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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 2051

02/01/2012 Authored by Paymar, Hornstein and Carlson

The bill was read for the first time and referred to the Committee on Transportation Policy and Finance

1.1 A bill for an act
1.2 relating to public safety; traffic regulations; amending regulations governing
1.3 electric-assisted bicycles; amending Minnesota Statutes 2010, sections 85.015,
1.4 by adding a subdivision; 85.018, subdivisions 2, 4; 160.263, subdivision 2;
1.5 168.002, subdivisions 19, 20; 168.012, by adding a subdivision; 168A.03,
1.6 subdivision 1; 169.011, subdivisions 4, 27, 44, 45; 169.222, subdivisions 4, 6, 7,
1.7 by adding subdivisions; 169.223, subdivisions 1, 5; 171.01, subdivision 41.

1.8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.9 ARTICLE 1

1.10 ELECTRIC-ASSISTED BICYCLE REGULATION

1.11 Section 1. Minnesota Statutes 2010, section 168.002, subdivision 19, is amended to
1.12 read:

1.13 Subd. 19. **Motorcycle.** "Motorcycle" ~~means every motor vehicle having a seat or~~
1.14 ~~saddle for the use of the rider and designed to travel on not more than three wheels in~~
1.15 ~~contact with the ground, including motor scooters and bicycles with motor attached, other~~
1.16 ~~than those vehicles defined as motorized bicycles in subdivision 20, but excluding a tractor~~
1.17 has the meaning given in section 169.011, subdivision 44.

1.18 Sec. 2. Minnesota Statutes 2010, section 168.002, subdivision 20, is amended to read:

1.19 Subd. 20. **Motorized bicycle.** "Motorized bicycle" ~~means a bicycle that is propelled~~
1.20 ~~by an electric or a liquid fuel motor of a piston displacement capacity of 50 cubic~~
1.21 ~~centimeters or less, and a maximum of two brake horsepower, which is capable of a~~
1.22 ~~maximum speed of not more than 30 miles per hour on a flat surface with not more than~~
1.23 ~~one percent grade in any direction when the motor is engaged. "Motorized bicycle"~~

2.1 ~~includes an electric-assisted bicycle as defined in section 169.011, subdivision 27~~ has the
 2.2 meaning given in section 169.011, subdivision 45.

2.3 Sec. 3. Minnesota Statutes 2010, section 168.012, is amended by adding a subdivision
 2.4 to read:

2.5 Subd. 2d. **Electric-assisted bicycles.** Electric-assisted bicycles must not be taxed as
 2.6 motor vehicles using the public streets and highways, and are exempt from the provisions
 2.7 of this chapter.

2.8 Sec. 4. Minnesota Statutes 2010, section 168A.03, subdivision 1, is amended to read:

2.9 Subdivision 1. **No certificate issued.** The registrar shall not issue a certificate of
 2.10 title for:

2.11 (1) a vehicle owned by the United States;

2.12 (2) a vehicle owned by a nonresident and not required by law to be registered in
 2.13 this state;

2.14 (3) a vehicle owned by a nonresident and regularly engaged in the interstate
 2.15 transportation of persons or property for which a currently effective certificate of title
 2.16 has been issued in another state;

2.17 (4) a vehicle moved solely by animal power;

2.18 (5) an implement of husbandry;

2.19 (6) special mobile equipment;

2.20 (7) a self-propelled wheelchair or invalid tricycle;

2.21 (8) a trailer (i) having a gross weight of 4,000 pounds or less unless a secured party
 2.22 holds an interest in the trailer or a certificate of title was previously issued by this state or
 2.23 any other state or (ii) designed primarily for agricultural purposes except a recreational
 2.24 vehicle or a manufactured home, both as defined in section 168.002, subdivisions 16
 2.25 and 27;

2.26 (9) a snowmobile; ~~and~~

2.27 (10) a spotter truck, as defined in section 169.011, subdivision 77; and

2.28 (11) an electric-assisted bicycle, as defined in section 169.011, subdivision 27.

