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107TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
1st Session } { 107–5

LOW-SPEED ELECTRIC BICYCLES

MARCH 5, 2001.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. TAUZIN, from the Committee on Energy and Commerce, submitted the following

R E P O R T

[To accompany H.R. 727]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Commerce, to whom was referred the bill (H.R. 727) to amend the Consumer Product Safety Act to provide that low-speed electric bicycles are consumer products subject to such Act, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

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PURPOSE AND SUMMARY

The purpose of H.R. 727 is to amend the Consumer Product Safety Act to provide that low-speed electric bicycles are consumer products subject to that Act. The bill removes low-speed electric bicycles from the definition of "motor vehicle" within the jurisdiction

of the Department of Transportation, where such bicycles are required to be regulated in the same manner as motorcycles. The bill then amends the Consumer Product Safety Act to transfer jurisdiction over low-speed electric bicycles to the Consumer Product Safety Commission (CPSC), where those bicycles would be regulated similarly to human-powered bicycles.

BACKGROUND AND NEED FOR LEGISLATION

Electric bicycles are in use worldwide, with the market rapidly evolving over the last several years. Electric bicycles generate no pollution, are almost silent, and can greatly increase the recreational and transportation options for commuters.

Some electric bicycles (power-assisted) provide motorized assistance pedaling, although they cannot be operated solely by motor power. These bicycles, like all non-powered bicycles, are regulated by the Consumer Product Safety Commission (CPSC). Other electric bicycles (power-on-demand) can be operated solely by an electric motor, but still use lightweight frames, are used in a manner similar to non-powered bicycles. They have maximum motorized speeds not greater than those typical of a reasonably athletic bicyclist while biking.

Typical users of low-speed electric bicycles include older and disabled riders who do not have the physical strength to ride up hills without motorized assistance, law enforcement agencies who use electric powered bicycles to increase their patrol range, and commuters who cannot afford automobile transportation or that work in traffic-congested areas.

Power-on-demand, low-speed electric bicycles are currently regulated by the Department of Transportation by the National Highway Traffic Safety Administration (NHTSA). Section 30111 of title 49, U.S. Code, requires the Secretary of Transportation to prescribe motor vehicle safety standards. The term "motor vehicle" is defined by section 30102(6) as "a vehicle driven or drawn by mechanical power and manufactured primarily for use on public streets, roads, and highways * * *."

If NHTSA were to enforce its regulations on low-speed electric bicycles strictly, the bikes would be required to have a number of safety features, such as brake lights, turn signals, automotive grade headlights, rear view mirrors, and license plates, that are prohibitively costly, unwieldy, or consume too much power for a low-speed electric bicycle. It is estimated that the application of motor vehicle regulations to power-assisted bicycles would increase the retail price of these bicycles by at least $200–$300 and make them less manageable and more unwieldy for consumers.

Since low-speed electric bicycles are designed not to exceed the maximum speed of a human-powered bicycle, and they are typically used in the same manner as human-powered bicycles, electric bicycles should be regulated in the same manner and under the same agency (the CPSC) as human-powered bicycles.

HEARINGS

The Committee has not held any hearings on H.R. 727.

COMMITTEE CONSIDERATION

On February 28, 2001, the Committee on Energy and Commerce met in open markup session and ordered H.R. 727 reported to the House, by a voice vote, a quorum being present.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the record votes on the motion to report legislation and amendments thereto. There were no record votes taken in connection with ordering H.R. 727 reported.

COMMITTEE OVERSIGHT FINDINGS

The Committee did not hold a legislative or oversight hearing on H.R. 727 in the 107th Congress.

COMMITTEE ON GOVERNMENT REFORM OVERSIGHT FINDINGS

Pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, no oversight findings have been submitted to the Committee by the Committee on Government Reform.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee finds that H.R. 727, a bill to amend the Consumer Products Safety Act to provide that low-speed electric bicycles are consumer products subject to such Act, would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

COMMITTEE COST ESTIMATE

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the following is the cost estimate provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 5, 2001.

Hon. W.J. "BILLY" TAUZIN,
Chairman, Committee on Energy and Commerce,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 727, a bill to amend the Consumer Product Safety Act to provide that low-speed electric bicycles are consumer products subject to such act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Charles Betley.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

H.R. 727—A bill to amend the Consumer Products Safety Act to provide that low-speed electric bicycles are consumer products subject to such act

Summary: This bill would assign to the Consumer Product Safety Commission (CPSC) jurisdiction for regulating the safety of low-power electric bicycles. Low-power electric bicycles are defined by the bill as bicycles or tricycles with an electric motor of less than one horsepower or 750 watts and a maximum speed of 20 mph on a level surface. The bill would also preempt state laws affecting such vehicles which are more stringent than the Federal Consumer Products Safety Act. The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. CBO estimates that implementing and enforcing new regulations under the bill would cost less than $500,000 a year, subject to the availability of appropriated funds.

