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**PRIVILEGED AND CONFIDENTIAL
ATTORNEY-CLIENT COMMUNICATION**

Mayor Fischer and City Council
City of Novi
45175 Ten Mile Road
Novi, Michigan 48375

RE: Electric Bicycles

Dear Mayor Fischer and Council Members:

You have asked for an overview of the City's ability to regulate electric bicycles on sidewalks, pathways and trails.

1. What is an electric bicycle (e-bike)?

The Motor Vehicle Code, MCL 257.13e, *et seq.* defines an electric bicycle as follows:

Electric bicycle means a device upon which an individual may ride that satisfies all of the following:

- (a) The device is equipped with all of the following:
 - (i) A seat or saddle for use by the rider.
 - (ii) Fully operable pedals for human propulsion.
 - (iii) An electric motor of not greater than 750 watts.
- (b) The device falls within 1 of the following categories:
 - (i) ***Class 1 electric bicycle*** means an electric bicycle that is equipped with an electric motor that provides assistance only when the rider is pedaling and that disengages or ceases to function when the electric bicycle reaches a speed of 20 miles per hour.
 - (ii) ***Class 2 electric bicycle*** means an electric bicycle that is equipped with a motor that propels the electric bicycle to a speed of no more than 20 miles per hour, whether the rider is pedaling or not, and that disengages or ceases to function when the brakes are applied.
 - (iii) ***Class 3 electric bicycle*** means an electric bicycle that is equipped with a motor that provides assistance only when the rider is pedaling and that disengages or

ceases to function when the electric bicycle reaches a speed of 28 miles per hour.

Some electric bicycles can be modified to increase speed or power beyond their manufactured specifications. Michigan expressly prohibits modifying an electric bicycle's motor-powered speed capability or motor engagement without replacing its classification label appropriately. More importantly, the statute provides that a device is no longer considered an electric bicycle if its motor is modified so that the device no longer satisfies the definition of electric bicycle in MCL 257.13e or exceeds 750 watts. (This can create an enforcement problem because an officer may encounter a vehicle that *looks like* a legal Class 2 or Class 3 electric bicycle but has been modified and is legally something else.)

2. What is an “E-Moto”?

E-moto generally means a two- or three-wheeled motor-driven vehicle, commonly marketed, sold, or described as an electric motorcycle, electric dirt bike, e-moto, or similar vehicle, but which **does not qualify as an “electric bicycle” under the MVC**. It is this kind of generic (almost shorthand) term that hasn’t yet found its way into the MVC.

A handy chart showing the two different things is attached.

3. The general issue—speed and safety.

Michigan municipalities are increasingly confronting electric bicycle issues that are somewhat different from traditional bicycle problems. The principal concerns are speed, young or inexperienced operators, sidewalk and trail conflicts, difficulty distinguishing legal electric bicycles from higher-powered electric vehicles or motorbikes, and enforcement.

For example, bicycle riders on sidewalks must yield to pedestrians and give an audible signal before overtaking or passing a pedestrian. But *electric* bicycle riders often approach pedestrians at a considerably faster speed and with less physical effort than a traditional bicycle. That speed can be problematic on a sidewalk, narrow pathway, park walkway, or heavily-used shared-use trail even though that speed might not be excessive when traveling on a roadway.

- *Concerns with young riders*

Michigan's statewide electric bicycle statute does not establish a general minimum age for Class 1 or Class 2 electric bicycles. For a Class 3 electric bicycle, an operator must be at least 14, and persons under 18 operating or riding as a passenger on a Class 3 electric bicycle must wear a helmet. Consequently, municipalities can encounter relatively young riders operating Class 1 or Class 2 devices capable of motor-assisted speeds of 20 mph.

- *Unsafe intersection behavior*

Electric bicycle speed can also compound the traditional bicycle problem of a rider entering an intersection from a sidewalk. A recent Port Huron incident illustrates the concern. According to reporting, a 20-year-old electric bicycle rider was traveling approximately 23 mph on a sidewalk before entering an intersection without stopping and colliding with a Jeep. A driver's expectations are important here. A pedestrian approaching a crossing at walking speed and a bicycle or electric bicycle approaching at 15-25 mph create vastly different amounts of reaction time. Electric bicycle riders need to pay attention to speed when approaching driveways, crosswalks and intersections.

- *Lack of understanding of the classifications and rules*

Many riders and adults purchasing electrical bicycles for minors do not understand whether a device is an electric bicycle or an e-moto, or the difference between electronic bicycle classifications—and thus ride in places they should not.

4. State law allows electric bicycles on both streets and sidewalks—but the City can prohibit them on streets and sidewalks.

The MVC governs the use of bicycles, electric bicycles, and other types of mobility devices in addition to automobiles. In 2017, the Michigan Legislature enacted Public Act 139 of 2017 to amend the MVC to establish the definition quoted above and, applicable regulations.

