

1-1 By: Frullo, Larson H.B. No. 2188
 1-2 (Senate Sponsor - Alvarado, Taylor)
 1-3 (In the Senate - Received from the House April 30, 2019;
 1-4 May 3, 2019, read first time and referred to Committee on
 1-5 Transportation; May 13, 2019, reported favorably by the following
 1-6 vote: Yeas 8, Nays 0; May 13, 2019, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16			X	
1-17	X			

1-18 A BILL TO BE ENTITLED
 1-19 AN ACT

1-20 relating to the operation of electric and nonelectric bicycles.
 1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-22 SECTION 1. Section 502.143, Transportation Code, is amended
 1-23 to read as follows:
 1-24 Sec. 502.143. OTHER VEHICLES. An owner may not register the
 1-25 following vehicles for operation on a public highway:
 1-26 (1) power sweepers;
 1-27 (2) motorized mobility devices;
 1-28 (3) electric personal assistive mobility devices; and
 1-29 (4) electric bicycles, as defined by Section 664.001.
 1-30 SECTION 2. Sections 541.201(2) and (24), Transportation
 1-31 Code, are amended to read as follows:
 1-32 (2) "Bicycle" means a device that a person may ride and
 1-33 that:
 1-34 (A) is capable of being ridden solely using
 1-35 ~~[propelled by]~~ human power; and
 1-36 (B) has two tandem wheels at least one of which is
 1-37 more than 14 inches in diameter.
 1-38 (24) "Electric bicycle" has the meaning assigned by
 1-39 Section 664.001 ~~[means a bicycle that:~~
 1-40 ~~[(A) is designed to be propelled by an electric~~
 1-41 ~~motor, exclusively or in combination with the application of human~~
 1-42 ~~power,~~
 1-43 ~~[(B) cannot attain a speed of more than 20 miles~~
 1-44 ~~per hour without the application of human power, and~~
 1-45 ~~[(C) does not exceed a weight of 100 pounds].~~
 1-46 SECTION 3. Section 551.001, Transportation Code, is amended
 1-47 to read as follows:
 1-48 Sec. 551.001. APPLICABILITY ~~[PERSONS AFFECTED]~~. Unless
 1-49 specifically provided otherwise, a provision of ~~[Except as provided~~
 1-50 ~~by Subchapter C,]~~ this chapter that applies to a person operating a
 1-51 bicycle applies only to a person operating a bicycle on:
 1-52 (1) a highway; or
 1-53 (2) a path set aside for the exclusive operation of
 1-54 bicycles.
 1-55 SECTION 4. The heading to Subchapter B, Chapter 551,
 1-56 Transportation Code, is amended to read as follows:
 1-57 SUBCHAPTER B. BICYCLES ~~[REGULATION OF OPERATION]~~
 1-58 SECTION 5. Section 551.106, Transportation Code, is amended
 1-59 to read as follows:
 1-60 Sec. 551.106. REGULATION OF ~~[ELECTRIC]~~ BICYCLES BY
 1-61 DEPARTMENT OR LOCAL AUTHORITY. (a) The department or a local

