

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 5211

(SENATE AUTHORS: MORRISON)

DATE	D-PG	OFFICIAL STATUS
03/25/2024	12888	Introduction and first reading Referred to Transportation

1.1A bill for an act

1.2relating to transportation; establishing electric-assisted bicycle training, education,

1.3and sales requirements; requiring an electric-assisted bicycle operator's permit;

1.4requiring an electric-assisted bicycle youth operation study; requiring a report;

1.5amending Minnesota Statutes 2022, sections 169.011, by adding a subdivision;

1.6169.222, subdivisions 2, 6a, 6b; 171.01, by adding a subdivision; 171.02, by adding

1.7a subdivision; 171.061, subdivisions 1, 3; Minnesota Statutes 2023 Supplement,

1.8sections 123B.935, subdivision 1; 169.011, subdivision 27; proposing coding for

1.9new law in Minnesota Statutes, chapter 325F.

1.10BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.11Section 1. Minnesota Statutes 2023 Supplement, section 123B.935, subdivision 1, is

1.12amended to read:

1.13Subdivision 1. **Training required.** (a) Each district must provide public school pupils

1.14enrolled in kindergarten through grade 3 with age-appropriate active transportation safety

1.15training. At a minimum, the training must include pedestrian safety, including crossing

1.16roads.

1.17(b) Each district must provide public school pupils enrolled in grades 4 through 8 with

1.18age-appropriate active transportation safety training. At a minimum, the training must

1.19include:

1.20(1) pedestrian safety, including crossing roads safely using the searching left, right, left

1.21for vehicles in traffic technique; ~~and~~

1.22(2) bicycle safety, including relevant traffic laws, use and proper fit of protective

1.23headgear, bicycle parts and safety features, and safe biking techniques; and

(3) electric-assisted bicycle safety, emphasizing the characteristics and safety risks of electric-assisted bicycles in comparison to bicycles, including but not limited to the electric drive system, a higher potential top speed, relevant and unique traffic laws applicable to operators 18 years of age or younger, and safe biking techniques specific to electric-assisted bicycles.

(c) A nonpublic school may provide nonpublic school pupils enrolled in kindergarten through grade 8 with training as specified in paragraphs (a) and (b).

Sec. 2. Minnesota Statutes 2023 Supplement, section 169.011, subdivision 27, is amended to read:

Subd. 27. **Electric-assisted bicycle.** (a) "Electric-assisted bicycle" means a bicycle with two or three wheels that:

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

(2) meets the requirements for bicycles under Code of Federal Regulations, title 16, part 1512, or successor requirements;

(3) is equipped with an electric motor that has a continuous power output of not more than 750 watts;

(4) meets the requirements of a class 1, class 2, ~~or~~ class 3, or multiple mode electric-assisted bicycle; and

(5) has a battery or electric drive system that has been tested to an applicable safety 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. 3. 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.

3.1 Sec. 4. Minnesota Statutes 2022, section 169.222, subdivision 2, is amended to read:

3.2 Subd. 2. **Manner and number riding.** No bicycle, including ~~a~~ an electric-assisted
3.3 bicycle, tandem bicycle, cargo or utility bicycle, or trailer, ~~shall~~ may be used to carry more
3.4 persons at one time than the number for which ~~it~~ the bicycle is designed and equipped,
3.5 except an adult rider may carry a child in a seat designed for carrying children that is securely
3.6 attached to the bicycle.

3.7 Sec. 5. Minnesota Statutes 2022, section 169.222, subdivision 6a, is amended to read:

3.8 Subd. 6a. **Electric-assisted bicycle; riding rules.** (a) Notwithstanding the license or
3.9 permit requirement in paragraph (b), a person may operate an electric-assisted bicycle in
3.10 the same manner as provided for operation of other bicycles, including but not limited to
3.11 operation on the shoulder of a roadway, a bicycle lane, and a bicycle route, and operation
3.12 without the motor engaged on a bikeway or bicycle trail.

3.13 (b) An electric-assisted bicycle may be operated under either a driver's license or an
3.14 electric-assisted bicycle permit issued under section 171.02, subdivision 6.

3.15 (c) A person under the age of 16 operating an electric-assisted bicycle under an
3.16 electric-assisted bicycle permit is subject to the restrictions set forth in subdivision 6c.

3.17 ~~(b)~~ (d) A person may operate a class 1 or class 2 electric-assisted bicycle with the motor
3.18 engaged on a bicycle path, bicycle trail, or shared use path unless prohibited under section
3.19 85.015, subdivision 1d; 85.018, subdivision 2, paragraph (d); or 160.263, subdivision 2,
3.20 paragraph (b), as applicable.

