

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 3993

(SENATE AUTHORS: BOLDON, Dibble and Morrison)		
DATE	D-PG	OFFICIAL STATUS
02/20/2024	11670	Introduction and first reading Referred to Transportation
02/26/2024	11825	Author added Morrison
03/11/2024		Comm report: To pass as amended and re-refer to Commerce and Consumer Protection

1.1

A bill for an act

1.2

relating to transportation; amending requirements related to active transportation,

1.3

including regulation of electric-assisted bicycles and sales, requirements on

1.4

complete streets, driver's education, and authority to issue certain citations;

1.5

amending Minnesota Statutes 2022, sections 169.011, by adding subdivisions;

1.6

169.06, subdivisions 5, 6; 169.14, subdivision 2; 169.21, subdivisions 3, 6; 169.222,

1.7

subdivision 6b; 174.75, subdivisions 1, 2, by adding a subdivision; Minnesota

1.8

Statutes 2023 Supplement, sections 169.011, subdivision 27; 171.0705, subdivision

1.9

2; 171.13, subdivision 1; proposing coding for new law in Minnesota Statutes,

1.10

chapter 325F.

1.11

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

1.12

Section 1. Minnesota Statutes 2023 Supplement, section 169.011, subdivision 27, is

1.13

amended to read:

1.14

Subd. 27. **Electric-assisted bicycle.** (a) "Electric-assisted bicycle" means a bicycle with

1.15

two or three wheels that:

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

1.17

(2) meets the requirements for bicycles under Code of Federal Regulations, title 16, part

1.18

1512, or successor requirements;

1.19

(3) is equipped with an electric motor that has a continuous power output of not more

1.20

than 750 watts;

1.21

(4) meets the requirements of a class 1, class 2, ~~or~~ class 3, or multiple mode

1.22

electric-assisted bicycle; and

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(5) has a battery or electric drive system that has been tested to an applicable safety

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standard by a third-party testing laboratory.

(b) A vehicle that is modified so that it no longer meets the requirements for any electric-assisted bicycle class is not an electric-assisted bicycle.

Sec. 2. Minnesota Statutes 2022, section 169.011, is amended by adding a subdivision to read:

Subd. 45a. **Multiple mode electric-assisted bicycle.** "Multiple mode electric-assisted bicycle" means an electric-assisted bicycle equipped with switchable or programmable modes that provide for operation as two or more of a class 1, class 2, or class 3 electric-assisted bicycle in conformance with the definition and requirements under this chapter for each respective class.

Sec. 3. Minnesota Statutes 2022, section 169.011, is amended by adding a subdivision to read:

Subd. 92b. **Vulnerable road user.** "Vulnerable road user" means a person in the right-of-way of a highway, including but not limited to a bikeway and an adjacent sidewalk or trail, who is:

(1) a pedestrian;

(2) on a bicycle or other nonmotorized vehicle or device;

(3) on a motorized vehicle or device having less than four wheels;

(4) on an electric personal assistive mobility device;

(5) on an implement of husbandry; or

(6) riding an animal.

Vulnerable road user includes the operator and any passengers for a vehicle, device, or personal conveyance identified in this subdivision.

Sec. 4. Minnesota Statutes 2022, section 169.06, subdivision 5, is amended to read:

Subd. 5. **Traffic-control signal.** (a) Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors Green, Red, and Yellow ~~shall~~ are permitted to be used, except for special pedestrian signals carrying a word or ~~legend~~ symbol. The traffic-control signal lights or colored lighted arrows indicate and apply to drivers of vehicles and pedestrians as follows:

(1) Green indication:

(i) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign prohibits either turn. But vehicular traffic, including vehicles turning right or left, ~~shall~~ must yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or adjacent crosswalk at the time this signal is exhibited. Vehicular traffic turning left or making a U-turn to the left ~~shall~~ must yield the right-of-way to other vehicles approaching from the opposite direction so closely as to constitute an immediate hazard.

