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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. **3858**

02/15/2024 Authored by Rehm, Elkins, Hornstein, Kraft, Tabke and others
The bill was read for the first time and referred to the Committee on Transportation Finance and Policy
03/20/2024 Adoption of Report: Amended and re-referred to the Committee on Commerce Finance and Policy

1.1 A bill for an act

1.2 relating to transportation; amending requirements related to active transportation,

1.3 including regulation of electric-assisted bicycles and sales, requirements on

1.4 complete streets, and driver's education; appropriating money; amending Minnesota

1.5 Statutes 2022, sections 169.011, by adding subdivisions; 169.21, subdivision 6;

1.6 169.222, subdivisions 6a, 6b; 174.75, subdivisions 1, 2, by adding a subdivision;

1.7 Minnesota Statutes 2023 Supplement, sections 169.011, subdivision 27; 171.0705,

1.8 subdivision 2; 171.13, subdivision 1; Laws 2023, chapter 68, article 1, section 20;

1.9 proposing coding for new law in Minnesota Statutes, chapter 325F.

1.10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.11 Section 1. Minnesota Statutes 2023 Supplement, section 169.011, subdivision 27, is

1.12 amended to read:

1.13 Subd. 27. **Electric-assisted bicycle.** (a) "Electric-assisted bicycle" means a bicycle with

1.14 two or three wheels that:

1.15 (1) has a saddle and fully operable pedals for human propulsion;

1.16 (2) meets the requirements for bicycles under Code of Federal Regulations, title 16, part

1.17 1512, or successor requirements;

1.18 (3) is equipped with an electric motor that has a power output of not more than 750

1.19 watts;

1.20 (4) meets the requirements of a class 1, class 2, ~~or class 3~~, or multiple mode

1.21 electric-assisted bicycle; and

1.22 (5) has a battery or electric drive system that has been tested to an applicable safety

1.23 standard by a third-party testing laboratory.

2.1 (b) A vehicle that is modified so that it no longer meets the requirements for any
 2.2 electric-assisted bicycle class is not an electric-assisted bicycle.

2.3 Sec. 2. Minnesota Statutes 2022, section 169.011, is amended by adding a subdivision to
 2.4 read:

2.5 Subd. 45a. **Multiple mode electric-assisted bicycle.** "Multiple mode electric-assisted
 2.6 bicycle" means an electric-assisted bicycle equipped with switchable or programmable
 2.7 modes that provide for operation as two or more of a class 1, class 2, or class 3
 2.8 electric-assisted bicycle in conformance with the definition and requirements under this
 2.9 chapter for each respective class.

2.10 Sec. 3. Minnesota Statutes 2022, section 169.011, is amended by adding a subdivision to
 2.11 read:

2.12 Subd. 92b. **Vulnerable road user.** "Vulnerable road user" means a person in the
 2.13 right-of-way of a highway, including but not limited to a bikeway and an adjacent sidewalk
 2.14 or trail, who is:

2.15 (1) a pedestrian;

2.16 (2) on a bicycle or other nonmotorized vehicle or device;

2.17 (3) on an electric personal assistive mobility device;

2.18 (4) on an implement of husbandry; or

2.19 (5) riding an animal.

2.20 Vulnerable road user includes the operator and any passengers for a vehicle, device, or
 2.21 personal conveyance identified in this subdivision.

2.22 Sec. 4. Minnesota Statutes 2022, section 169.21, subdivision 6, is amended to read:

2.23 Subd. 6. **Driver education curriculum; vulnerable road users.** The ~~class D curriculum,~~
 2.24 ~~in addition to driver education classroom curriculum prescribed in rules of statutes for class~~
 2.25 ~~D motor vehicles, must include instruction on~~ commissioner must adopt rules for persons
 2.26 enrolled in driver education programs offered at public schools, private schools, and
 2.27 commercial driver training schools, requiring inclusion in the course of instruction a section
 2.28 on vulnerable road users. The instruction must include information on:

2.29 (1) the rights and responsibilities of vulnerable road users, as defined in section 169.011,
 2.30 subdivision 92b;

3.1 (2) the specific duties of a driver when encountering a bicycle, other nonmotorized
 3.2 vehicles, or a pedestrian;

3.3 (3) safety risks for vulnerable road users and motorcyclists or other operators of two-
 3.4 or three-wheeled vehicles; and

3.5 (4) best practices to minimize dangers and avoid collisions with vulnerable road users
 3.6 and motorcyclists or other operators of two- or three-wheeled vehicles.