2-1 authority may not prohibit the operation [~~use~~] of an electric
 2-2 bicycle:
 2-3 (1) on a highway that is used primarily by motor
 2-4 vehicles; or
 2-5 (2) in an area in which the operation of a nonelectric
 2-6 bicycle is permitted, unless the area is a path that:
 2-7 (A) is not open to motor vehicles; and
 2-8 (B) has a natural surface tread made by clearing
 2-9 and grading the native soil without adding surfacing materials.
 2-10 (b) The department or a local authority may:
 2-11 (1) prohibit the operation of a [~~use of an electric~~]
 2-12 bicycle on a sidewalk; and
 2-13 (2) establish speed limits for bicycles on paths set
 2-14 aside for the exclusive operation of bicycles and other paths on
 2-15 which bicycles may be operated [~~highway used primarily by~~
 2-16 pedestrians].
 2-17 (c) [~~(b)~~] The department may [~~shall~~] establish rules for
 2-18 the administration of this section if necessary.
 2-19 SECTION 6. Subchapter B, Chapter 551, Transportation Code,
 2-20 is amended by adding Section 551.107 to read as follows:
 2-21 Sec. 551.107. OPERATION OF ELECTRIC BICYCLE. (a)
 2-22 Subtitles A, B, and D and Chapter 663 do not apply to the operation
 2-23 of an electric bicycle.
 2-24 (b) A person may not operate an electric bicycle unless the
 2-25 electric motor disengages or ceases to function either:
 2-26 (1) when the operator stops pedaling; or
 2-27 (2) when the brakes are applied.
 2-28 (c) A person may not operate a Class 3 electric bicycle, as
 2-29 defined by Section 664.001, unless the person is at least 15 years
 2-30 of age. This subsection does not prohibit a person who is under 15
 2-31 years of age from riding on a Class 3 bicycle as a passenger.
 2-32 SECTION 7. The heading to Subtitle G, Title 7,
 2-33 Transportation Code, is amended to read as follows:
 2-34 SUBTITLE G. MOTORCYCLES, [~~AND~~] OFF-HIGHWAY VEHICLES, AND ELECTRIC
 2-35 BICYCLES
 2-36 SECTION 8. Subtitle G, Title 7, Transportation Code, is
 2-37 amended by adding Chapter 664 to read as follows:
 2-38 CHAPTER 664. STANDARDS FOR ELECTRIC BICYCLES
 2-39 Sec. 664.001. DEFINITIONS. In this chapter:
 2-40 (1) "Class 1 electric bicycle" means an electric
 2-41 bicycle:
 2-42 (A) equipped with a motor that assists the rider
 2-43 only when the rider is pedaling; and
 2-44 (B) with a top assisted speed of 20 miles per hour
 2-45 or less.
 2-46 (2) "Class 2 electric bicycle" means an electric
 2-47 bicycle:
 2-48 (A) equipped with a motor that may be used to
 2-49 propel the bicycle without the pedaling of the rider; and
 2-50 (B) with a top assisted speed of 20 miles per hour
 2-51 or less.
 2-52 (3) "Class 3 electric bicycle" means an electric
 2-53 bicycle:
 2-54 (A) equipped with a motor that assists the rider
 2-55 only when the rider is pedaling; and
 2-56 (B) with a top assisted speed of more than 20 but
 2-57 less than 28 miles per hour.
 2-58 (4) "Electric bicycle" means a bicycle:
 2-59 (A) equipped with:
 2-60 (i) fully operable pedals; and
 2-61 (ii) an electric motor of fewer than 750
 2-62 watts; and
 2-63 (B) with a top assisted speed of 28 miles per hour
 2-64 or less.
 2-65 (5) "Top assisted speed" means the speed at which the
 2-66 bicycle's motor ceases propelling the bicycle or assisting the
 2-67 rider.
 2-68 Sec. 664.002. LABELING. (a) A person who manufactures or
 2-69 sells an electric bicycle shall apply a permanent label to the

3-1 electric bicycle in a prominent location that shows in Arial font in
3-2 at least 9-point type:

3-3 (1) whether the electric bicycle is a Class 1, Class 2,
3-4 or Class 3 electric bicycle;

3-5 (2) the top assisted speed of the electric bicycle;
3-6 and

3-7 (3) the motor wattage of the electric bicycle.

3-8 (b) A person who changes the motor-powered speed capability
3-9 or engagement of an electric bicycle shall replace the label
3-10 required by Subsection (a) to show accurate information about the
3-11 electric bicycle.

3-12 Sec. 664.003. FEDERAL STANDARDS. A person who manufactures
3-13 or sells an electric bicycle shall ensure that the bicycle complies
3-14 with the equipment and manufacturing requirements for bicycles
3-15 adopted by the United States Consumer Product Safety Commission
3-16 under 16 C.F.R. Part 1512.

3-17 Sec. 664.004. SPEEDOMETER. A person who manufactures or
3-18 sells a Class 3 electric bicycle shall ensure that the bicycle is
3-19 equipped with a speedometer.

3-20 SECTION 9. Chapter 664, Transportation Code, as added by
3-21 this Act, applies only to an electric bicycle manufactured or sold
3-22 on or after January 1, 2020.

3-23 SECTION 10. Sections 501.002(7) and 502.001(12),
3-24 Transportation Code, are repealed.

3-25 SECTION 11. This Act takes effect September 1, 2019.

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