The MVC does not prohibit the use of electric bicycles on sidewalks. The MVC makes electric bicycles subject to the same regulations as bicycles. The permissible places for the operation of electric bicycles is addressed in section 662a of the MVC:

(6) Except as otherwise provided in subsection (7), an individual may operate an electric bicycle on any part of a **highway** that is open to a bicycle, including, but not limited to, a lane designated for the exclusive use of bicycles and the shoulder.
(7) An individual shall not operate an electric bicycle within a city that prohibits the use of nonemergency motor vehicles, unless the city council of that city, by majority vote, adopts a resolution allowing the operation of electric bicycles within city limits..... **If a city... authorizes the operation of electric bicycles within its jurisdiction, the city... may regulate the operation of electric bicycles within its jurisdiction.** (Emphasis added.)

Section 257.662a(7) thus provides that a city may regulate the operation of electric bicycles within its jurisdiction. “Regulation” can include limitations on operation or even prohibition (some communities are prohibiting only in specific areas). Before prohibiting, authorizing or regulating the use of electric bicycles, the city is required to hold a public hearing. MCL 257.662a(12). “Regulation” can include limitations on operation or even prohibition.

5. State law does not allow e-motos on sidewalks and regulates them on streets.

E-motos exceed speeds of 30 mph. If a particular e-moto fits the definition of a motorcycle, it requires a registration, a license plate, and insurance endorsement. It may only operate on **roads**, and must follow motorcycle rules.

Motorcycles are defined as “a motor vehicle that has a saddle or seat for use of the rider and is designed to travel on not more than 3 wheels in contact with the ground. Motorcycle includes an autocyte, but does not include a tractor.”

Mopeds are also defined in the MVC as 2-3 wheeled devices that are equipped with a motor that does not exceed 1000 ccs of piston displacement and cannot go faster than 30 mph and it does not require the operator to shift gears. Mopeds also require registration and a license to operate.

6. What about trails in the city?

The MVC and the Natural Resources and Environmental Protection Act, 1994 PA 451, Part 721, designate the trails where the different classes of electric bicycles may operate. **Class 1** electric bicycles are **allowed on bike paths and linear trails unless prohibited**, while **Class 2 or 3** electric bicycles are **not allowed, unless** the local agency responsible for the trail permits them. An individual may not operate an electric bicycle on a trail that is designated as nonmotorized and has a natural surface tread. MCL 257.662a (8)-(10). MCL 324.72105(2)

The MVC provides that the state and local authorities shall administer the provisions consistent with the Americans with Disabilities Act and persons with disabilities civil rights laws. MCL 257.662a (11). Therefore, individuals who use electronic mobility devices for a disability may require different considerations for where they may operate their devices.

The MDNR requires a special annual use permit if a person wants to operate a Class 2 electric bicycle on DNR managed trails and pathways that are open to Class 1 bicycles. The authority to require a license is through Land Use Orders of the MDNR Director. MDNR does not allow Class 3 electric bicycles on state managed trails. The Class 2 license requirement does not extend to local trails outside of DNR authority.

7. What kinds of operating regulations can a city put on e-bikes on streets and sidewalks if they are not prohibited?

The following are some suggestions for ordinance wording regulating the use of bicycles and electric bicycles:

- (a) When a User is operating or riding a bicycle or electric bicycle upon a sidewalk, he or she shall give an audible warning either verbally, by bell, or other suitable warning device to pedestrians and other lawful users of the sidewalk. Such signal shall be given

- a reasonable distance before overtaking or passing by such pedestrian or other lawful user of the sidewalk or trail.
- (b) When any User operating or riding a bicycle or electric bicycle upon a sidewalk and is approaching an intersecting street or roadway, he or she shall stop prior to entering the intersection, and shall make such reasonable observations as will enable him or her under the existing conditions of the sidewalk, the weather, the visibility and any other conditions then existing to yield the right-of-way and he or she shall yield the right-of-way to traffic on the intersecting street or roadway prior to entering the intersecting street or roadway.
 - (c) When any User is operating or riding a bicycle or electric bicycle upon a street he or she shall obey all traffic control devices and signs posted thereon.
 - (d) No User shall operate his or her bicycle or electric bicycle in a manner or at a speed greater than is reasonable and proper under the conditions then existing, or at a speed greater than will permit him or her to bring his or her bicycle or electric bicycle to a stop within the assured clear distance ahead.
 - (e) When any User is riding a bicycle or electric bicycle within the city and the bicycle or electric bicycle is involved in an accident resulting in injury or death to a person or damage to property, the User shall immediately report the accident to a Police Officer or personally report the accident to the Police Department at the Information Desk at Police Headquarters if it involves a serious injury or death.

8. Can the city regulate e-motos on streets—does it even need to?

Except as expressly provided by law, **under the MVC** a person cannot operate an e-moto upon a sidewalk, bicycle path, non-motorized trail, pedestrian pathway or park except upon a roadway or other location where motorcycles or other motor vehicles are permitted. If the City chooses to regulate electric bicycles in an ordinance, it could include language confirming that e-motos do not satisfy the requirements for an electric bicycle, should not be considered an electric bicycle, and may not be operated on a sidewalk. E-motos should be operated upon a street or highway only in compliance with the MVC requirements applicable to the vehicle applicable to its classification under state law, including any applicable requirements concerning operator licensing, registration, insurance and operation.

