

Legislative Analysis



MOTORCYCLES AND AUTOCYCLES

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Senate Bill 160 (reported from House committee as H-1)

Sponsor: Sen. Tom Casperson

House Committee: Transportation and Infrastructure

Senate Committee: Transportation

Complete to 6-14-17

Analysis available at
<http://www.legislature.mi.gov>

(Enacted as Public Act 94 of 2017)

SUMMARY:

The Michigan Vehicle Code contains definitions of both "motorcycle" and "autocycle." Senate Bill 160 would specifically include an autocycle within the definition of motorcycle and also modify the definition of an autocycle.

Essentially, the bill would no longer require an autocycle to be enclosed and have a windshield or windshield wipers.

Under Section 25a of the Vehicle Code, the term "autocycle" is currently defined as:

An enclosed motorcycle that is equipped with safety belts, rollbar, windshield wipers, steering wheel, and equipment otherwise required on a motorcycle, and which has not more than 3 wheels in contact with the roadway at one time.

Senate Bill 160 would define an "autocycle" as:

A motorcycle that is equipped with safety belts, rollbar *or roll hoops*, steering wheel, and equipment otherwise required on a motorcycle, has not more than 3 wheels in contact with the roadway at one time, *and is not equipped with a straddle seat*. (**Bolded** text is proposed language). The revised definition would strike the words "enclosed" and "windshield wipers."

The term "motorcycle" is defined in Section 31 as a motor vehicle having a saddle or seat for the use of the rider and designed to travel on not more than 3 wheels in contact with the ground but excluding a tractor.

The bill would define "motorcycle" to mean a motor vehicle *that has* a saddle or seat for use of the rider and designed to travel on not more than 3 wheels in contact with the ground. *Motorcycle includes an autocycle, but does not include a tractor.*

MCL 257.25a & 31

BACKGROUND INFORMATION:

During committee discussion on the bill, representatives from Polaris testified and distributed information in support of bill. Polaris representatives specifically mentioned the "Slingshot" in their testimony, which is a product manufactured by Polaris. A

photographic image of the 2017 Polaris SLR Slingshot 3-Wheeled Motorcycle (two wheels in the front and one in the rear) is provided below.

For more information on this model, click the following link.

<http://www.polaris.com/en-us/slingshot/slingshot-slr>



FISCAL IMPLICATIONS:

The defined term "autocycle" is used in three places in the Michigan Vehicle Code:

- Section 312a requires a motorcycle endorsement to an operators' or chauffers' license (i.e. a driver's license) before operating a motorcycle—other than an autocycle.
- Section 312b establishes a specific motorcycle endorsement requirement for operators of 3-wheeled motorcycles—other than an autocycle.
- Section 257.658 establishes crash helmet and seat belt requirements specific to autocycles. The section says that crash helmet requirements do not apply to a person operating or riding in an autocycle if the vehicle is equipped with a roof that meets or exceeds standards for a crash helmet. It also says that a person operating or riding in an autocycle must wear seat belts when on a public highway in this state.

It's not clear to what extent—if any—the proposed definition of "autocycle" would affect the motorcycle endorsement requirements of Sections 312a and 312b.

Although defined separately, autocycles are currently considered a subset of motorcycles for registration purposes. Autocycles are currently registered as motorcycles and pay the registration tax for motorcycles under Section 801. The bill would not change this.

The bill does not appear to have a material fiscal impact on the state or local units of government.

ARGUMENTS:

For:

Supporters of the bill say the legislation ensures consistency with the federal classification of motorcycles. Autocycles are currently classified as motorcycles under federal law, which does not require windshields or wipers. They also say that only a handful of states still require autocycles to have fully enclosed cabs. Updating the Michigan Vehicle Code to specifically insert autocycles as a type of motorcycle would ensure consistency with federal VIN coding and required body type classifications as required on product manufacture's certifications of origin at registration.

At the same time, state statute should recognize that this type of three-wheel vehicle is more stable than two-wheel (or three-wheel) motorcycles, and the driver does not need to have as much influence on the balance of the vehicle. So, the training and endorsement requirements need not apply to autocycles, even though as vehicles they belong in the motorcycle category. As written, the bill clears up any existing confusion over vehicle classification, which will benefit those who sell these vehicles and other motorcycles.

Against

Critics said they oppose the bill "because the Polaris Sling-Shot is not a motorcycle." Opponents testified that it is wider than any three-wheeled motorcycle and cannot share a lane with another motorcycle. It has bucket seats, roll bar, gas pedal, foot car brake, roll bar, and seat belts. It has a steering wheel. The classification of these vehicles as motorcycles, they say, will skew statistics collected on motorcycles. Preferable alternative approaches include making autocycles a separate stand-alone classification and/or requiring autocycles to obtain a motorcycle endorsement or three-wheeled motorcycle endorsement; and subjecting operators to separate driving test and training requirements.

POSITIONS:

A representative from Polaris testified in support of the bill. (5-30-17)

Secretary of State is neutral on the bill. (5-30-17)

A representative from ABATE testified in opposition to the bill. (6-6-17) [ABATE is an organization of motorcycle riders with the initials standing for both "American Bikers Aiming Toward Education" and "A Brotherhood Against Totalitarian Enactments."]

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.