COMMITTEE REPORT

April 3, 2019

**H. 3174**

Introduced by Reps. Elliott, Tallon, G.R. Smith, Taylor, Cogswell, Dillard, Norrell, Felder, Daning and Hixon

S. Printed 4/3/19--H. [SEC 4/4/19 4:41 PM]

Read the first time January 8, 2019.

**THE COMMITTEE ON EDUCATION AND PUBLIC WORKS**

To whom was referred a Bill (H. 3174) to amend Section 56‑1‑10, Code of Laws of South Carolina, 1976, relating to certain terms and their definitions associated with the powers and duties of the, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking SECTION 1 in its entirety and inserting:

/SECTION 1. Section 56‑1‑10 of the 1976 Code is amended by adding the following appropriately numbered item at the end:

“( ) ‘Electric‑assist bicycles’ and ‘bicycles with helper motors’ mean 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 motor-powered speed of less than twenty miles an hour when operated by a rider weighing one hundred seventy pounds on a paved level surface, that meet the requirements of the Federal Consumer Product Code provided in 16 C.F.R., Part 1512, and that operate in a manner such that the electric motor disengages or ceases to function when their brakes are applied. Manufacturers and distributors of electric-assist bicycles shall apply a label that is affixed permanently, in a prominent location, to each electric-assist bicycle, indicating its wattage and maximum electrically assisted speed. The owner or user of an electric-assist bicycle shall not remove or tamper with the label. If a user tampers with or modifies an electric-assist bicycle, changing the speed capability, he must replace the label indicating the vehicle’s wattage or horsepower. Electric-assist bicycles and bicycles with helper motors are not mopeds. /

Renumber sections to conform.

Amend title to conform.

MERITA A. ALLISON for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**Amended by House Education and Public Works on March 29, 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.

**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.

**Introduced on January 8, 2019**

**State Expenditure**

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. 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. This bill specifies that bicycles with helper motors are not mopeds.

**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.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND SECTION 56‑1‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CERTAIN TERMS AND THEIR DEFINITIONS ASSOCIATED WITH THE POWERS AND DUTIES OF THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO PROVIDE DEFINITIONS FOR THE TERMS “ELECTRIC‑ASSIST BICYCLES” AND “BICYCLES WITH HELPER MOTORS”; AND BY ADDING SECTION 56‑5‑3520 SO AS TO PROVIDE THAT BICYCLISTS OPERATING ELECTRIC‑ASSIST BICYCLES SHALL BE SUBJECT TO ALL STATUTORY PROVISIONS APPLICABLE TO BICYCLISTS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 56‑1‑10 of the 1976 Code is amended by adding the following appropriately numbered item at the end:

“( ) ‘Electric‑assist bicycles’ and ‘bicycles with helper motors’ mean 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, that meet the requirements of the Federal Consumer Product Code provided in 16 C.F.R., Part 1512, and that operate in a manner such that the electric motor disengages or ceases to function when their brakes are applied. Bicycles with helper motors are not mopeds.”

SECTION 2. Article 27, Chapter 5, Title 56 of the 1976 Code is amended by adding:

“Section 56‑5‑3520. Bicyclists operating bicycles with helper motors, as defined in Section 56‑1‑10, are subject to all statutory provisions applicable to bicyclists, as provided in Section 56‑5‑3420.”

SECTION 3. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