3.7 Sec. 5. Minnesota Statutes 2022, section 169.222, subdivision 6a, is amended to read:

3.8 Subd. 6a. **Electric-assisted bicycle; riding rules.** (a) A person may operate an
 3.9 electric-assisted bicycle in the same manner as provided for operation of other bicycles,
 3.10 including but not limited to operation on the shoulder of a roadway, a bicycle lane, and a
 3.11 bicycle route, and operation without the motor engaged on a bikeway or bicycle trail.

3.12 (b) A person may operate a class 1 or class 2 electric-assisted bicycle with the motor
 3.13 engaged on a bicycle path, bicycle trail, or shared use path unless prohibited under section
 3.14 85.015, subdivision 1d; 85.018, subdivision 2, paragraph (d); or 160.263, subdivision 2,
 3.15 paragraph (b), as applicable.

3.16 (c) A person may operate a class 3 electric-assisted bicycle or multiple mode
 3.17 electric-assisted bicycle with the motor engaged on a bicycle path, bicycle trail, or shared
 3.18 use path unless the local authority or state agency having jurisdiction over the bicycle path
 3.19 or trail prohibits the operation.

3.20 (d) The local authority or state agency having jurisdiction over a trail or over a bike park
 3.21 that is designated as nonmotorized and that has a natural surface tread made by clearing
 3.22 and grading the native soil with no added surfacing materials may regulate the operation of
 3.23 an electric-assisted bicycle.

3.24 (e) ~~No~~ A person under the age of 15 ~~shall~~ must not operate an electric-assisted bicycle.

3.25 Sec. 6. Minnesota Statutes 2022, section 169.222, subdivision 6b, is amended to read:

3.26 Subd. 6b. **Electric-assisted bicycle; equipment.** (a) The manufacturer or distributor of
 3.27 an electric-assisted bicycle must apply a label to the bicycle that is permanently affixed in
 3.28 a prominent location. The label must contain the ~~classification~~ class number, top assisted
 3.29 speed, and motor wattage of the electric-assisted bicycle, and must be printed in a legible
 3.30 font with at least 9-point type. A multiple mode electric-assisted bicycle must have labeling
 3.31 that identifies the highest electric-assisted bicycle class in which it is capable of operation.

4.1 (b) A person must not modify an electric-assisted bicycle to change the motor-powered
4.2 speed capability or motor engagement so that the bicycle no longer meets the requirements
4.3 for the applicable class, unless:

4.4 (1) the person replaces the label required in paragraph (a) with revised information; or

4.5 (2) for a vehicle that no longer meets the requirements for any electric-assisted bicycle
4.6 class, the person removes the labeling as an electric-assisted bicycle.

4.7 (c) An electric-assisted bicycle must operate in a manner so that the electric motor is
4.8 disengaged or ceases to function ~~when the rider stops pedaling or:~~ (1) when the brakes are
4.9 applied; or (2) except for a class 2 electric-assisted bicycle or a multiple mode
4.10 electric-assisted bicycle operating in class 2 mode, when the rider stops pedaling.

4.11 (d) A class 3 electric-assisted bicycle or multiple mode electric-assisted bicycle must
4.12 be equipped with a speedometer that displays the speed at which the bicycle is traveling in
4.13 miles per hour.

4.14 (e) A multiple mode electric-assisted bicycle equipped with a throttle must not be capable
4.15 of exceeding 20 miles per hour on motorized propulsion alone in any mode when the throttle
4.16 is engaged.

