



## **HB 2188, Rep. John Frullo**

**Electric Bicycle (e-Bike) Legislation Update :**  
a bill updating existing Texas Transportation Code to industry standards for definition and operation of electric bicycles on Texas roadways and pathways.

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- **This legislation is an update to existing Texas Transportation Code Section 502.**
- **The bill defines three (3) classes of e-bikes based on speed, wattage and other factors to be consistent with industry standards and other state laws.**
- **The bill provides discretion for municipalities and other authorities regulating roadways and pathways.**
- **Eleven states have passed similar three-class e-bike legislation.**
- **The e-bike industry supports this proposed update to the Texas Transportation Code to provide a predictable environment for consumers, retailers, manufacturers, law enforcement agencies and municipal and other transportation authorities.**
- **There is no fiscal note.**

A BILL TO BE ENTITLED  
AN ACT

relating to the operation of electric and non-electric bicycles.  
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 502.143, Transportation Code, is amended to read as follows:

Sec. 502.143. OTHER VEHICLES. An owner may not register the following vehicles for operation on a public highway:

- (1) power sweepers;
- (2) motorized mobility devices; and
- (3) electric personal assistive mobility devices; ~~and~~
- ~~((4) electric bicycles).~~

SECTION 2. Sections 541.201(2) and (24), Transportation Code, are amended to read as follows:

- (2) "Bicycle" means a device that a person may ride and that:
  - (A) is capable of being ridden solely using ~~propelled by~~ human power; and
  - (B) has two tandem wheels at least one of which is more than 14 inches in diameter.

(24) "Electric bicycle" has the meaning assigned by Section 664.001 ~~means a bicycle that:~~

- ~~((A) is designed to be propelled by an electric motor, exclusively or in combination with the application of human power;~~
- ~~((B) cannot attain a speed of more than 20 miles per hour without the application of human power; and~~
- ~~((C) does not exceed a weight of 100 pounds).~~

SECTION 3. Section 551.001, Transportation Code, is amended to read as follows:

Sec.A551.001. APPLICABILITY ~~(PERSONS AFFECTED)~~. Unless specifically provided otherwise, a provision of ~~Except as provided by Subchapter C,~~ this chapter that applies to a person operating a bicycle applies only to a person operating a bicycle on:

- (1) a highway; or
- (2) a path set aside for the exclusive operation of bicycles.

SECTION 4. The heading to Subchapter B, Chapter 551, Transportation Code, is amended to read as follows:

SUBCHAPTER B. BICYCLES ~~(REGULATION OF OPERATION)~~

SECTION 5. Section 551.106, Transportation Code, is amended to read as follows:

Sec. 551.106. REGULATION OF ~~(ELECTRIC)~~ BICYCLES BY DEPARTMENT OR LOCAL AUTHORITY. (a) The department or a local authority may not prohibit the operation ~~use~~ of an electric bicycle:

- (1) on a highway that is used primarily by motor vehicles; or
- (2) in an area in which the operation of a non-electric bicycle is permitted, unless the area is a path that:

- (A) is not open to motor vehicles; and
- (B) has a natural surface tread made by clearing and grading the native soil without adding surfacing materials.

(b) The department or a local authority may:

- (1) prohibit the operation of a ~~use of an electric~~ bicycle on a sidewalk; and
- (2) establish speed limits for bicycles on paths set aside for the exclusive operation of bicycles and other paths on which bicycles may be operated ~~highway used primarily by pedestrians~~.

(c) ~~((b))~~ The department may ~~shall~~ establish rules for the administration of this section if necessary.

SECTION 6. Subchapter B, Chapter 551, Transportation Code, is amended by adding Section 551.107 to read as follows:

Sec. 551.107. OPERATION OF ELECTRIC BICYCLE.

(a) Subtitles A, B, and D and Chapter 663 do not apply to the operation of an electric bicycle.

(b) A person may not operate an electric bicycle unless the electric motor disengages or ceases to function either:

- (1) when the operator stops pedaling; or
- (2) when the brakes are applied.

(c) A person may not operate a Class 3 electric bicycle, as defined by Section 664.001, unless the person is at least 15 years of age. This subsection does not prohibit a person who is under 15 years of age from riding on a Class 3 bicycle as a passenger.

SECTION 7. The heading to Subtitle G, Title 7, Transportation Code, is amended to read as follows:

SUBTITLE G. MOTORCYCLES, ~~(AND)~~ OFF-HIGHWAY VEHICLES, ~~AND~~ ELECTRIC BICYCLES

SECTION 8. Subtitle G, Title 7, Transportation Code, is amended by adding Chapter 664 to read as follows:

CHAPTER 664. STANDARDS FOR ELECTRIC BICYCLES

Sec. 664.001. DEFINITIONS. In this chapter:

- (1) "Class 1 electric bicycle" means an electric bicycle:
  - (A) equipped with a motor that assists the rider only when the rider is pedaling; and
  - (B) with a top assisted speed of 20 miles per hour or less.
- (2) "Class 2 electric bicycle" means an electric bicycle:
  - (A) equipped with a motor that may be used to propel the bicycle without the pedaling of the rider; and
  - (B) with a top assisted speed of 20 miles per hour or less.
- (3) "Class 3 electric bicycle" means an electric bicycle:
  - (A) equipped with a motor that assists the rider only when the rider is pedaling; and
  - (B) with a top assisted speed of more than 20 but less than 28 miles per hour.
- (4) "Electric bicycle" means a bicycle:
  - (A) equipped with:
    - (i) fully operable pedals; and
    - (ii) an electric motor of fewer than 750 watts; and
    - (B) with a top assisted speed of 28 miles per hour or less.
- (5) "Top assisted speed" means the speed at which the bicycle's motor ceases propelling the bicycle or assisting the rider.

Sec. 664.002. LABELING. (a) A person who manufactures or sells an electric bicycle shall apply a permanent label to the electric bicycle in a prominent location that shows in Arial font in at least 9-point type:

- (1) whether the electric bicycle is a Class 1, Class 2, or Class 3 electric bicycle;
- (2) the top assisted speed of the electric bicycle; and
- (3) the motor wattage of the electric bicycle.

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

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

Sec.A664.004. SPEEDOMETER. A person who manufactures or sells a Class 3 electric bicycle shall ensure that the bicycle is equipped with a speedometer.

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

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

SECTION 11. This Act takes effect September 1, 2019.