



ROGER ROTH

PRESIDENT
WISCONSIN STATE SENATE

May 21, 2019

Senate Committee on Transportation, Veterans and Military Affairs

2019 Senate Bill 129

Relating to: electric bicycles and providing a penalty.

I would like to thank Chairman Petrowski and the Committee on Transportation, Veterans and Military Affairs for holding a public hearing on this legislation today. I would also like to thank Representative Rohrkaste for working with me on this regulatory update.

In recent years, there has been a rapid growth in the electric bicycle (E-bike) industry. An E-bike provides power through both mechanical pedaling as well as an additional onboard electric motor. Unfortunately, state statutes are outdated and currently hamper the spread of this new technology.

Under current law, E-bikes are classified as motorbikes, which contain an onboard combustion engine. Due to this classification, E-bikes require an operator's license to use and are not allowed on trails or bike paths. This outdated classification means that many Wisconsin residents unknowingly run afoul of the law simply by using our scenic trails.

Senate Bill 129, addresses the outdated classification of electric bicycles in Wisconsin. This legislation establishes a three tiered classification for E-bikes based on maximum speed and motor wattage. This change will move E-bike regulations to align more closely with traditional bicycles and increase the ease of their use across our state. SB 129 also allows for the Department of Transportation, the Department of Natural Resources, and local municipalities to regulate E-bike usage on bikeways under their jurisdiction.

Representative Rohrkaste and I have introduced two technical amendments which are supported by the Bike Federation and other stakeholders. SA 1 addresses the possibility that E-bike owners may make modifications to their bicycles which would change the classification of that bike. Under SA 1, an E-bike owner who makes a modification to an E-bike that changes the classification of their bike, must update the labeling on their bicycle to accurately reflect the new classification. SA 1 also ensures that E-bikes that exceed the federal definition of a bicycle still adhere to the same federal safety requirements as their counterparts. SA 2 changes the maximum motor wattage of an E-bike from 700 watts to 750 watts to accurately reflect newer motor models.

This common-sense, bipartisan reform for an outdated Wisconsin statute brings our state in line with national trends. I ask that the members of this committee vote yes on this legislation and help open the outdoors to more Wisconsin residents.

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MIKE ROHRKASTE

STATE REPRESENTATIVE • 55TH ASSEMBLY DISTRICT

Testimony on Senate Bill 129 May 21, 2019

Mr. Chair and committee members, thank you for this opportunity to write on behalf of Senate Bill 129, which clarifies the statutes governing electric bicycles (“e-bikes”), bicycles with small electric motors that can provide additional power. E-bikes are increasingly popular in Wisconsin, with benefits for both cyclists and the bicycle industry.

State law currently classifies e-bikes with “motor bicycles”, which subjects them and their operators to a number of laws that do not apply to traditional bicycles and cyclists. For example, motor bicycle operators must have operator’s licenses, and motor bicycles may not be used on bike paths unless they are powered solely by their pedals.

SB 129 creates a separate category for e-bikes and eliminates many of the restrictions that currently apply to their use – in general, treating them more like traditional bicycles. With certain specified exceptions, SB 129 grants e-bikes and their riders the same rights, privileges, and duties as traditional bicycles or cyclists. At the same time, local governments, as well as the DNR and DOT, will have the authority to restrict e-bikes’ motor-assisted use on bikeways under their jurisdiction by ordinance or rule.

SB 129 also recognizes a three-class system established by the e-bike industry so that e-bikes can be regulated more precisely. The classes are distinguished by when the motor kicks in and the maximum speed at which the motor operates. For class 1 and class 3 e-bikes, the motor operates only when the cyclist is pedaling, and the motor stops when the e-bike reaches a certain maximum speed – 20 miles per hour for class 1 e-bikes and 28 miles per hour for class 3 e-bikes. Class 2 e-bikes have motors that can operate up to 20 miles per hour *without* the cyclist pedaling. Because class 3 e-bikes have a higher motor-assisted speed than the other classes, they are subject to special restrictions: They must have speedometers, and children under 16 may not operate them (although they can be passengers).

There are two amendments to SB 129 that were introduced in response to feedback Senator Roth and I received following the bill’s introduction. Senate Amendment 1 recognizes that some e-bike owners may modify their e-bikes in ways that change their classification, in which case they would be required to update the required labeling, while other modifications might not necessarily change the classification. SA 1 also requires e-bikes to meet federal safety requirements as if they met the federal definition of bicycle. This was necessary because the federal definition of bicycle includes, in addition to traditional bicycles, only those e-bikes with a maximum motor speed of 20 miles per hour, which would conceivably exempt class 3 e-bikes from having to satisfy the federal safety standards that apply to bicycles. This amendment requires class 3 e-bikes to abide by federal law as if they fell within the federal definition.