3.21 ~~(e)~~ (e) A person may operate a class 3 electric-assisted bicycle or multiple mode
3.22 electric-assisted bicycle with the motor engaged on a bicycle path, bicycle trail, or shared
3.23 use path unless the local authority or state agency having jurisdiction over the bicycle path
3.24 or trail prohibits the operation.

3.25 ~~(d)~~ (f) The local authority or state agency having jurisdiction over a trail or over a bike
3.26 path that is designated as nonmotorized and that has a natural surface tread made by clearing
3.27 and grading the native soil with no added surfacing materials may regulate the operation of
3.28 an electric-assisted bicycle.

3.29 ~~(e)~~ (g) A person under the age of 15 ~~shall~~ may not operate an electric-assisted bicycle.

3.30 (h) A person under the age of 18 operating an electric-assisted bicycle must wear
3.31 protective headgear that meets the standards under Code of Federal Regulations, title 16,
3.32 part 1203, or successor requirements.

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

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

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

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

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

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

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

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

Sec. 7. Minnesota Statutes 2022, section 171.01, is amended by adding a subdivision to read:

Subd. 31c. **Electric-assisted bicycle.** "Electric-assisted bicycle" has the meaning given in section 169.011, subdivision 27.

5.1 Sec. 8. Minnesota Statutes 2022, section 171.02, is amended by adding a subdivision to
5.2 read:

5.3 Subd. 6. **Electric-assisted bicycle.** (a) An electric-assisted bicycle may not be operated
5.4 on any public roadway by any person who does not possess a valid driver's license unless
5.5 the person has obtained an electric-assisted bicycle operator's permit or electric-assisted
5.6 bicycle operator's instruction permit from the commissioner.

5.7 (b) Except as provided in paragraph (c), the operator's permit may be issued to any
5.8 person who has attained the age of 15 years and who has passed the examination prescribed
5.9 by the commissioner.

5.10 (c) The commissioner must issue an electric-assisted bicycle instruction permit to any
5.11 person who has attained the age of 15 years and who has successfully completed an approved
5.12 safety course and passed the written portion of the examination prescribed by the
5.13 commissioner.

5.14 (d) The safety course required under this subdivision must include but is not limited to
5.15 a basic understanding of:

5.16 (1) electric-assisted bicycle classification, information on certain components that
5.17 distinguish electric-assisted bicycles from pedal-powered bicycles, and the limitations of
5.18 those components;

5.19 (2) laws and rules specific to electric-assisted bicycles, including:

5.20 (i) riding rules set forth in section 169.222;

5.21 (ii) equipment requirements as specified in section 169.222, subdivision 6b; and

5.22 (iii) restrictions against modifying an electric-assisted bicycle or selling a powered cycle
5.23 as an electric-assisted bicycle as provided in section 325F.661;

5.24 (3) basic operating techniques and passenger restrictions;

5.25 (4) safe operating practices when operating on a bicycle path, bicycle trail, or shared-use
5.26 path;

5.27 (5) safe operating practices when operating on a public roadway;

5.28 (6) electric-assisted bicycle traffic strategies; and

5.29 (7) safe battery storage.

5.30 (e) The examination administered by the commissioner must substantially address the
5.31 subjects specified in paragraph (d). The commissioner may adopt rules prescribing the

content of the safety course, examination, and information to be contained on the electric-assisted bicycle permit. The commissioner must consult with bicycle advocacy organizations when creating the examination and safety course required under this subdivision. An electric-assisted bicycle permit issued under this subdivision does not constitute a permit to operate a motorized bicycle or a motorcycle under a two-wheel instruction permit.

(f) The fees for electric-assisted bicycle operator permits are as follows:

(1) electric-assisted bicycle operator's permit before age 21 and valid until age 21, \$7.50;

(2) renewal permit age 21 or older and valid for four years, \$12.50;

(3) duplicate of any renewal permit, \$6.50; and

(4) written examination and instruction permit, valid for 30 days, \$6.50.

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

Sec. 9. Minnesota Statutes 2022, section 171.061, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** For purposes of this section:

(1) "applicant" means an individual applying for a driver's license, provisional license, restricted license, duplicate license, instruction permit, Minnesota identification card, ~~or~~ motorized bicycle operator's permit, or electric-assisted bicycle operator's permit; and

(2) "application" refers to an application for a driver's license, provisional license, restricted license, duplicate license, instruction permit, Minnesota identification card, or motorized bicycle operator's permit.