4.17 Sec. 7. Minnesota Statutes 2023 Supplement, section 171.0705, subdivision 2, is amended
4.18 to read:

4.19 Subd. 2. **Driver's manual; ~~bicycle traffic~~ vulnerable road users.** The commissioner
4.20 ~~shall~~ must include in ~~each edition of~~ the driver's manual published by the department a
4.21 section relating to vulnerable road users and motorcyclists or operators of two- or
4.22 three-wheeled vehicles that, at a minimum, includes:

4.23 (1) bicycle traffic laws, including any changes in the law which affect bicycle traffic;

4.24 (2) traffic laws related to pedestrians and pedestrian safety; and

4.25 (3) traffic laws related to motorcycles, autocycles, motorized bicycles, motorized foot
4.26 scooters, and electric personal assistive mobility devices.

4.27 **EFFECTIVE DATE.** This section is effective the day following final enactment and
4.28 applies to each edition of the manual published on or after that date.

5.1 Sec. 8. Minnesota Statutes 2023 Supplement, section 171.13, subdivision 1, is amended
5.2 to read:

5.3 Subdivision 1. **Examination subjects and locations; provisions for color blindness,**
5.4 **disabled veterans.** (a) Except as otherwise provided in this section, the commissioner must
5.5 examine each applicant for a driver's license by such agency as the commissioner directs.
5.6 This examination must include:

5.7 (1) a test of the applicant's eyesight, provided that this requirement is met by submission
5.8 of a vision examination certificate under section 171.06, subdivision 7;

5.9 (2) a test of the applicant's ability to read and understand highway signs regulating,
5.10 warning, and directing traffic;

5.11 (3) a test of the applicant's knowledge of (i) traffic laws; (ii) the effects of alcohol and
5.12 drugs on a driver's ability to operate a motor vehicle safely and legally, and of the legal
5.13 penalties and financial consequences resulting from violations of laws prohibiting the
5.14 operation of a motor vehicle while under the influence of alcohol or drugs; (iii) railroad
5.15 grade crossing safety; (iv) slow-moving vehicle safety; (v) laws relating to pupil
5.16 transportation safety, including the significance of school bus lights, signals, stop arm, and
5.17 passing a school bus; (vi) traffic laws related to vulnerable road users and motorcyclists,
5.18 including but not limited to operators of bicycles and pedestrians; and (vii) the circumstances
5.19 and dangers of carbon monoxide poisoning;

5.20 (4) an actual demonstration of ability to exercise ordinary and reasonable control in the
5.21 operation of a motor vehicle; and

5.22 (5) other physical and mental examinations as the commissioner finds necessary to
5.23 determine the applicant's fitness to operate a motor vehicle safely upon the highways.

5.24 (b) Notwithstanding paragraph (a), the commissioner must not deny an application for
5.25 a driver's license based on the exclusive grounds that the applicant's eyesight is deficient in
5.26 color perception or that the applicant has been diagnosed with diabetes mellitus. War veterans
5.27 operating motor vehicles especially equipped for disabled persons, if otherwise entitled to
5.28 a license, must be granted such license.

5.29 (c) The commissioner must ensure that an applicant may take an exam either in the
5.30 county where the applicant resides or in an adjacent county at a reasonably convenient
5.31 location. The schedule for each exam station must be posted on the department's website.

5.32 (d) The commissioner shall ensure that an applicant is able to obtain an appointment for
5.33 an examination to demonstrate ability under paragraph (a), clause (4), within 14 days of the

6.1 applicant's request if, under the applicable statutes and rules of the commissioner, the
6.2 applicant is eligible to take the examination.

6.3 (e) The commissioner must provide real-time information on the department's website
6.4 about the availability and location of exam appointments. The website must show the next
6.5 available exam dates and times for each exam station. The website must also provide an
6.6 option for a person to enter an address to see the date and time of the next available exam
6.7 at each exam station sorted by distance from the address provided.

6.8 Sec. 9. Minnesota Statutes 2022, section 174.75, subdivision 1, is amended to read:

6.9 Subdivision 1. ~~Definition~~ **Definitions.** (a) For purposes of this section, the following
6.10 terms have the meanings given.

