehicle has a wheel diameter of twelve (12) inches  
13 or greater and is factory-designed and equipped with either:

- 14        1. A double seating device with double foot rests; or  
15        2. A sidecar attachment providing a separate seat space within  
16 such sidecar attachment for each person riding therein so that such  
17 person shall be seated entirely within the body of said sidecar.

18        C. No rider of a motorcycle, motor-driven cycle, motorized  
19 scooter, or motorized bicycle, ~~or electric-assisted bicycle~~ shall  
20 hold to any moving vehicle for the purpose of being propelled.

21        D. No driver of a motorcycle, motor-driven cycle, motorized  
22 scooter, motorized bicycle, or electric-assisted bicycle shall pass  
23 other vehicles between lanes of traffic traveling in the same  
24

1 direction. This subsection shall not apply to the operator of an  
2 authorized emergency vehicle.

3 SECTION 4. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 11-1209 of Title 47, unless  
5 there is created a duplication in numbering, reads as follows:

6 A. Except as specifically provided in this section, an  
7 electric-assisted bicycle or an operator of an electric-assisted  
8 bicycle shall be afforded the rights and privileges and be subject  
9 to all of the duties and provisions of this act.

10 B. An electric-assisted bicycle or a person operating an  
11 electric-assisted bicycle is not subject to the Oklahoma statutory  
12 provisions relating to financial responsibility, vehicle insurance,  
13 driver licenses, vehicle registration or certificates of title.

14 C. On and after January 1, 2020, manufacturers and distributors  
15 of electric-assisted bicycles shall apply a label that is  
16 permanently affixed in a prominent location to each electric-  
17 assisted bicycle. The label shall contain the classification  
18 number, top assisted speed and motor wattage of the electric-  
19 assisted bicycle, and it shall be printed in Arial font in at least  
20 9-point type.

21 D. A person shall not tamper with or modify an electric-  
22 assisted bicycle so as to change the motor-powered speed capability  
23 or engagement of an electric-assisted bicycle, unless he or she  
24

1 appropriately replaces the label indicating the classification  
2 required in subsection C of this section.

3 E. An electric-assisted bicycle may be ridden where bicycles  
4 are permitted to travel subject to the following provisions:

5 1. A Class 1 electric-assisted bicycle or a Class 2 electric-  
6 assisted bicycle may be ridden on bicycle or multiuse paths where  
7 bicycles are permitted. However, the local authority or state  
8 agency having jurisdiction over a bicycle or multiuse path may  
9 prohibit the operation of a Class 1 electric-assisted bicycle or  
10 Class 2 electric-assisted bicycle on that path.

11 2. A Class 3 electric-assisted bicycle shall not be ridden on a  
12 bicycle or multiuse path unless it is within or adjacent to a  
13 highway or roadway or unless the local authority or state agency  
14 having jurisdiction over the path permits that operation.

15 3. This subsection shall not apply to a trail designated as  
16 nonmotorized if such trail has a natural surface tread made by  
17 clearing and grading the native soil with no added surfacing  
18 materials. A local authority or state agency may regulate the use  
19 of electric-assisted bicycles or any class thereof on such trails  
20 that are under its jurisdiction.

21 F. The use of Class 3 electric-assisted bicycles shall be  
22 subject to the following provisions:

23 1. No person under sixteen (16) years of age may operate a  
24 Class 3 electric-assisted bicycle. A person under sixteen (16)

1 years of age may ride as a passenger on a Class 3 electric-assisted  
2 bicycle that is designed to accommodate passengers.

3 2. All Class 3 electric-assisted bicycles shall be equipped  
4 with a speedometer that is capable of displaying the speed the  
5 electric-assisted bicycle is traveling in miles per hour.

6 G. An electric-assisted bicycle shall be considered a motor  
7 vehicle to the extent required for compliance with 23 U.S.C.,  
8 Section 154.

9 SECTION 5. AMENDATORY 47 O.S. 2011, Section 12-701, is  
10 amended to read as follows:

11 Section 12-701. No provision in this chapter shall apply to  
12 bicycles or to equipment for use on bicycles except as to provisions  
13 in this article or unless a provision has been made specifically  
14 applicable to bicyclists, bicycles, electric-assisted bicycles or  
15 their equipment. As used in Chapter 12 of this title, "bicycle"  
16 shall include, unless otherwise specifically indicated, bicycles,  
17 mopeds, motorized bicycles, and electric-assisted bicycles, as those  
18 terms are defined in Chapter 1 of this title.

19 SECTION 6. REPEALER 47 O.S. 2011, Section 11-805.2, is  
20 hereby repealed.

21 SECTION 7. This act shall become effective November 1, 2019.

22

23 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION, dated 02/13/2019 -  
24 DO PASS.