2.29 Sec. 5. Minnesota Statutes 2010, section 169.011, subdivision 4, is amended to read:

2.30 Subd. 4. **Bicycle.** "Bicycle" means every device capable of being propelled solely
 2.31 by human power upon which any person may ride, having two tandem wheels ~~except~~
 2.32 ~~scooters and similar devices,~~ and including any device generally recognized as a bicycle

3.1 though equipped with two front or rear wheels. "Bicycle" does not include scooters,
 3.2 motorized foot scooters, or similar devices.

3.3 Sec. 6. Minnesota Statutes 2010, section 169.011, subdivision 27, is amended to read:

3.4 Subd. 27. **Electric-assisted bicycle.** "Electric-assisted bicycle" means a ~~motor~~
 3.5 ~~vehicle~~ bicycle with two or three wheels that:

3.6 (1) has a saddle and fully operable pedals for human propulsion;

3.7 (2) meets the requirements:

3.8 (i) of federal motor vehicle safety standards for a motor-driven cycle in Code of
 3.9 Federal Regulations, title 49, sections 571.1 et seq.; or

3.10 (ii) for bicycles under Code of Federal Regulations, title 16, part 1512, or successor
 3.11 requirements; and

3.12 (3) has an electric motor that (i) has a power output of not more than 1,000 watts, (ii)
 3.13 is incapable of propelling the vehicle at a speed of more than 20 miles per hour, (iii) is
 3.14 incapable of further increasing the speed of the device when human power alone is used
 3.15 to propel the vehicle at a speed of more than 20 miles per hour, and (iv) disengages or
 3.16 ceases to function when the vehicle's brakes are applied.

3.17 Sec. 7. Minnesota Statutes 2010, section 169.011, subdivision 44, is amended to read:

3.18 Subd. 44. **Motorcycle.** "Motorcycle" means every motor vehicle having a seat or
 3.19 saddle for the use of the rider and designed to travel on not more than three wheels in
 3.20 contact with the ground, including motor scooters ~~and bicycles with motor attached, other~~
 3.21 ~~than those vehicles defined as.~~ "Motorcycle" does not include (1) motorized bicycles
 3.22 as defined in subdivision 45, but excluding (2) electric-assisted bicycles as defined in
 3.23 subdivision 27, or (3) a tractor.

3.24 Sec. 8. Minnesota Statutes 2010, section 169.011, subdivision 45, is amended to read:

3.25 Subd. 45. **Motorized bicycle.** "Motorized bicycle" means a bicycle that is propelled
 3.26 by an electric or a liquid fuel motor of a piston displacement capacity of 50 cubic
 3.27 centimeters or less, and a maximum of two brake horsepower, which is capable of a
 3.28 maximum speed of not more than 30 miles per hour on a flat surface with not more than
 3.29 one percent grade in any direction when the motor is engaged. "Motorized bicycle"
 3.30 ~~includes~~ does not include an electric-assisted bicycle as defined in subdivision 27.

3.31 Sec. 9. Minnesota Statutes 2010, section 169.222, subdivision 4, is amended to read:

4.1 Subd. 4. **Riding on roadway or shoulder rules.** (a) Every person operating a
4.2 bicycle upon a roadway shall ride as close as practicable to the right-hand curb or edge of
4.3 the roadway except under any of the following situations:

4.4 (1) when overtaking and passing another vehicle proceeding in the same direction;

4.5 (2) when preparing for a left turn at an intersection or into a private road or driveway;

4.6 (3) when reasonably necessary to avoid conditions, including fixed or moving
4.7 objects, vehicles, pedestrians, animals, surface hazards, or narrow width lanes, that make
4.8 it unsafe to continue along the right-hand curb or edge.

4.9 (b) If a bicycle is traveling on a shoulder of a roadway, the bicycle shall travel in the
4.10 same direction as adjacent vehicular traffic.

4.11 (c) Persons riding bicycles upon a roadway or shoulder shall not ride more than two
4.12 abreast and shall not impede the normal and reasonable movement of traffic and, on a
4.13 laned roadway, shall ride within a single lane.

4.14 (d) A person operating a bicycle upon a sidewalk, or across a roadway or shoulder
4.15 on a crosswalk, shall yield the right-of-way to any pedestrian and shall give an audible
4.16 signal when necessary before overtaking and passing any pedestrian. No person shall ride
4.17 a bicycle upon a sidewalk within a business district unless permitted by local authorities.
4.18 Local authorities may prohibit the operation of bicycles on any sidewalk or crosswalk
4.19 under their jurisdiction.