6.11 (b) "Complete streets" is the planning, scoping, design, implementation, operation, and
6.12 maintenance of roads in order to reasonably address the safety and accessibility needs of
6.13 users of all ages and abilities. Complete streets considers the needs of motorists, pedestrians,
6.14 transit users and vehicles, bicyclists, and commercial and emergency vehicles moving along
6.15 and across roads, intersections, and crossings in a manner that is sensitive to the local context
6.16 and recognizes that the needs vary in urban, suburban, and rural settings.

6.17 (c) "Vulnerable road user" has the meaning given in section 169.011, subdivision 92b.

6.18 Sec. 10. Minnesota Statutes 2022, section 174.75, subdivision 2, is amended to read:

6.19 Subd. 2. **Implementation.** (a) The commissioner shall must implement a complete
6.20 streets policy after consultation with stakeholders, state and regional agencies, local
6.21 governments, and road authorities. The commissioner, after such consultation, ~~shall must~~
6.22 address relevant protocols, guidance, standards, requirements, and training, ~~and shall~~
6.23 ~~integrate.~~

6.24 (b) The complete streets policy must include but is not limited to:

6.25 (1) integration of related principles of context-sensitive solutions;

6.26 (2) integration throughout the project development process;

6.27 (3) methods to evaluate inclusion of active transportation facilities in a project, which
6.28 may include but is not limited to sidewalks, crosswalk markings, pedestrian accessibility,
6.29 and bikeways; and

6.30 (4) consideration of consultation with other road authorities regarding existing and
6.31 planned active transportation network connections.

7.1 Sec. 11. Minnesota Statutes 2022, section 174.75, is amended by adding a subdivision to
7.2 read:

7.3 Subd. 2a. **Implementation guidance.** The commissioner must maintain guidance that
7.4 accompanies the complete streets policy under this section. The guidance must include
7.5 sections on:

7.6 (1) an analysis framework that provides for:

7.7 (i) identification of characteristics of a project;

7.8 (ii) highway system categorization based on context, including population density, land
7.9 use, density and scale of surrounding development, volume of highway use, and the nature
7.10 and extent of active transportation; and

7.11 (iii) relative emphasis for different road system users in each of the categories under
7.12 item (ii) in a manner that supports safety and mobility of vulnerable road users, motorcyclists
7.13 or other operators of two- or three-wheeled vehicles, and public transit users; and

7.14 (2) an analysis of speed limit reductions and associated roadway design modifications
7.15 to support safety and mobility in active transportation.

7.16 Sec. 12. **[325F.661] SALE OF ELECTRIC-ASSISTED BICYCLES AND POWERED**
7.17 **CYCLES.**

7.18 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have
7.19 the meanings given.

7.20 (b) "Class 1 electric-assisted bicycle," "class 2 electric-assisted bicycle," and "class 3
7.21 electric-assisted bicycle" have the meanings given in section 169.011, subdivisions 15a,
7.22 15b, and 15c.

7.23 (c) "Electric-assisted bicycle" has the meaning given in section 169.011, subdivision
7.24 27.

7.25 (d) "Multiple mode electric-assisted bicycle" has the meaning given in section 169.011,
7.26 subdivision 45a.

7.27 (e) "Powered cycle" means a vehicle that has an electric motor, has fewer than four
7.28 wheels, and:

7.29 (1) does not meet all of the requirements of an electric-assisted bicycle as sold or due
7.30 to modification by any person; or

8.1 (2) is designed, manufactured, or intended by the manufacturer or seller to be easily
8.2 configured so as not to meet all of the requirements of an electric-assisted bicycle, whether
8.3 by a mechanical switch or button, by changing a setting in software controlling the drive
8.4 system, by use of an app, or through any other means intended by the manufacturer or seller.

8.5 A vehicle that meets the requirements of a powered cycle is not an electric-assisted bicycle.

8.6 Subd. 2. **Electric-assisted bicycle.** Before a purchase is completed, a seller of an
8.7 electric-assisted bicycle must disclose to a consumer in written form:

8.8 (1) the maximum motor power of the electric-assisted bicycle;

8.9 (2) the maximum speed of the electric-assisted bicycle, as evaluated using a test method
8.10 matching the criteria specified in Code of Federal Regulations, title 16, section 1512.2(a)(2),
8.11 or successor requirements; and

8.12 (3) whether the electric-assisted bicycle is a class 1, class 2, class 3, or multiple mode
8.13 electric-assisted bicycle.