Sec. 10. Minnesota Statutes 2022, section 171.061, subdivision 3, is amended to read:

Subd. 3. **Application.** An applicant may file an application with an agent. The agent shall receive and accept applications in accordance with the laws and rules of the Department of Public Safety for a noncompliant driver's license or identification card; an enhanced driver's license or identification card; a REAL ID compliant driver's license or identification card; restricted license; duplicate license; instruction permit; ~~or~~ motorized bicycle operator's permit; or electric-assisted bicycle operator's permit. Application records must be maintained at the office of the agent in a manner that complies with sections 13.05, subdivision 5, and 13.055. As an alternative to paper copy storage, an agent may retain records and documents in a secure electronic medium that complies with the security requirements under the United

States Federal Bureau of Investigation, Criminal Justice Information Services Division, Policy 5.4 or any successor policy, provided 60 days have elapsed since the transaction and subject to standards established by the commissioner. The agent is responsible for all costs associated with the conversion to electronic records and maintenance of the electronic storage medium, including the destruction of existing paper records after conversion to the electronic format. All queries and responses in the secure electronic medium, and all actions in which data are entered, updated, accessed, or shared or disseminated by the agent must be contained in a data audit trail. Data contained in the audit trail are public to the extent the data are not otherwise classified under this section.

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

Sec. 11. **[325F.661] SALE OF ELECTRIC-ASSISTED BICYCLES AND POWERED CYCLES.**

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

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

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

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

(e) "Passenger" means any individual other than an operator of an electric-assisted bicycle.

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

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

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

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

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

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

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

8.8 (3) whether the electric-assisted bicycle is a class 1, class 2, class 3, or multiple mode
8.9 electric-assisted bicycle; and

8.10 (4) whether the electric-assisted bicycle is for the purpose of transporting passengers
8.11 and the location of any seating or attachment points.

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

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

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

8.20 (2) the following statement:

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

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

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

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

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

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

9.4 Sec. 12. **ELECTRIC-ASSISTED BICYCLE YOUTH OPERATION; STUDY**
9.5 **REQUIRED.**

9.6 Subdivision 1. Definitions. (a) For purposes of this section, the following terms have
9.7 the meanings given.

9.8 (b) "Active transportation advisory committee" is the committee established in Minnesota
9.9 Statutes, section 174.375.

9.10 (c) "Advisory Council on Traffic Safety" is the advisory council established in Minnesota
9.11 Statutes, section 4.076.

9.12 (d) "Commissioners" means the commissioner of public safety and the commissioner
9.13 of transportation.

9.14 (e) "Electric-assisted bicycle" has the meaning given in Minnesota Statutes, section
9.15 169.011, subdivision 27.

9.16 Subd. 2. Electric-assisted bicycles study. (a) The commissioners must conduct a study
9.17 and develop recommendations on the operation of electric-assisted bicycles by persons
9.18 under the age of 18 to increase the safety of riders, other cyclists, and all other users of
9.19 active transportation infrastructure. The commissioners must conduct the study jointly with
9.20 the active transportation advisory committee and the Advisory Council on Traffic Safety.

9.21 (b) The study required under paragraph (a) must address and analyze the following
9.22 topics:

9.23 (1) identify barriers for safe operation of electric-assisted bicycles by those under the
9.24 age of 18;

9.25 (2) analyze the licensing and permitting requirements established in Minnesota Statutes,
9.26 section 171.02, and present recommendations on its implementation;

9.27 (3) evaluate existing legal authority for strategies, practices, and methods to reduce the
9.28 availability of modifications to the electric motor of electric-assisted bicycles;

9.29 (4) make recommendations on changes to state law to improve electric-assisted bicycle
9.30 safety on roads, trails, and other areas where safe operation of electric-assisted bicycles is
9.31 needed; and

(5) propose educational and public awareness campaigns to educate the public about electric-assisted bicycles, promote their safe operation, and raise awareness of their unique characteristics when operating on roadways.

(c) In conducting the study with the Advisory Council on Traffic Safety and the active transportation advisory committee, the commissioners must consult with interested stakeholders, including but not limited to:

(1) active transportation and bicycling advocates;

(2) local elected officials;

(3) retailers and manufacturers of electric-assisted bicycles;

(4) the Department of Natural Resources;

(5) the Department of Commerce;

(6) E-12 educators with experience in active transportation safety training;

(7) medical professionals and emergency medical technicians;

(8) the State Patrol and local law enforcement; and

(9) consumer protection advocates.

Subd. 3. **Report.** (a) By February 1, 2026, the commissioners must submit the study conducted under this section to the chairs, ranking minority members, and staff of the legislative committees having jurisdiction over transportation finance and policy.

(b) For purposes of this subdivision, "staff" means those employees who are identified in any of the following roles for the legislative committees: committee administrator, committee legislative assistant, caucus research, fiscal analysis, counsel, or nonpartisan research.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 13. REVISOR INSTRUCTION.

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