4.20 (e) An individual operating a bicycle or other vehicle on a bikeway shall leave a safe
4.21 distance when overtaking a bicycle or individual proceeding in the same direction on the
4.22 bikeway, and shall maintain clearance until safely past the overtaken bicycle or individual.

4.23 (f) A person lawfully operating a bicycle on a sidewalk, or across a roadway or
4.24 shoulder on a crosswalk, shall have all the rights and duties applicable to a pedestrian
4.25 under the same circumstances.

4.26 (g) A person may operate an electric-assisted bicycle on the shoulder of a roadway,
4.27 on a bikeway, or on a bicycle trail, if not otherwise prohibited under section 85.015,
4.28 subdivision 1d; 85.018, subdivision 2, paragraph (d); or 160.263, subdivision 2, paragraph
4.29 (b), as applicable.

4.30 Sec. 10. Minnesota Statutes 2010, section 169.222, subdivision 6, is amended to read:

4.31 Subd. 6. **Bicycle equipment.** (a) No person shall operate a bicycle at nighttime
4.32 unless the bicycle or its operator is equipped with (1) a lamp which shall emit emits
4.33 a white light visible from a distance of at least 500 feet to the front; and with (2) a red
4.34 reflector of a type approved by the Department of Public Safety which is visible from all

5.1 distances from 100 feet to 600 feet to the rear when directly in front of lawful lower
5.2 beams of headlamps on a motor vehicle.

5.3 (b) No person may operate a bicycle at any time when there is not sufficient light to
5.4 render persons and vehicles on the highway clearly discernible at a distance of 500 feet
5.5 ahead, unless the bicycle or its operator is equipped with reflective surfaces that shall be
5.6 visible during the hours of darkness from 600 feet when viewed in front of lawful lower
5.7 beams of headlamps on a motor vehicle. The reflective surfaces shall include reflective
5.8 materials on each side of each pedal to indicate their presence from the front or the rear and
5.9 with a minimum of 20 square inches of reflective material on each side of the bicycle or its
5.10 operator. Any bicycle equipped with side reflectors as required by regulations for new
5.11 bicycles prescribed by the United States Consumer Product Safety Commission shall be
5.12 considered to meet the requirements for side reflectorization contained in this subdivision.

5.13 (c) A bicycle may be equipped with a rear lamp that emits a red flashing signal.

5.14 ~~(b)~~ (d) No person shall operate a bicycle unless it is equipped with a brake which ~~will~~
5.15 ~~enable~~ enables the operator to make the braked wheels skid on dry, level, clean pavement.

5.16 ~~(e)~~ (e) No person shall operate upon a highway any bicycle equipped with handlebars
5.17 so raised that the operator must elevate the hands above the level of the shoulders in
5.18 order to grasp the normal steering grip area.

5.19 ~~(d)~~ (f) No person shall operate upon a highway any bicycle which is of such a size
5.20 as to prevent the operator from stopping the bicycle, supporting it with at least one foot
5.21 on the highway surface and restarting in a safe manner.

5.22 Sec. 11. Minnesota Statutes 2010, section 169.222, is amended by adding a subdivision
5.23 to read:

5.24 Subd. 6a. **Operator and passenger equipment.** No person under the age of 18
5.25 shall operate or ride an electric-assisted bicycle on a street or highway without wearing
5.26 properly fitted and fastened headgear that (1) complies with standards established by
5.27 the commissioner of public safety under section 169.974, subdivision 4; or (2) meets
5.28 the standards under Code of Federal Regulations, title 16, part 1203, or successor
5.29 requirements.

5.30 Sec. 12. Minnesota Statutes 2010, section 169.222, is amended by adding a subdivision
5.31 to read:

5.32 Subd. 6b. **Operator age.** No person under the age of 15 shall operate an
5.33 electric-assisted bicycle.

6.1 Sec. 13. Minnesota Statutes 2010, section 169.222, subdivision 7, is amended to read:

6.2 Subd. 7. **Sale with reflectors and other equipment.** No person shall sell or offer
6.3 for sale any new bicycle unless it is equipped with reflectors and other equipment as
6.4 required by subdivision 6, clauses ~~(a) and (b) and (d)~~ and by the applicable regulations for
6.5 new bicycles prescribed by the United States Consumer Product Safety Commission.

