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Michigan's Electric Bicycle Legislation

Questions and Answers

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On October 30, 2017, Governor Snyder signed into law HB 4781, 4782 and 4783. These bills, now Public Acts 138, 139 and 140, authorize the use of "electric bicycles" in Michigan subject to the limitations within them. This is a summary of the law presented in a Question and Answer format. The summary was prepared by Jim Conboy and Bob Wilson. Jim serves on the boards of both the Top of Michigan Trails Council (TOMTC) and Michigan Trails & Greenways Alliance (MGTA). Bob Wilson is Executive Director of MTGA. Jim and Bob appreciate the review of the text undertaken by Luther Kurtz, President of TOMTC, and Jeff Winegard, Executive Director of TOMTC. This document does not constitute legal advice. If you need legal advice regarding the electric bicycle law please consult an attorney.

Question 1: When do the Acts take effect?

Answer: 90 days from October 30 which is January 28, 2018.

Question 2: What is an "electric bicycle"?

Answer: "Electric bicycle" means a device upon which an individual may ride and that is equipped with all of the following:

- A seat or saddle for use by the rider.
- Fully operable pedals for human propulsion.
- An electric motor of not greater than 750 watts (1h.p).

Question 3: What are the classes of electric bicycles?

Answer:

"**Class 1 electric bicycle**" means an electric bicycle that is equipped with an electric motor that provides assistance only when the rider is pedaling and that disengages or ceases to function when the electric bicycle reaches a speed of 20 miles per hour.

“Class 2 electric bicycle” means an electric bicycle that is equipped with a motor that propels the electric bicycle to a speed of no more than 20 miles per hour, whether the rider is pedaling or not, and that disengages or ceases to function when the brakes are applied.

“Class 3 electric bicycle” means an electric bicycle that is equipped with a motor that provides assistance only when the rider is pedaling and that disengages or ceases to function when the electric bicycle reaches a speed of 28 miles per hour.

Question 4: How will I be able to tell if an electric bicycle is a class 1, 2 or 3?

Answer: Beginning on January 1, 2018, a manufacturer or distributor of electric bicycles offered for sale or distribution in Michigan must permanently affix in a prominent location on the electric bicycle a label that contains the classification number, top assisted speed, and motor wattage of the electric bicycle.

Question 5: Besides placement of a label are there any other requirements for what must be on an electric bicycle?

Answer: An electric bicycle must comply with applicable equipment and manufacturing requirements for electric bicycles established under federal law, including standards adopted by the United States Consumer Product Safety Commission and compiled in 16 CFR part 1512. At this time these federal requirements are not unique to electric bicycles. Thus, if an electric bicycle meets the standards for non-electric bicycles that is all that is required under federal law.

Question 6: Are electric bicycles subject to all the same legal requirements applicable to non-electric bicycles?

Answer: Yes, when riding an electric bicycle you must observe all the safety requirements applicable to non-electric bicycles including riding with traffic, using hand signals for turns and stops, stopping at stop signs, and the use of lights at night.

Question 7: Can I ride electric bicycles on city, county, and state roads?

Answer: Yes you can ride electric bicycles on any roads where a non-electric bicycle can be ridden including designated bicycle lanes. There is an exception to this rule for Mackinac Island, no electric bicycles are allowed to be operated on the Island. However, the law allows for electric bicycles on the Island if a permit is provided by the Mackinac Island State Park or if the City of Mackinac Island adopts a resolution allowing for electric bicycles.

Question 8: Can anyone ride electric bicycles?

Answer: Anyone can ride a class 1 or class 2 electric bicycle, subject to the provisions of the law. However, a class 3 electric bicycle shall not be operated by an individual less than 14 years of age. An individual less than 14 years of age may ride as a passenger on a class 3 electric bicycle that is designed to accommodate passengers.

Question 9: Must I wear a helmet when riding an electric bicycle?

Answer: It is always advisable to wear a helmet anytime you are riding a bicycle, however there is no helmet requirement in Michigan when riding any type of bicycle except for a class 3 electric bicycle. An individual less than 18 years of age who operates or rides as a passenger on a class 3 electric bicycle must wear a properly fitted and fastened bicycle helmet.

Question 10: Can I ride an electric bicycle on a trail?

Answer: The answer depends on several factors — the class of the electric bicycle, the type of trail, and whether the authority that has jurisdiction over the trail permits the use of electric bicycles. “Authority” includes any state or local governmental entity having jurisdiction over a trail. This includes the Department of Natural Resources, counties, villages, townships and cities. The law defines two types of trails:

Natural surface trails are trails designated as non-motorized and have a natural surface tread that is made by clearing and grading the native soil with no added surfacing materials such as asphalt, crushed lime stone, or similar material. No electric bicycles are permitted on these trails unless the authority having jurisdiction over the trail has authorized electric bicycles i.e., “opted in”.

Linear trails are trails that have an asphalt, crushed limestone, or similar surface. Class 1 electric bicycles may be operated on these trails as soon as the law goes into effect. Authorities having jurisdictions over these trails can “opt out” i.e. prohibit class 1 electric bicycles on these trails. Examples of “linear trails” include the North Central State Trail, the North Eastern State Trail, the North Western State Trail, the Little Traverse Wheelway, and the Huron Sunrise Trail. Class 2 and 3 electric bicycles cannot be operated on these trails unless the authority having jurisdiction over the trail “opts in” i.e. permits them on the trail.

Rail Trails: The law also authorizes Class 1 electric bicycles on “rail trails” unless the trail’s authority “opts out”. Class 2 and 3 electric bicycles are not permitted on “rail trails” unless the trail’s authority “opts in”.

Question 11: If an authority who has jurisdiction over a trail wishes to change the rule regarding whether electric bicycles can or cannot operate on a trail, what must it do?

Answer: Before an authority may change the status of electric bicycles on trails within its jurisdiction as prescribed by the new law it must hold a public hearing. Subsequent to a hearing an authority can expand or restrict usage and also set conditions for use of electric bicycles on a trail. It is expected the DNR and other authorities will be considering changes and restrictions on usage of various trails in the future.

Question 12: Does the new Michigan electric bicycle law apply to a federal congressionally authorized public trail?

Answer: No, the federal government regulates those trails within Michigan

Question 13: How do the Americans With Disabilities Act and similar acts protecting the disabled fit within this new Michigan law?

Answer :The State or local authority which has jurisdiction over a trail must comply with the Americans With Disabilities Act of 1990, Public Law 101-336, and the Persons With Disabilities Civil Rights Act, 1976 PA 220, MCL 37.1101 to 37.1607.

Question 14: I already own an electric bike. How will the new law affect me?

Answer: There is no requirement you obtain a label to put on your bike. However, if after market labels become available (ask your dealer) it would be a good idea to get one applicable to your electric bike. Your electric bike will be subject to the restrictions on its use on roads and trails in Michigan. For example, if you have a class 2 electric bike it will not be permitted on a linear trail unless the authority having jurisdiction over a linear trail “opts in” to permit class 2 electric bikes on its trail. If you presently own a class 1 electric bicycle, it will be permitted on a linear trail as of January 28, 2018.

Question 15:I have an electric bike that has a throttle on it. Does it come within the new electric bicycle law?

Answer: Yes. It would be a class 2 electric bike assuming it cannot exceed 20mph when engaged and it disengages the motor when brakes are applied.

Question 16: What is the penalty for violating the new electric bicycle law?

Answer: It depends on the authority who has jurisdiction over the road or trail where the violation occurred. Typically it will be a civil infraction resulting in fines, which in the case of a DNR trail can be as much as \$500.