(ii) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by the arrow, or other movement as permitted by other indications shown at the same time. Vehicular traffic ~~shall~~ must yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(iii) Unless otherwise directed by a pedestrian-control signal as provided in subdivision 6, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk. Every driver of a vehicle ~~shall~~ must yield the right-of-way to such pedestrian, except that the pedestrian ~~shall~~ must yield the right-of-way to vehicles lawfully within the intersection at the time that the green signal indication is first shown.

(2) Steady yellow indication:

(i) Vehicular traffic facing a steady circular yellow or yellow arrow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic must not enter the intersection, except for the continued movement allowed by any green arrow indication simultaneously exhibited.

(ii) Pedestrians facing a circular yellow signal, unless otherwise directed by a pedestrian-control signal as provided in subdivision 6, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and ~~no~~ a pedestrian ~~shall~~ must not then start to cross the roadway.

(3) Steady red indication:

(i) Vehicular traffic facing a circular red signal alone must stop at a clearly marked stop line but, if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and ~~shall~~ must remain standing until a green indication is shown, except as follows:

4.1 (A) the driver of a vehicle stopped as close as practicable at the entrance to the crosswalk
4.2 on the near side of the intersection or, if none, then at the entrance to the intersection in
4.3 obedience to a red or stop signal, and with the intention of making a right turn may make
4.4 the right turn, after stopping, unless an official sign has been erected prohibiting such
4.5 movement, but ~~shall~~ must yield the right-of-way to pedestrians and other traffic lawfully
4.6 proceeding as directed by the signal at that intersection; or

4.7 (B) the driver of a vehicle on a one-way street intersecting another one-way street on
4.8 which traffic moves to the left ~~shall~~ must stop in obedience to a red or stop signal and may
4.9 then make a left turn into the one-way street, unless an official sign has been erected
4.10 prohibiting the movement, but ~~shall~~ must yield the right-of-way to pedestrians and other
4.11 traffic lawfully proceeding as directed by the signal at that intersection.

4.12 (ii) Unless otherwise directed by a pedestrian-control signal as provided in subdivision
4.13 6, pedestrians facing a steady red signal alone ~~shall~~ must not enter the roadway.

4.14 (iii) Vehicular traffic facing a steady red arrow signal, with the intention of making a
4.15 movement indicated by the arrow, must stop at a clearly marked stop line but, if none, before
4.16 entering the crosswalk on the near side of the intersection or, if none, then before entering
4.17 the intersection and must remain standing until a permissive signal indication permitting
4.18 the movement indicated by the red arrow is displayed, except as follows: when an official
4.19 sign has been erected permitting a turn on a red arrow signal, the vehicular traffic facing a
4.20 red arrow signal indication is permitted to enter the intersection to turn right, or to turn left
4.21 from a one-way street into a one-way street on which traffic moves to the left, after stopping,
4.22 but must yield the right-of-way to pedestrians and other traffic lawfully proceeding as
4.23 directed by the signal at that intersection.

4.24 (b) In the event an official traffic-control signal is erected and maintained at a place
4.25 other than an intersection, the provisions of this section are applicable except those which
4.26 can have no application. Any stop required must be made at a sign or marking on the
4.27 pavement indicating where the stop must be made, but in the absence of any such sign or
4.28 marking the stop must be made at the signal.

4.29 (c) When a traffic-control signal indication or indications placed to control a certain
4.30 movement or lane are so identified by placing a sign near the indication or indications, no
4.31 other traffic-control signal indication or indications within the intersection controls vehicular
4.32 traffic for that movement or lane.

4.33 (d) A peace officer is prohibited from stopping, detaining, or issuing a citation to a
4.34 pedestrian for a violation of paragraph (a), clause (2), item (ii), or (3), item (ii), unless:

(1) the officer lawfully stops or detains the pedestrian for an unrelated violation or offense; or

(2) at the time of the violation, a vehicle is approaching in a manner that constitutes a hazard of collision between the vehicle and the pedestrian.