6.6 Sec. 14. Minnesota Statutes 2010, section 169.223, subdivision 1, is amended to read:

6.7 Subdivision 1. **Safety equipment; parking.** ~~Except as otherwise provided in this~~
6.8 ~~section,~~ Section 169.974 relating to motorcycles is applicable to motorized bicycles,
6.9 except as otherwise provided in this section and except that:

6.10 (1) protective headgear includes headgear that meets the ~~American National~~
6.11 ~~Standard for Protective Headgear for Bicyclists, ANSI Z90.4-1984, approved by the~~
6.12 ~~American National Standards Institute, Inc.~~ standards under Code of Federal Regulations,
6.13 title 16, part 1203, or successor requirements;

6.14 (2) a motorized bicycle equipped with a headlight and taillight meeting the
6.15 requirements of lighting for motorcycles may be operated during nighttime hours;

6.16 (3) ~~except as provided in clause (5),~~ protective headgear is not required for operators
6.17 18 years of age or older; and

6.18 (4) the provisions of section 169.222, subdivision 9, governing the parking of
6.19 bicycles apply to motorized bicycles; and

6.20 ~~(5) the operator of an electric-assisted bicycle must wear properly fitted and~~
6.21 ~~fastened headgear that meets the American National Standard for Protective Headgear for~~
6.22 ~~Bicyclists, ANSI Z90.4-1984, approved by the American National Standards Institute,~~
6.23 ~~Inc., when operating the electric-assisted bicycle on a street or highway; and~~

6.24 ~~(6) eye protection devices are not required for operators of electric-assisted bicycles.~~

6.25 Sec. 15. Minnesota Statutes 2010, section 169.223, subdivision 5, is amended to read:

6.26 Subd. 5. **Other operation requirements and prohibitions.** (a) A person operating
6.27 a motorized bicycle on a roadway shall ride as close as practicable to the right-hand curb
6.28 or edge of the roadway except in one of the following situations:

6.29 (1) when overtaking and passing another vehicle proceeding in the same direction;

6.30 (2) when preparing for a left turn at an intersection or into a private road or
6.31 driveway; or

6.32 (3) when reasonably necessary to avoid conditions, including fixed or moving
6.33 objects, vehicles, pedestrians, animals, surface hazards, or narrow width lanes, that make
6.34 it unsafe to continue along the right-hand curb or edge.

7.1 (b) Persons operating motorized bicycles on a roadway may not ride more than two
 7.2 abreast and may not impede the normal and reasonable movement of traffic. On a laned
 7.3 roadway, a person operating a motorized bicycle shall ride within a single lane.

7.4 (c) This section does not permit the operation of a motorized bicycle on a bicycle
 7.5 path or bicycle lane that is reserved for the exclusive use of nonmotorized traffic.

7.6 ~~(d) Subject to the provisions of section 160.263, subdivision 3, a person may operate~~
 7.7 ~~an electric-assisted bicycle on a bicycle lane. A person may operate an electric-assisted~~
 7.8 ~~bicycle on the shoulder of a roadway if the electric-assisted bicycle is traveling in the same~~
 7.9 ~~direction as the adjacent vehicular traffic.~~

7.10 Sec. 16. Minnesota Statutes 2010, section 171.01, subdivision 41, is amended to read:

7.11 Subd. 41. **Motorized bicycle.** ~~"Motorized bicycle" means a bicycle that is propelled~~
 7.12 ~~by an electric or a liquid fuel motor of a piston displacement capacity of 50 cubic~~
 7.13 ~~centimeters or less, and a maximum of two brake horsepower, which is capable of a~~
 7.14 ~~maximum speed of not more than 30 miles per hour on a flat surface with not more than~~
 7.15 ~~one percent grade in any direction when the motor is engaged. "Motorized bicycle"~~
 7.16 ~~includes an electric-assisted bicycle as defined in section 169.011, subdivision 27~~ has the
 7.17 meaning given in section 169.011, subdivision 45.

