



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE

STATEMENT OF ESTIMATED FISCAL IMPACT

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Bill Number:	H. 3174	Amended by Senate Transportation on May 8, 2019
Author:	Elliott	
Subject:	Electric Assisted Bicycles	
Requestor:	House of Representatives	
RFA Analyst(s):	Gardner and Mitchell	
Impact Date:	June 10, 2019	

Fiscal Impact Summary

The Judicial Department reports that this bill will have no expenditure impact on the General Fund, Other Funds, or Federal Funds since all fines applicable to bicycle operators are within magistrate and municipal courts.

The Department of Motor Vehicles reports the bill does not operationally impact the department, therefore there will be no expenditure impact on the agency's General Funds, Other Funds, or Federal Funds.

Revenue and Fiscal Affairs (RFA) estimates that the local revenue impact of this bill is undetermined because there is no data with which to predict the number of new fines that may be assessed. All fines applicable to bicycle operators are subject to jurisdiction of magistrate and municipal courts.

We anticipate that any additional costs to magistrate or municipal courts can be managed within their existing resources. Therefore, there will be no local expenditure impact.

This bill would have no impact on the General Fund as the clarifications reflect current interim appointment practices and do not alter the roles and responsibilities of the Governor and the Senate.

Explanation of Fiscal Impact

Amended by Senate Transportation on May 8, 2019

State Expenditure

This amended bill provides definitions for the terms electric-assist bicycles and bicycles with helper motors and provides that bicyclists operating electric-assist bicycles shall be subject to all statutory provisions applicable to bicyclists, as provided in Section 56-5-3420. Electric-assist bicycles are defined as low-speed electrically assisted bicycles with two or three wheels, each having fully operable pedals and an electric motor of no more than 750 watts, or one horsepower, and a top speed of less than 20 miles per hour when operated by a rider weighing 170 pounds on a paved level surface. This bill specifies that bicycles with helper motors are not mopeds.

The amended bill also states that manufacturers and distributors of electric-assist bicycles shall apply a label that is affixed permanently in a prominent location to each electric-assist bicycle. The owner of the electric-assist bicycle shall not remove or tamper with the label.

This bill also clarifies the procedure for an interim appointment made by the Governor when an office that is normally filled by an appointment of the Governor with the advice and consent of the Senate becomes vacant during the interim period between regular legislative sessions. This bill clarifies the ambiguities within the §1-3-210 relating to interim appointments. Since the clarifications reflect current interim appointment practices and do not alter the roles and responsibilities of the Governor and the Senate, this bill will have no impact to the General Fund.

Judicial Department. This bill defines types of low speed electric motor assisted bicycles and provides that operators are subject to all statutory provisions applicable to bicyclists. It also provides that bicyclists have duties similar to those of motor vehicle operators as described in Section 56-5-3420 and as such are subject to being fined for violations of such statutory provisions. Based on information obtained by the department, the proposed bill will impact the magistrate or municipal courts, and may impact the circuit courts. While the impact to circuit courts is unknown because this is a new offense and there is no data to suggest how many additional individuals will be convicted of bicycle related offenses, the increase is not expected to be significant. As such, it is anticipated that any additional costs in circuit court can be managed within existing resources. Therefore, there will be no expenditure impact on the General Fund, Other Funds, or Federal funds of the department.

Department of Motor Vehicles. This bill provides definitions for electric motor assisted bicycles and bicycles with helper motors and subjects them to the same provisions applicable to bicyclists. Since the bill does not operationally impact the department, there will be no expenditure impact on the agency's General Funds, Other Funds, or Federal Funds.

State Revenue

Most bicyclist infractions are handled within magistrate or municipal courts. However, depending on the degree of injury, the person at fault may be assessed a civil fine payable either in magistrate, municipal, or circuit courts. Since this bill adds a new category that is subject to the provisions of Title 56 (Motor Vehicles), there is no data upon which to predict the number of new fines that may be generated. However, state revenue is not expected to be significant, hence no revenue impact to the General Fund, Other Funds, or Federal Funds of the Judicial Department.

Local Expenditure

This bill defines types of low speed electric motor assisted bicycles and provides that operators are subject to all statutory provisions applicable to bicyclists. Offenses of this type are generally handled in magistrate or municipal courts. However, the expenditure impact is unknown because this is a new offense and there is no data to suggest how many additional individuals will be convicted of bicycle related offenses. The increase in caseloads is not expected to be significant. As such, it is anticipated that any additional costs to magistrate or municipal courts can be managed within their existing resources. Therefore, there will be no local expenditure impact.

Local Revenue

This bill provides definitions for the terms electric-assist bicycles and bicycles with helper motors and provides that bicyclists operating electric-assist bicycles shall be subject to all

statutory provisions applicable to bicyclists, as provided in Section 56-5-3420. Bicyclists may be subject to fines if they do not operate their bicycles in accordance with the applicable laws. In addition, motor vehicle drivers may be subject to fines if they fail to operate their vehicle in a safe manner when encountering a bicyclist.

Most bicyclist infractions are handled within magistrate or municipal courts. However, depending on the degree of injury, the person at fault may be assessed a civil fine payable either in magistrate, municipal, or circuit courts. Since this bill adds a new category that is subject to the provisions of Title 56 (Motor Vehicles), there is no data upon which to predict the number of new fines that may be generated. Therefore, the increase in local revenue cannot be determined.

Amended by House Education and Public Works on March 29, 2019

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Introduced on January 8, 2019

State Expenditure

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Frank A. Rainwater, Executive Director