EFFECTIVE DATE. This section is effective August 1, 2024, and applies to violations committed on or after that date.

Sec. 5. Minnesota Statutes 2022, section 169.06, subdivision 6, is amended to read:

Subd. 6. Pedestrian control signal. (a) Whenever special pedestrian-control signals exhibiting the words "Walk" or "Don't Walk" or symbols of a "walking person" or "upraised hand" are in place, the signals or symbols indicate as follows:

(1) A steady "Walk" signal or the symbol of a "walking person" indicates that a pedestrian facing either of these signals may proceed across the roadway in the direction of the signal, possibly in conflict with turning vehicles. Every driver of a vehicle ~~shall~~ must yield the right-of-way to such pedestrian except that the pedestrian ~~shall~~ must yield the right-of-way to vehicles lawfully within the intersection at the time that either signal indication is first shown.

(2) A "Don't Walk" signal or the symbol of an "upraised hand," flashing or steady, indicates that a pedestrian ~~shall~~ must not start to cross the roadway in the direction of either signal, but any pedestrian who has partially crossed on the "Walk" or "walking person" signal indication ~~shall~~ must proceed to a sidewalk or safety island while the signal is showing.

(b) A pedestrian crossing a roadway in conformity with this section is lawfully within the intersection and, when in a crosswalk, is lawfully within the crosswalk.

(c) A peace officer is prohibited from stopping, detaining, or issuing a citation to a pedestrian for a violation of paragraph (a), clause (2), unless:

(1) the officer lawfully stops or detains the pedestrian for an unrelated violation or offense; or

(2) at the time of the violation, a vehicle is approaching in a manner that constitutes a hazard of collision between the vehicle and the pedestrian.

EFFECTIVE DATE. This section is effective August 1, 2024, and applies to violations committed on or after that date.

6.1 Sec. 6. Minnesota Statutes 2022, section 169.14, subdivision 2, is amended to read:

6.2 Subd. 2. **Speed limits.** (a) Where no special hazard exists, the following speeds ~~shall be~~
6.3 are lawful, but any speeds in excess of such limits ~~shall be~~ are prima facie evidence that the
6.4 speed is not reasonable or prudent and that it is unlawful; except that the speed limit within
6.5 any municipality ~~shall be~~ is a maximum limit and any speed in excess thereof ~~shall be~~ of
6.6 the speed limit is unlawful:

6.7 (1) 30 miles per hour in an urban district;

6.8 (2) 65 miles per hour on noninterstate expressways, as defined in section 160.02,
6.9 subdivision 18b, and noninterstate freeways, as defined in section 160.02, subdivision 19;

6.10 (3) 55 miles per hour in locations other than those specified in this section;

6.11 (4) 70 miles per hour on interstate highways outside the limits of any urbanized area
6.12 with a population of greater than 50,000 as defined by order of the commissioner of
6.13 transportation;

6.14 (5) 65 miles per hour on interstate highways inside the limits of any urbanized area with
6.15 a population of greater than 50,000 as defined by order of the commissioner of transportation;

6.16 (6) ten miles per hour in alleys;

6.17 (7) 25 miles per hour in residential roadways if adopted by the road authority having
6.18 jurisdiction over the residential roadway; ~~and~~

6.19 (8) 35 miles per hour in a rural residential district if adopted by the road authority having
6.20 jurisdiction over the rural residential district; and

6.21 (9) 15 miles per hour in a school zone, as defined in subdivision 5a, paragraph (c).

6.22 (b) A speed limit adopted under paragraph (a), clause (7), is not effective unless the road
6.23 authority has erected signs designating the speed limit and indicating the beginning and end
6.24 of the residential roadway on which the speed limit applies.

6.25 (c) A speed limit adopted under paragraph (a), clause (8), is not effective unless the road
6.26 authority has erected signs designating the speed limit and indicating the beginning and end
6.27 of the rural residential district for the roadway on which the speed limit applies.