8.14 Subd. 3. **Powered cycle.** (a) A seller of a new powered cycle may not sell the vehicle
8.15 or offer the vehicle for sale if it is labeled as a class 1, class 2, class 3, or multiple mode
8.16 electric-assisted bicycle.

8.17 (b) Before a purchase is completed and in any advertising materials, a seller of a new
8.18 powered cycle who describes the vehicle as an "electric bicycle," "electric bike," "e-bike,"
8.19 or other similar term must disclose to a consumer:

8.20 (1) the name or classification of the vehicle under state law or the most likely
8.21 classification following an intended or anticipated vehicle modification; and

8.22 (2) the following statement:

8.23 "This vehicle is not an "electric-assisted bicycle" as defined in Minnesota law. It is
8.24 instead a type of motor vehicle and subject to applicable motor vehicle laws if used on
8.25 public roads or public lands. Your insurance policies might not provide coverage for crashes
8.26 involving the use of this vehicle. To determine coverage, you should contact your insurance
8.27 company or agent."

8.28 (c) Advertising materials under paragraph (b) include but are not limited to a website
8.29 or social media post that identifies or promotes the vehicle.

8.30 (d) The disclosure under paragraph (b) must be (1) written, and (2) provided clearly and
8.31 conspicuously and in a manner designed to attract the attention of a consumer.

9.1 Subd. 4. Unlawful practices. It is an unlawful practice under section 325F.69 to advertise,
9.2 offer for sale, or sell a powered cycle:

9.3 (1) as an electric-assisted bicycle; or

9.4 (2) using the words "electric bicycle," "electric bike," "e-bike," or other similar term
9.5 without providing the disclosure required under subdivision 3.

9.6 Sec. 13. Laws 2023, chapter 68, article 1, section 20, is amended to read:

9.7 Sec. 20. **TRANSFERS.**

9.8 (a) \$152,650,000 in fiscal year 2024 is transferred from the general fund to the trunk
9.9 highway fund for the state match for highway formula and discretionary grants under the
9.10 federal Infrastructure Investment and Jobs Act, Public Law 117-58, and for related state
9.11 investments.

9.12 (b) \$19,500,000 in fiscal year 2024 and ~~\$19,500,000~~ \$19,255,000 in fiscal year 2025
9.13 are transferred from the general fund to the active transportation account under Minnesota
9.14 Statutes, section 174.38. The base for this transfer is \$8,875,000 in fiscal year 2026 and
9.15 \$9,000,000 in fiscal year 2027.

9.16 (c) By June 30, 2023, the commissioner of management and budget must transfer any
9.17 remaining unappropriated balance, estimated to be \$232,000, from the driver services
9.18 operating account in the special revenue fund to the driver and vehicle services operating
9.19 account under Minnesota Statutes, section 299A.705.

9.20 (d) By June 30, 2023, the commissioner of management and budget must transfer any
9.21 remaining unappropriated balance, estimated to be \$13,454,000, from the vehicle services
9.22 operating account in the special revenue fund to the driver and vehicle services operating
9.23 account under Minnesota Statutes, section 299A.705.

9.24 Sec. 14. **APPROPRIATION.**

9.25 \$245,000 in fiscal year 2025 is appropriated from the general fund to the commissioner
9.26 of transportation for costs related to complete streets implementation training under
9.27 Minnesota Statutes, section 174.75, subdivision 2a. This is a onetime appropriation.

10.1 Sec. 15. **REVISOR INSTRUCTION.**

10.2 The revisor of statutes must recodify Minnesota Statutes, section 169.21, subdivision
10.3 6, as Minnesota Statutes, section 171.0701, subdivision 1b. The revisor must correct any
10.4 cross-references made necessary by this recodification.