MIKE ROHRKASTE

STATE REPRESENTATIVE • 55TH ASSEMBLY DISTRICT

Senate Amendment 2 recognizes that many popular e-bikes have 750-watt motors, whereas current law and the original bill applied only to e-bikes motors of less than 750 watts.

As I said earlier, e-bikes are increasingly popular in Wisconsin. I've tried one, and I thought it was a lot of fun. I think they may be particularly useful for older cyclists who want to remain active but who may need a little extra boost for longer rides or going up hills. However, people of all ages can enjoy them. Several states, including Illinois and Michigan, have enacted similar laws in recent years, and I believe that clear, consistent e-bike laws may interest more potential users, and they can also benefit the bicycle industry.

Thank you for your consideration.



peopleforbikes



P.O. BOX 2359 BOULDER, CO 80306

PeopleForBikes.org | 303.449.4893

May 21, 2019

Dear Chairman Petrowski and members of the Senate Committee on Transportation, Veterans and Military Affairs,

On behalf of PeopleForBikes and the Bicycle Product Suppliers Association, I encourage a favorable report on Senate Bill 129.

PeopleForBikes is the national advocacy group that works for better policies and infrastructure for bike riding. Our coalition includes companies that manufacture or sell bicycles and related products, including electric bicycles; as well as 75,000 individual supporters in Wisconsin. The BPSA is the 105-year old trade association for bicycle manufacturers.

E-bikes are an emerging technology, and need clear rules to regulate their use and create stability in the marketplace. In states where e-bikes lack a specific vehicle classification, such as Wisconsin, it is unclear how they are regulated, which creates significant confusion for consumers and retailers, and hinders the electric bicycle market. E-bike consumers are baby boomers, people with disabilities, working families, and anyone who chooses a bicycle with this small boost for recreation or transportation.

Manufacturers are faced with inconsistent, outdated and unclear rules that govern where e-bike purchasers can use their product. In response to this, U.S. e-bike manufacturers came together to develop the three class system five years ago to update regulations around critical issues like their speed, wattage, and operational rules. In states where the three class system of e-bikes has been promulgated, sales of e-bikes more than doubled.

On the local level, bike retailers in states that have passed this law state that having a three class e-bike system helps their team clearly explain where e-bikes are and aren't. In their retail shops, e-bike sales have taken off and helped stores offset the loss of sales due to other declining categories. E-bike laws are completely changing business models and customer bases.

We created the class system that is the foundation of SB 129 in order to align the law with the three main forms of product that are currently on the marketplace and with the federal definitions of an electric bicycle, create consistent standards and rules for these devices, and clearly distinguish between an electric bicycle and a motorcycle. A uniform labeling standard for all e-bikes helps law enforcement and public safety officials identify the class of e-bike in the event of enforcement issues. Additional restrictions for higher speed class 3 bicycles will ensure that they are used in a manner that is safe and at speeds that are appropriate for the infrastructure on which they are traveling.



peopleforbikes



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We have helped enact this system in 19 states (Arizona, Arkansas, California, Colorado, Connecticut, Idaho, Georgia, Illinois, Indiana, Maryland, Michigan, New Jersey, Ohio, Oklahoma, South Dakota, Tennessee, Washington, Wyoming and Utah); and bills are progressing in eight other states. It has been codified and implemented with no known issues in those 19 states.

PeopleForBikes and the BPSA support SB 129, and we believe it is the proper way to regulate the use of electric bicycles at the state level. Thank you Chairman Petrowski and members of the committee.

Sincerely,

Morgan Lommele
Director of State + Local Policy
PeopleForBikes and Bicycle Product Suppliers Association



**WISCONSIN
BIKE FED**

Wisconsin Bike Fed
3618 W Pierce Street
Milwaukee, WI 53208

May 21, 2019

Dear Chairman Petrowski and members of the Senate Committee on Transportation,
Veterans and Military Affairs,

The Wisconsin Bike Fed urges your support of Senate Bill 129. The Wisconsin Bike Fed believes bicycles with electric assist as defined below are safe and should be allowed in all places mechanical bicycles are allowed.

