



Tom Brinkman Jr.

State Representative, 27th District

Sponsor Testimony for House Bill 250

Chairman LaRose, Vice Chair Kunze, Ranking Member Schiavoni, and members of the Senate Transportation, Commerce and Workforce Committee thank you for the opportunity to provide sponsor testimony in support of House Bill 250.

This bill is an effort to boost small businesses and reduce consumer confusion; update our laws in accordance with evolving bicycle technology and in line with other state and federal regulations; and allow more cyclists to use e-bikes, especially those whose abilities are limited due to age, disability, or physical capacity.

Specifically, this legislation would update Section 4511.01 of the Ohio Revised Code to define and regulate low speed electric bicycles more similarly to regular bicycles.

Electric bicycles, or e-bikes, have the potential to expand bike riding to new segments of our population, and keep people riding bikes for more of their lives. However, e-bikes are an emerging technology, and they need clear laws to regulate their use and create stability in the marketplace. Ohio currently has no statutes governing the use of e-bikes, making it very confusing for retailers and customers to determine how they are regulated within our traffic code. House Bill 250 will provide needed clarity in this area by defining what an electric bicycle is and providing rules for its operation.

Electric bicycles have been regulated at the federal level since 2002. Under federal law, e-bikes are considered consumer products regulated by the Consumer Product Safety Commission. As such, they are subject to the same equipment requirements as bicycles, and are not governed by the laws applicable to motor vehicles. However, the federal law did not address how e-bikes can be used on streets or paths, which was left to the states.

Since the federal law was enacted, nearly 30 states have passed legislation to regulate electric bicycles and treat them like human-powered bicycles under their traffic laws. As this process unfolded, many of these states used different standards to define e-bikes, and regulate critical issues like their speed, wattage, and operational rules.

Ohio is currently one of the approximately 20 states that lacks rules governing the use of e-bikes. The absence of any provisions aimed at e-bikes makes it particularly confusing for manufacturers, retailers, customers, and law enforcement to determine how they are regulated within our traffic laws or what type of vehicle they are regulated as.

Recognizing the need to create comprehensive and consistent rules in the U.S., industry leaders worked to develop a model policy for electric bicycles. That model policy, and the accompanying three classifications of e-bikes, is the foundation of House Bill 250. House Bill 250 will therefore provide Ohio with the most up-to-date laws for electric bicycles, and bring it into alignment with other states that are taking the lead on this issue. The changes proposed in this bill have already been enacted into law in Tennessee, California, Colorado, Arkansas, and Utah. Similar bills are pending or being developed in Illinois, Michigan, Wisconsin, Connecticut, and New York. All interested parties from the bicycle industry support this legislation and the bill has support from the Ohio to Erie Trail Board.

The three classes of e-bikes defined in House Bill 250 will align our traffic laws with the three main forms of product that are currently on the marketplace. Generally speaking, the bill will ensure that any e-bike that meets one of these three classifications is subject to the same traffic laws as a regular bicycle. The ability of local governments to control e-bike access to off-street facilities is prioritized in the bill, and local officials will retain the ability to regulate e-bikes, or certain classes of e-bikes, on bicycle paths. The law also contains a uniform labeling standard for all e-bikes to help law enforcement and land managers identify electric bicycles in the event of any enforcement issues.

Finally, 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. These include a restriction on access to bicycle paths, a minimum age requirement, and a helmet requirement for riders of Class 3 e-bikes.

E-bikes provide new opportunities to increase alternative transportation, boost local tourism, and keep our population active and healthy. They also support small businesses, as good e-bike policies and e-bike adoption increase business to local bicycle shops, rental fleet companies, and bicycle manufacturers from both new and existing cyclists.

I worked with the Central Ohio Mountain Biking Organization (COMBO) to amend the bill and alleviate their concerns with the potential usage of e-bikes on natural surface trails, which are typically used for mountain biking, hiking, equestrian use, or other similar use. House Bill 250 currently prohibits e-bikes on natural surface trails due to the environmental impact being

unknown. However, should state or local authorities determine in the future that e-bikes do not harm natural surface trails, at the request of COMBO, the amendment we added permits them to allow e-bikes.

As House Bill 250 was being voted out of the House Transportation Committee, a last minute amendment was requested by a large United States manufacturer, who is planning to enter the e-bike industry. Their concern is that the bill language as currently written could require costly cut-off switches and brake sensors for e-bikes. People for Bikes, the organization I have closely worked with on this legislation, and the United States manufacturer have agreed on language that would address this concern. My intent for this bill is to make e-bikes more accessible to everyone. I have sent this amendment to Chairman LaRose's office in the hopes it will be amended into House Bill 250.

E-bike legislation is sweeping the nation thanks to People for Bikes. Currently, they have legislation pending in Arizona, Connecticut, Idaho, New Jersey, Washington, and Wisconsin; and are actively working on introducing legislation in Alabama, Massachusetts, Maine, Oregon, Pennsylvania, South Dakota, and Wyoming. Ohio has the opportunity to join this movement and make our trails across the state more accessible to those who want to continue their active lifestyle, but need the extra assistance that e-bikes provide.

Thank you for your consideration of this legislation. I am happy to answer any questions.