9. What is the state doing about e-bikes and e-motos?

Introduced Legislation

- SB 1156

SB 1156 was introduced by Senator Jim Runstead on September 10, 2026. The bill provides that someone between the ages of 14-18 cannot operate an electric bicycle unless:

1. They have a properly fitted helmet complying with federal standards (it is not clear if these are just helmet standards for regular bicycles and not e-bikes).

2. There is either written permission for the teenager to ride the e-bike or the parent or legal guardian is supervising. (It does not say where the written permission is filed.)

The bill provides certain penalties ranging from warning and order to attend a safety class to a \$100 fine and possible impoundment. However, only the County Prosecutor or Attorney General can bring an action to collect the fine. The bill would create a \$250 state civil infraction for an adult who knowingly allowed a child to violate state law on electric bicycles. This is not a fine for violating a municipal electric bicycle ordinance. SB 1156 would also clarify that a device is no longer an "electric bicycle" if its motor is modified so that it fails to meet Michigan's statutory electric bicycle criteria or if its motor exceeds 750 watts.

- HB 6166

HB 6166 was introduced on July 3, 2026 by three state representatives. This bill proposes a bigger rewrite of the MVC than HB 1156. The bill requires an individual under age 18 to obtain a special restricted license before operating a Class 2 or Class 3 electric bicycle on a roadway unless the minor has a valid Michigan drivers or chauffeur's license.

- HB 6165

HB 6165 is tied-barred with HB 6166. It would require manufacturers/distributors of covered micromobility devices to label them with their top speed and motor wattage, and prohibit certain modifications without corresponding relabeling.

- HB 6340

HB 6340 would amend the MCV to include as part of the definition of motor cycle an electric motorcycle that is capable of speeds in excess of 30 miles per hour. It would also amend the definition of moped to include electric mopeds. These changes could provide a classification of devices currently referred to as e-motos. The bill would also prohibit individuals less than 14 years of age from riding a class 2 or class 3 electric bicycle.

- HB 6339

HB 6339 focuses on lithium-ion battery safety standards intended to reduce the risk of fire associated with batteries and electric bicycle electrical systems

10. What Are Other Municipalities Doing?

Examples of recent municipal ordinances include:

- **South Lyon** permits electric bicycles on its rail trail but imposes a 15 mph limit and restricts electric bicycles on downtown sidewalks.
- **Berkley** has prohibited electric bicycles, electric scooters, and electric skateboards in city parks and restricted them on downtown sidewalks.
- **Dearborn Heights** has prohibited Classes 1, 2 and 3 electric bicycles from designated city-owned property, including parks, greenways, walking paths and recreational facilities.
- **Port Huron** focused its restriction on motor-powered operation on downtown and riverfront sidewalks.

- **Farmington** is considering whether to prohibit the use of electric bicycles in its downtown area.

11. What are the penalties for violation of these laws/ordinances?

Here's why that is a bit unclear:

- Some violations of the MVC—a state law—relating to regular bicycles have been made civil infractions.
- However, when the Legislature added electric bicycles to the MVC, it did so in a way that did not make it clear that *electric* bicycle-related violations were also civil infractions.
- Arguably, then, under the MVC violations relating to the use of electric bicycles could be misdemeanors.
- For the same reason, when the MVC says that cities and other local governments can regulate electric bicycles in their jurisdictions by way of local ordinances, it doesn't make clear whether violation of those local ordinances would be—misdemeanor or civil infraction. One argument could be that a municipality is bound to have the same penalty as a violation of the MVC itself (which, again, could be either misdemeanor or civil infraction, given the lack of clarity). On the other hand, if it's a local ordinance, an argument could certainly be made that the local government gets to set the penalty—meaning it could be a civil infraction.
- For e-motos and/or things that are not electric bicycles, a violation relating to the use of those *appears* to be a misdemeanor at the state level. In our view, because there is not a similar provision in the MVC inviting local governments to draft their own ordinances as to e-motos and motorcycles, any *local* regulation of e-motos would likely need to have the same penalty as the MVC.

A question has come up regarding how all of this relates to violations by **juveniles**. At this point, our office has not specifically researched this question. We are aware of some communities that have avoided formally issuing citations to minors—treating them as a matter to be referred informally to liaison officers. We have also heard that some departments are confiscating e-motos being ridden by juveniles in violation of state law. While that approach makes some practical sense, it's not clear to us what the legal authority for such confiscation would be.

Final thoughts.

The law on all of this is not particularly clear. And because of the regular news reports, ordinances and policies—even including some state legislation—are being written basically on the fly. This memo is the full Council's initial introduction to the general subject. Some parts of it might not be clear or fleshed out fully. Once Council has had an opportunity to discuss some of the issues, pose some questions, and allow our office to evaluate, research, and address those questions, this memo should be considered just that—a general introduction to the subject matter.

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Please let us know if you have any additional questions.

Very truly yours,

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cc: Victor Cardenas, City Manager
Cortney Hanson, City Clerk
Erick Zinser, Director of Public Safety
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Thomas Schultz, City Attorney