- Class 1 electric bicycles provide assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.
- Class 2 electric bicycles may be powered solely by the motor and are not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.
- Class 3 electric bicycles provide assistance only when the rider is pedaling and cease to provide assistance when the bicycle reaches the speed of 28 miles per hour.

Where trail managers are worried more people on eBikes might ride at speeds that pose safety concerns, statutory speed limits should be imposed rather than prohibitions on bicycles with electric assist. In the same way we do not prohibit carbon fiber bicycles with aerodynamic wheels because they allow riders to ride faster, we should not prohibit other modern technologies that get more people out riding bicycles.

Bicycles with electric assist are the fastest growing segment of bicycle sales because they allow many more people to ride more easily and further. In the Netherlands, electric assist bicycles are the majority of adult sales. These eBikes are safe and have the potential to get many more people riding for fitness, recreation, and transportation.

David Schlabowske
Executive Director
Wisconsin Bike Fed

The Wisconsin Bike Fed is one of the largest statewide membership-based bicycle organization in the country. The Bike Fed is here to cultivate, motivate and unite a strong community of citizens as well as business and political leaders to move bicycling forward in Wisconsin – through education, legislation and involvement.



**Testimony of Eric Bjorling
Wisconsin Senate Bill 129
May 21, 2019**

Thank you Chairman Petrowski and members of the Senate Committee on Transportation, Veterans, and Military Affairs. I would also like to thank Senator Roth and Representative Rohrkaste for authoring this important bill. I appreciate the opportunity to testify in support of Senate Bill 129 at today's hearing.

My name is Eric Bjorling and I am here on behalf of Trek Bicycle Corporation, a Wisconsin corporation that began in a pole barn in Waterloo, WI in 1976. Today, Trek has grown into a global corporation which manufactures, sources, distributes and sells bicycles and bicycle accessories all over the world. Trek currently employs over 3,000 people globally, with approximately 1,000 of those employees right here in the great state of Wisconsin.

Wisconsin is an important nucleus of the bicycle industry in the United States. We are home to great companies like Trek, Pacific Cycles, Waterford Cycles, Planet Bike, and Saris. According to data from the Outdoor Industry Association, these companies, together with cycling as a sport and a tourism magnet, collectively contribute over \$2.5 billion dollars to the Wisconsin economy each and every year.

I am also here today on behalf of PeopleForBikes and the Bicycle Product Suppliers Association. PeopleForBikes is a national advocacy group and bicycle industry coalition that works for better policies and infrastructure for bike riding. The BPSA is the primary trade association for bicycle manufacturers, and it has formed an e-bike committee to work on standard electrical bicycle policies in the United States.

We believe that electric bicycles have the potential to expand bike riding to new segments of our population and enable people to reap the benefits of riding bikes for more of their lives. E-bikes are the fastest growing segment in the cycling industry. From 2017 to 2018, sales of E-bikes grew 73% in a relatively flat bicycle market over that same period. E-bikes remove a number of barriers to riding and expand access to older adults and cycling commuters. They represent an exciting emerging technology which need clear rules to regulate their use and create stability in the marketplace.



In the years between 2002 and 2014, approximately 25 states passed laws to regulate electric bicycles and treat them like human-powered bicycles. Unfortunately, as this process unfolded, many of these states adopted different standards to define e-bikes, and regulate critical issues like their speed, wattage, and operational rules. We have been working to create consistent e-bike law in the United States since 2015.

We created the class system that is the foundation of Senate Bill 129 in order to align the law with the three main forms of product that are currently on the marketplace and with the federal definitions of an electric bicycle, create consistent standards and rules for these devices, and clearly distinguish between an electric bicycle and a motorcycle. A uniform labeling standard for all e-bikes helps law enforcement and public safety officials identify electric bicycles in the event of any enforcement issues.

We have worked to enact this system into law in Arizona, Arkansas, California, Colorado, Connecticut, Illinois, Michigan, Ohio, Tennessee, Washington, Utah, South Dakota and Maryland and we are actively advancing bills in 14 additional states for 2019, including neighboring Minnesota. This model legislation has been codified and implemented with no known issues in those states.

PeopleForBikes, the BPSA, and Trek Bicycle Corporation support Senate Bill 129. We believe it is the proper way to regulate the use of electric bicycles at the state level. Clear regulation will help this exciting segment of the bicycle industry continue to grow and will also help Wisconsin's cycling industry and tourism sector.

Thank you Chairman Petrowski and members of the committee. I would be happy to answer any questions that you may have.