6.28 (d) A speed limit under paragraph (a), clause (9), is effective following erection of signs
6.29 designating the speed limit. A road authority must erect signs designating the speed limit
6.30 as provided under paragraph (a), clause (9), no later than in the normal course of speed limit
6.31 sign replacement, unless a different speed limit is established under subdivision 4, 5, or 5a.

7.1 ~~(d)~~ (e) Notwithstanding section 609.0331 or 609.101 or other law to the contrary, a
7.2 person who violates a speed limit established in this subdivision, or a speed limit designated
7.3 on an appropriate sign under subdivision 4, 5, 5b, 5c, or 5e, by driving 20 miles per hour
7.4 or more in excess of the applicable speed limit, is assessed an additional surcharge equal
7.5 to the amount of the fine imposed for the speed violation, but not less than \$25.

7.6 Sec. 7. Minnesota Statutes 2022, section 169.21, subdivision 3, is amended to read:

7.7 Subd. 3. **Crossing between intersections.** (a) Every pedestrian crossing a roadway at
7.8 any point other than within a marked crosswalk or at an intersection with no marked
7.9 crosswalk ~~shall~~ must yield the right-of-way to all vehicles upon the roadway.

7.10 (b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead
7.11 pedestrian crossing has been provided ~~shall~~ must yield the right-of-way to all vehicles upon
7.12 the roadway.

7.13 (c) Between adjacent intersections at which traffic-control signals are in operation
7.14 pedestrians ~~shall~~ must not cross at any place except in a marked crosswalk.

7.15 (d) Notwithstanding the other provisions of this section, every driver of a vehicle ~~shall~~
7.16 must (1) exercise due care to avoid colliding with any bicycle or pedestrian upon any
7.17 roadway, and (2) give an audible signal when necessary and exercise proper precaution
7.18 upon observing any child or any obviously confused or incapacitated person upon a roadway.

7.19 (e) A peace officer is prohibited from stopping, detaining, or issuing a citation to a
7.20 pedestrian for a violation of paragraph (c), unless:

7.21 (1) the officer lawfully stops or detains the pedestrian for an unrelated violation or
7.22 offense; or

7.23 (2) at the time of the violation, a vehicle is approaching in a manner that constitutes a
7.24 hazard of collision between the vehicle and the pedestrian.

7.25 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to violations
7.26 committed on or after that date.

7.27 Sec. 8. Minnesota Statutes 2022, section 169.21, subdivision 6, is amended to read:

7.28 Subd. 6. **Driver education curriculum; vulnerable road users.** ~~The class D curriculum,~~
7.29 ~~in addition to driver education classroom curriculum prescribed in rules of statutes for class~~
7.30 ~~D motor vehicles, must include instruction on~~ commissioner must adopt rules for persons
7.31 enrolled in driver education programs offered at public schools, private schools, and

8.1 commercial driver training schools, requiring inclusion in the course of instruction a section
8.2 on vulnerable road users. The instruction must include information on:

8.3 (1) the rights and responsibilities of vulnerable road users, as defined in section 169.011,
8.4 subdivision 92b;

8.5 (2) the specific duties of a driver when encountering a two-wheeled vehicle, bicycle,
8.6 other nonmotorized vehicles, or a pedestrian;

8.7 (3) safety risks for vulnerable road users; and

8.8 (4) best practices to minimize dangers and avoid collisions with vulnerable road users.

8.9 Sec. 9. Minnesota Statutes 2022, section 169.222, subdivision 6b, is amended to read:

8.10 Subd. 6b. **Electric-assisted bicycle; equipment.** (a) The manufacturer or distributor of
8.11 an electric-assisted bicycle must apply a label to the bicycle that is permanently affixed in
8.12 a prominent location. The label must contain the ~~classification~~ class number, top assisted
8.13 speed, and motor wattage of the electric-assisted bicycle, and must be printed in a legible
8.14 font with at least 9-point type. A multiple mode electric-assisted bicycle must have labeling
8.15 that identifies each of the electric-assisted bicycle classes in which it is capable of operation.

