

**Emerson Levy**  
**STATE REPRESENTATIVE**  
House District 53



## **HOUSE OF REPRESENTATIVES**

**Wednesday, October 4, 2023**  
**Bend City Council E-Bike Workgroup**

### **Comments submitted by Oregon State Representative Emerson Levy**

Thank you for having me this evening. I am honored to be sitting alongside Mayor Pro Tem Perkins, who has been a fierce advocate for action when it comes to safety, our kids and e- micro-mobility. Our goal has been threefold, to clear up the laws, educate our students about bike safety, and work towards long-term solutions to infrastructure in our community.

Ahead of discussing the various regulations my office is proposing, I want to make it clear that I think kids should be outside, moving, and biking. The goal of these regulations is to put sunlight on our current transportation safety problem so that we can manage it effectively. This will take community effort and community compliance.

Heading into the short session which will begin in early 2024, I am reserving one of my priority bills to address the lack of clarity in Oregon State statutes regarding electronic bicycles. After many conversations with community members, business owners, and first responders, it has been made clear that there is a desire in the community for e-bike safety standards set forth by the state.

In addition to providing clarity by bringing the Oregon statute in line with the federal law, which was recently updated in the Infrastructure Investment and Jobs Act, we are proposing a significant change. I will be proposing legislation that prohibits anyone under 16 years of age from using electric bikes with a throttle. Those under 16 years of age may use pedal-assist bicycles only. Right now, under Oregon law, anyone under the age of 16 is not permitted to ride an e-bike. We know these laws are not being followed.

When we look at many of the issues around safety, speed, and the ability to modify an e-bike to increase speed, bikes that use a throttle as opposed to pedal assist, are more easily modified and the throttle mechanism is more difficult for young riders to control. Youtube and Reddit have plenty of videos, instructions, and examples of how to modify the motor by increasing the wattage. The cost to do this is low, and for someone who's handy, it can even be free. The HPC Revolution bike has a top speed of 74 mph; however, what is shipped to the consumer matches what Oregon law would define as Class 2. However, through activation of the "off road" mode, you can achieve a top speed of 74 mph.

I am also proposing an enforcement statute to ensure our streets are as safe as possible. An e-bike with a throttle is more readily identified when it comes to enforcement. However, as discussed at

our roundtable in July, we simply do not have the police force to be able to commit time for enforcement. Additionally, pulling over a kid on a bike can be unsafe. This must be a community effort and we need parents to participate in following the law. As of now, there does not appear to be a mechanism to cite underage riders and the fines that do exist in statute. For example, riding without a helmet is a penalty set at \$25.

In addition to statutory changes to age limits, we are looking at convening an electric micro-mobility work group to ensure any regulations are helping achieve our desired safety outcomes and relieving the inconsistencies in statutes related to electric micro-mobility (e-bikes, e-scooters, etc). The electric micro-mobility market has evolved considerably in recent years, and it will be beneficial to look at all the statutes that pertain to e-micro-mobility. When we look at the market and see e-bikes with speeds above 70 mph, it exemplifies the importance of reviewing the statutes that have not been reworked since 1997. The writers of the statutes could not have contemplated the market now and the price point at which these bikes are now available.

We are currently working with Speaker Rayfield's office to compose the workgroup, right now we have invited Jim Elliot from Bend Bikes, a member of Forth Mobility, a nonprofit focused on opening access to electronic transportation, ODOT, and will be extending an invitation to a community member from Hood River, which is experiencing a similar rise in youth micro-mobility usage and a member of law enforcement.

Thank you for your time this evening.

A handwritten signature in black ink, appearing to read "E. Levy". The signature is fluid and cursive, with the first letter of each name being capitalized and prominent.

Representative Emerson Levy