H.R. 727 contains an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA) because it would preempt any state law or regulation that has more stringent requirements for the regulation of low-speed electric bicycles than those required under the bill. Although data are limited, CBO estimates that complying with these mandates would not exceed the threshold established by the act ($55 million in 2000, adjusted annually for inflation). The bill would not impose any private-sector mandates as defined in UMRA.

Estimated cost to the Federal Government: Currently the National Highway Traffic Safety Administration (NHTSA) regulates "motor-driven cycles," which are defined as motorcycles and mopeds with less than five horsepower. By assigning jurisdiction of low-power electric bicycles to the CPSC, H.R. 727 may allow NHTSA to expend fewer resources on regulating a relatively low-risk transportation vehicle, but NHTSA would still be responsible for enforcing safety regulations for motor-driven cycles that have gasoline engines, that are capable of speeds greater than 20 mph, or that have more than one horsepower. Additional costs to the federal government would occur should the CPSC decide that, to assure consumer safety, low-power electric bicycles require new regulations. CBO estimates that discretionary costs for implementing potential new safety regulations would be less than $500,000 a year. The costs of this legislation fall within budget function 550 (health).

Pay-as-you-go considerations: None.

Estimated impact on State, local, and tribal governments: H.R. 727 contains an intergovernmental mandate as defined in UMRA. The bill would expressly preempt state laws and regulations governing low-speed electric bicycles that contain more stringent requirements than those established by the Consumer Product Safety Commission. Because states vary significantly in their regulation of consumer products and information about the operation of such

programs is limited, CBO cannot determine with certainty the effect of this bill on state budgets. However, because the state statutes we reviewed largely regulate the use of low-speed bicycles in traffic, not the standards by which they are produced, CBO estimates that any costs to the states, primarily lost revenue from fines, would likely be minimal and would not exceed the threshold established by UMRA ($55 million in 2000, adjusted annually for inflation).

Estimated impact on the private sector: The bill would authorize the CPSC to expand the existing regulations for bicycles to include new regulations for low-speed electric bicycles. Industry experts stated that, should the CPSC decide to regulate low-speed bicycles in the same category as bicycles, those requirements would be less burdensome for manufacturers than existing requirements under NHTSA. Thus, CBO expects that the bill would impose no new private-sector mandates.

Estimate prepared by: Federal costs: Charles L. Betley; impact on State, local and tribal governments: Shelley Finlayson; impact on the private sector: Jean Talarico.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds that the Constitutional authority for this legislation is provided in Article I, section 8, clause 3, which grants Congress the power to regulate commerce with foreign nations, among the several States, and with the Indian tribes.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Consumer Product Safety Act

Section 1 classifies low-speed electric bicycles as consumer products within the meaning of the Consumer Product Safety Act, making them subject to regulation and oversight by the Consumer Product Safety Commission. Low-speed electric bicycles are defined as two- or three-wheeled vehicles with fully operable pedals and an electric motor of less than 750 watts (1 h.p.), whose maximum speed on a paved level surface, when powered solely by such a

motor while ridden by an operator who weighs 170 pounds, is less than 20 mph. This definition is derived from the Department of Transportation's definition of electric bicycles used in the Bicycle Transportation and Pedestrian Walkways provisions of section 217(j) of title 23 of the U.S. Code, that defines "electric bicycle" as meaning any bicycle or tricycle with a low-powered electric motor weighing under 100 pounds, with a top motor-powered speed not in excess of 20 miles per hour. To further provide for the safety of consumers, this section gives the Commission authority to "promulgate new or amended requirements applicable to such vehicles as necessary and appropriate." Any State laws or requirements governing low-speed electric bicycles that are more stringent than those of the Commission are superseded.

Section 2. Motor vehicle safety standards

Section 2 clarifies that in transferring jurisdiction over low-speed electric bicycles to the Consumer Product Safety Commission, those bicycles will no longer be regulated as motor vehicles subject to the jurisdiction of the Department of Transportation and the National Highway Traffic Safety Administration.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic):

CONSUMER PRODUCT SAFETY ACT

* * * * * * *

LOW-SPEED ELECTRIC BICYCLES

SEC. 38. (a) Notwithstanding any other provision of law, low-speed electric bicycles are consumer products within the meaning of section 3(a)(1) and shall be subject to the Commission regulations published at section 1500.18(a)(12) and part 1512 of title 16, Code of Federal Regulations.

(b) For the purpose of this section, the term "low-speed electric bicycle" means a two- or three-wheeled vehicle with fully operable pedals and an electric motor of less than 750 watts (1 h.p.), whose maximum speed on a paved level surface, when powered solely by such a motor while ridden by an operator who weighs 170 pounds, is less than 20 mph.

(c) To further protect the safety of consumers who ride low-speed electric bicycles, the Commission may promulgate new or amended requirements applicable to such vehicles as necessary and appropriate.

(d) This section shall supersede any State law or requirement with respect to low-speed electric bicycles to the extent that such State law or requirement is more stringent than the Federal law or requirements referred to in subsection (a).

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