8.16 (b) A person must not modify an electric-assisted bicycle to change the motor-powered
8.17 speed capability or motor engagement so that the bicycle no longer meets the requirements
8.18 for the applicable class, unless:

8.19 (1) the person replaces the label required in paragraph (a) with revised information; or

8.20 (2) for a vehicle that no longer meets the requirements for any electric-assisted bicycle
8.21 class, the person removes the labeling as an electric-assisted bicycle.

8.22 (c) An electric-assisted bicycle must operate in a manner so that the electric motor is
8.23 disengaged or ceases to function ~~when the rider stops pedaling or:~~ (1) when the brakes are
8.24 applied; or (2) except for a class 2 electric-assisted bicycle or a multiple mode
8.25 electric-assisted bicycle operating in class 2 mode, when the rider stops pedaling.

8.26 (d) A class 3 electric-assisted bicycle or multiple mode electric-assisted bicycle must
8.27 be equipped with a speedometer that displays the speed at which the bicycle is traveling in
8.28 miles per hour.

8.29 (e) A multiple mode electric-assisted bicycle equipped with a throttle must not be capable
8.30 of exceeding 20 miles per hour on motorized propulsion alone in any mode when the throttle
8.31 is engaged.

9.1 Sec. 10. Minnesota Statutes 2023 Supplement, section 171.0705, subdivision 2, is amended
9.2 to read:

9.3 Subd. 2. **Driver's manual; ~~bicycle traffic~~ vulnerable road users.** The commissioner
9.4 ~~shall~~ must include in ~~each edition of~~ the driver's manual published by the department a
9.5 section relating to vulnerable road users that, at a minimum, includes:

9.6 (1) bicycle traffic laws, including any changes in the law which affect bicycle traffic;

9.7 (2) traffic laws related to pedestrians and pedestrian safety; and

9.8 (3) traffic laws related to motorcycles, autocycles, motorized bicycles, motorized foot
9.9 scooters, and electric personal assistive mobility devices.

9.10 **EFFECTIVE DATE.** This section is effective the day following final enactment and
9.11 applies to each edition of the manual published on or after that date.

9.12 Sec. 11. Minnesota Statutes 2023 Supplement, section 171.13, subdivision 1, is amended
9.13 to read:

9.14 Subdivision 1. **Examination subjects and locations; provisions for color blindness,**
9.15 **disabled veterans.** (a) Except as otherwise provided in this section, the commissioner must
9.16 examine each applicant for a driver's license by such agency as the commissioner directs.
9.17 This examination must include:

9.18 (1) a test of the applicant's eyesight, provided that this requirement is met by submission
9.19 of a vision examination certificate under section 171.06, subdivision 7;

9.20 (2) a test of the applicant's ability to read and understand highway signs regulating,
9.21 warning, and directing traffic;

9.22 (3) a test of the applicant's knowledge of (i) traffic laws; (ii) the effects of alcohol and
9.23 drugs on a driver's ability to operate a motor vehicle safely and legally, and of the legal
9.24 penalties and financial consequences resulting from violations of laws prohibiting the
9.25 operation of a motor vehicle while under the influence of alcohol or drugs; (iii) railroad
9.26 grade crossing safety; (iv) slow-moving vehicle safety; (v) laws relating to pupil
9.27 transportation safety, including the significance of school bus lights, signals, stop arm, and
9.28 passing a school bus; (vi) traffic laws related to vulnerable road users, including but not
9.29 limited to operators of bicycles and pedestrians; and (vii) the circumstances and dangers of
9.30 carbon monoxide poisoning;

9.31 (4) an actual demonstration of ability to exercise ordinary and reasonable control in the
9.32 operation of a motor vehicle; and

(5) other physical and mental examinations as the commissioner finds necessary to determine the applicant's fitness to operate a motor vehicle safely upon the highways.

