

March 3, 2021

From: Lt. Jeff Solemsaas

To: Senate Transportation Committee

Re: HB 1148 Electric bicycles

Chairman Clemens and members the Senate Transportation Committee,

I'm submitting some brief testimony in relation to HB 1148 which would classify electric bicycles under the same category of a typical bicycle. I have some concerns with this classification that I would like to share.

Bicycles are allowed to use public roads under the premise that they follow the same rules of the road governing vehicles. Unfortunately, this is not always the case. In the past three years the Bismarck PD has investigated approximately 53 collisions involving bicycles. Approximately half of those are the result of the bicyclist committing a traffic violation such as failure to stop for a stop sign or red light. Often, these collisions result in injury to the bicyclist. It should be noted that Bismarck ordinances dictate that bicycle riders are obligated to follow the general rules of the road that apply to vehicles.

If an electric bicycle were to be classified as a bicycle there would be no age limitation for the rider. With the added speed in which the electric bicycle is operated at there is a great potential for serious injury or death. An obvious concern would be that juveniles would be operating an electric bicycle with no helmet or other protection.

There is also the concern that a motorist would see the bicycle approaching but would not be aware of the speed due to the fact that bicycles normally do not operate at a higher mph when under human power. This is a common factor in collisions also under the presumption that the motorist actually sees the bicycle approaching. Many times, motorists fail to see motorcycles approaching and enter the roadway in front of them, a bicycle presents a much smaller profile for a motorist to see.

With experience and maturity, a rider of a bicycle learns that they have to become defensive drivers just for self-preservation. A young rider does not have that experience and to add higher speeds into the mixture is asking for disaster.

The ND Century Code already has a definition for a motorized bicycle under 39-01-01. This would change the definition of a motorized bicycle from what exists and does define the function of an electric bicycle.

Motorized bicycle" means a vehicle equipped with two or three wheels, foot pedals to permit muscular propulsion or footrests for use by the operator, a power source providing up to a maximum of two brake horsepower having a maximum piston or rotor displacement of 3.05 cubic inches [49.98 milliliters] if a combustion engine is used, which will propel the vehicle, unassisted, at a speed not to exceed thirty miles [48.28kilometers] per hour on a level road surface, and a power drive system that functions directly or automatically only, not requiring clutching or shifting by the operator after the drive system is engaged, and the vehicle may not have a width greater than thirty-two inches [81.28 centimeters].

Under this bill, a rider of an electric bike would not be required to have a driver's license or insurance as noted previously. This would lead to some enforcement issues when there is property damage from a collision and the electric bicycle rider is not obligated to have insurance. The owner of the vehicle or property damaged would be left with the financial loss.

With the concerns that I have described taken into consideration I urge the Senate Transportation Committee to reject this proposal. At a minimum there should be an age limitation established to lessen the possibility of serious injury to juveniles using this form of transportation.

Respectfully submitted,

Lt. Jeff Solemsaas
Traffic Section Commander