7.18 ARTICLE 2

7.19 ELECTRIC-ASSISTED BICYCLE OPERATION ON BIKEWAYS AND TRAILS

7.20 Section 1. Minnesota Statutes 2010, section 85.015, is amended by adding a
 7.21 subdivision to read:

7.22 Subd. 1d. **Bicycle use of trails.** The commissioner may not prohibit operation of an
 7.23 electric-assisted bicycle, as defined in section 169.011, subdivision 27, on any trail under
 7.24 this section for which bicycle use is permitted, unless the commissioner determines that
 7.25 operation of the electric-assisted bicycle is not consistent with safe use and enjoyment of
 7.26 the trail.

7.27 Sec. 2. Minnesota Statutes 2010, section 85.018, subdivision 2, is amended to read:

7.28 Subd. 2. **Authority of local government.** (a) A local government unit that receives
 7.29 state grants-in-aid for any trail, with the concurrence of the commissioner, and the
 7.30 landowner or land lessee, may:

7.31 (1) designate the trail for use by snowmobiles or for nonmotorized use from
 7.32 December 1 to April 1 of any year; and

7.33 (2) issue any permit required under subdivisions 3 to 5.

8.1 (b) A local government unit that receives state grants-in-aid under section 84.794,
 8.2 subdivision 2, 84.803, subdivision 2, or 84.927, subdivision 2, for any trail, with the
 8.3 concurrence of the commissioner, and landowner or land lessee, may:

8.4 (1) designate the trail specifically for use at various times of the year by all-terrain or
 8.5 off-road vehicles or off-highway motorcycles, for nonmotorized use such as ski touring,
 8.6 snowshoeing, and hiking, and for multiple use, but not for motorized and nonmotorized
 8.7 use at the same time; and

8.8 (2) issue any permit required under subdivisions 3 to 5.

8.9 (c) A local unit of government that receives state grants-in-aid for any trail, with the
 8.10 concurrence of the commissioner and landowner or land lessee, may designate certain
 8.11 trails for joint use by snowmobiles, off-highway motorcycles, all-terrain vehicles, and
 8.12 off-road vehicles.

8.13 (d) A local unit of government may not prohibit operation of an electric-assisted
 8.14 bicycle, as defined in section 169.011, subdivision 27, on any trail under this section
 8.15 designated for bicycle use or nonmotorized use that includes bicycles, unless the local unit
 8.16 of government determines that operation of the electric-assisted bicycle is not consistent
 8.17 with safe use and enjoyment of the trail.

8.18 Sec. 3. Minnesota Statutes 2010, section 85.018, subdivision 4, is amended to read:

8.19 Subd. 4. **Nonmotorized use trails.** No motorized vehicle shall be operated on a
 8.20 trail designated for nonmotorized use. This subdivision does not apply to (1) motorized
 8.21 wheelchairs or other motorized devices operated by an individual who is physically
 8.22 disabled, or (2) electric-assisted bicycles, as defined in section 169.011, subdivision 27.

8.23 Sec. 4. Minnesota Statutes 2010, section 160.263, subdivision 2, is amended to read:

8.24 Subd. 2. **Powers of political subdivisions.** (a) The governing body of any political
 8.25 subdivision may by ordinance or resolution:

8.26 (1) designate any roadway or shoulder or portion thereof under its jurisdiction as
 8.27 a bicycle lane or bicycle route;

8.28 (2) designate any sidewalk or portion thereof under its jurisdiction as a bicycle path
 8.29 provided that the designation does not destroy a pedestrian way or pedestrian access;

8.30 (3) develop and designate bicycle paths;

8.31 (4) designate as bikeways all bicycle lanes, bicycle routes, and bicycle paths.

8.32 (b) A governing body may not prohibit operation of an electric-assisted bicycle,
 8.33 as defined in section 169.011, subdivision 27, on any bikeway or shoulder, unless the

- 9.1 governing body determines that operation of the electric-assisted bicycle is not consistent
- 9.2 with safe use and enjoyment of the bikeway or shoulder.

APPENDIX
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