(b) Notwithstanding paragraph (a), the commissioner must not deny an application for a driver's license based on the exclusive grounds that the applicant's eyesight is deficient in color perception or that the applicant has been diagnosed with diabetes mellitus. War veterans operating motor vehicles especially equipped for disabled persons, if otherwise entitled to a license, must be granted such license.

(c) The commissioner must ensure that an applicant may take an exam either in the county where the applicant resides or in an adjacent county at a reasonably convenient location. The schedule for each exam station must be posted on the department's website.

(d) The commissioner shall ensure that an applicant is able to obtain an appointment for an examination to demonstrate ability under paragraph (a), clause (4), within 14 days of the applicant's request if, under the applicable statutes and rules of the commissioner, the applicant is eligible to take the examination.

(e) The commissioner must provide real-time information on the department's website about the availability and location of exam appointments. The website must show the next available exam dates and times for each exam station. The website must also provide an option for a person to enter an address to see the date and time of the next available exam at each exam station sorted by distance from the address provided.

Sec. 12. Minnesota Statutes 2022, section 174.75, subdivision 1, is amended to read:

Subdivision 1. ~~Definition~~ **Definitions.** (a) For purposes of this section, the following terms have the meanings given.

(b) "Complete streets" is the planning, scoping, design, implementation, operation, and maintenance of roads in order to reasonably address the safety and accessibility needs of users of all ages and abilities. Complete streets considers the needs of motorists, pedestrians, transit users and vehicles, bicyclists, and commercial and emergency vehicles moving along and across roads, intersections, and crossings in a manner that is sensitive to the local context and recognizes that the needs vary in urban, suburban, and rural settings.

(c) "Vulnerable road user" has the meaning given in section 169.011, subdivision 92b.

Sec. 13. Minnesota Statutes 2022, section 174.75, subdivision 2, is amended to read:

Subd. 2. **Implementation.** (a) The commissioner shall ~~shall~~ must implement a complete streets policy after consultation with stakeholders, state and regional agencies, local

11.1 governments, and road authorities. The commissioner, after such consultation, ~~shall~~ must
 11.2 address relevant protocols, guidance, standards, requirements, and training, ~~and shall~~
 11.3 integrate.

11.4 (b) The complete streets policy must include but is not limited to:

11.5 (1) integration of related principles of context-sensitive solutions;

11.6 (2) integration throughout the project development process;

11.7 (3) methods to evaluate inclusion of active transportation facilities in a project, which
 11.8 may include but is not limited to sidewalks, crosswalk markings, pedestrian accessibility,
 11.9 and bikeways; and

11.10 (4) consideration of consultation with other road authorities regarding existing and
 11.11 planned active transportation network connections.

11.12 Sec. 14. Minnesota Statutes 2022, section 174.75, is amended by adding a subdivision to
 11.13 read:

11.14 Subd. 2a. **Implementation guidance.** The commissioner must maintain guidance that
 11.15 accompanies the complete streets policy under this section. The guidance must include
 11.16 sections on:

11.17 (1) an analysis framework that provides for:

11.18 (i) identification of characteristics of a project;

11.19 (ii) highway system categorization based on context, including population density, land
 11.20 use, density and scale of surrounding development, volume of highway use, and the nature
 11.21 and extent of active transportation; and

11.22 (iii) relative emphasis for different road system users in each of the categories under
 11.23 item (ii) in a manner that supports safety and mobility of vulnerable road users and public
 11.24 transit users; and

11.25 (2) an analysis of speed limit reductions and associated roadway design modifications
 11.26 to support safety and mobility in active transportation.

11.27 Sec. 15. **[325F.661] SALE OF ELECTRIC-ASSISTED BICYCLES AND POWERED**
 11.28 **CYCLES.**

11.29 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have
 11.30 the meanings given.

12.1 (b) "Class 1 electric-assisted bicycle," "class 2 electric-assisted bicycle," and "class 3
12.2 electric-assisted bicycle" have the meanings given in section 169.011, subdivisions 15a,
12.3 15b, and 15c.

12.4 (c) "Electric-assisted bicycle" has the meaning given in section 169.011, subdivision
12.5 27.

12.6 (d) "Multiple mode electric-assisted bicycle" has the meaning given in section 169.011,
12.7 subdivision 45a.

12.8 (e) "Powered cycle" means a vehicle that has an electric motor, has fewer than four
12.9 wheels, and:

12.10 (1) does not meet all of the requirements of an electric-assisted bicycle as sold or due
12.11 to modification by any person; or

12.12 (2) is designed, manufactured, or intended by the manufacturer or seller to be easily
12.13 configured so as not to meet all of the requirements of an electric-assisted bicycle, whether
12.14 by a mechanical switch or button, by changing a setting in software controlling the drive
12.15 system, by use of an app, or through any other means intended by the manufacturer or seller.

12.16 A vehicle that meets the requirements of a powered cycle is not an electric-assisted bicycle.

12.17 Subd. 2. **Electric-assisted bicycle.** Before a purchase is completed, a seller of an
12.18 electric-assisted bicycle must disclose to a consumer in written form:

12.19 (1) the maximum continuous rated power of the electric-assisted bicycle;

12.20 (2) the maximum speed of the electric-assisted bicycle, as evaluated using a test method
12.21 matching the criteria specified in Code of Federal Regulations, title 16, section 1512.2(a)(2),
12.22 or successor requirements; and

12.23 (3) whether the electric-assisted bicycle is a class 1, class 2, class 3, or multiple mode
12.24 electric-assisted bicycle.

12.25 Subd. 3. **Powered cycle.** (a) A seller of a new powered cycle may not sell the vehicle
12.26 or offer the vehicle for sale if it is labeled as a class 1, class 2, class 3, or multiple mode
12.27 electric-assisted bicycle.

12.28 (b) Before a purchase is completed and in any advertising materials, a seller of a new
12.29 powered cycle who describes the vehicle as an "electric bicycle," "electric bike," "e-bike,"
12.30 or other similar term must disclose to a consumer:

12.31 (1) the name or classification of the vehicle under state law or the most likely
12.32 classification following an intended or anticipated vehicle modification; and

13.1 (2) the following statement:

13.2 "This vehicle is not an "electric-assisted bicycle" as defined in state law (under Minnesota
13.3 Statutes, section 169.011, subdivisions 15a, 15b, 15c, 27, and 45a). It is instead a type of
13.4 motor vehicle and subject to applicable motor vehicle laws if used on public roads or public
13.5 lands. Your insurance policies might not provide coverage for accidents involving the use
13.6 of this vehicle. To determine coverage, you should contact your insurance company or
13.7 agent."

13.8 (c) Advertising materials under paragraph (b) include but are not limited to a website
13.9 or social media post that identifies or promotes the vehicle.

13.10 (d) The disclosure under paragraph (b) must be (1) written, and (2) provided clearly and
13.11 conspicuously and in a manner designed to attract the attention of a consumer.

13.12 Subd. 4. **Unlawful practices.** It is an unlawful practice under section 325F.69 to advertise,
13.13 offer for sale, or sell a powered cycle:

13.14 (1) as an electric-assisted bicycle; or

13.15 (2) using the words "electric bicycle," "electric bike," "e-bike," or other similar term
13.16 without providing the disclosure required under subdivision 3.

13.17 Sec. 16. **REVISOR INSTRUCTION.**

13.18 The revisor of statutes must recodify Minnesota Statutes, section 169.21, subdivision
13.19 6, as Minnesota Statutes, section 171.0701, subdivision 1b. The revisor must correct any
13.20 cross-references made necessary by this recodification.