



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 160 (as enacted)
Sponsor: Senator Tom Casperson
Senate Committee: Transportation
House Committee: Transportation and Infrastructure

PUBLIC ACT 94 of 2017

Date Completed: 8-10-17

RATIONALE

Autocycles have become rather popular vehicles over the last decade. Generally, autocycles are three-wheeled vehicles that ride low to the ground, similar to a motorcycle. Unlike tricycle motorcycles, however, an autocycle has two wheels located in the front, and it has a steering wheel instead of handle bars and handles like a four-wheeled automobile. The fact that autocycles are relatively new and unique with characteristics of multiple vehicles creates a regulatory dilemma for governmental units, particularly on how to classify the vehicle and what type of license is necessary to operate it. Some states have attempted to address this issue. For example, in Michigan, before Public Act 177 of 2013 took effect, the Michigan Vehicle Code required a person to obtain a motorcycle endorsement on his or her operator's or chauffeur's license to operate an autocycle. The Act removed the motorcycle endorsement requirement because an autocycle, by virtue of its design and capability, is more like a traditional automobile than a motorcycle, and cannot perform the maneuvers necessary to pass the driving test that is required for a motorcycle endorsement.

Apparently, many states have adopted the classification and regulatory recommendations made by the American Association of Motor Vehicle Administrators in its *Best Practices for the Regulation of Three-Wheel Vehicles* (2013), such as distinguishing between an autocycle and a motorcycle by whether there is a steering wheel or straddle seating, but classifying both as motorcycles, as they are classified federally. Michigan, however, does not share the autocycle regulatory framework of other states that was recommended by the Association. It was suggested that the Code should include these provisions.

CONTENT

The bill amends the Michigan Vehicle Code to do the following:

- Revise the definition of "autocycle" to delete a requirement that such a vehicle be enclosed; allow it to be equipped with roll hoops; delete references to a windshield and wipers; and specify that an autocycle is not equipped with a straddle seat.**
- Include an autocycle in the definition of "motorcycle".**

The bill also revises the definition of "implement of husbandry".

The Code defines "autocycle" as an enclosed motorcycle that is equipped with safety belts, rollbar, windshield, wipers, steering wheel, and equipment otherwise required on a motorcycle, and that has not more than three wheels in contact with the roadway at any one time. Under the bill, the term means 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 three wheels in contact with the roadway at any one time, and is not equipped with a straddle seat.

The Code defines "motorcycle" as a motor vehicle that has a saddle or seat for the use of the rider and is designed to travel on not more than three wheels in contact with the ground, excluding a tractor. The bill specifies that "motorcycle" includes an autocycle.

The Code contains a number of provisions that regulate implements of husbandry or exempt them from other requirements. "Implement of husbandry" means a vehicle or trailer in use for the exclusive function of servicing agricultural, horticultural, or livestock operations. The term includes a farm tractor, self-propelled application-type vehicle, farm wagon, farm trailer, a vehicle or trailer adapted for lifting or carrying another implement of husbandry, or any substantially similar equipment used to transport products necessary for agricultural production. Regarding a vehicle or trailer adapted for lifting or carrying another implement of husbandry, the bill refers to an implement of husbandry being used in agricultural production.

The bill will take effect on October 11, 2017.

MCL 257.21 et al.

BACKGROUND

According to the National Conference of State Legislatures, as of April 2017, 31 states had enacted laws that define "autocycle" (excluding a state whose law sunsetted). All 31 states require an autocycle to have three wheels and 27 require a steering wheel. Nineteen states require safety belts, 16 require that the driver not straddle the seat, and 15 require an autocycle to be enclosed and have pedals. In addition, 11 states require compliance with Federal motorcycle requirements, 10 require an autocycle to have a roll cage, eight require anti-lock brakes, and four require airbags.

In 2015, legislation was introduced in the United States Senate and House of Representatives to provide for Federal autocycle regulation. Similarly, in May 2017, H.R. 2381 was introduced to enact the "Autocycle Safety Act". The bill would define "autocycle" as "a motorcycle with 3 wheels in contact with the ground, front-wheel drive, a fully enclosed occupant compartment, and a steering wheel, which is subject to applicable Federal motor vehicle safety standards, as determined necessary by the Secretary of Transportation through regulation". The bill has been referred to the House Energy and Commerce Committee.

Also, according to the National Conference of State Legislatures, in the fall of 2015, the U.S. Department of Transportation and the National Highway Traffic Safety Administration proposed a rule-making framework that would change the regulatory definition of "motorcycle" to exclude three-wheeled vehicles that are configured like passenger cars. It is unknown whether promulgation of the rule will be pursued.

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Many states adhere to the recommendations made by the American Association of Motor Vehicle Administrators for classifying and regulating autocycles, such as incorporating the Federal classification of an autocycle as a motorcycle and adopting the recommended definition for an autocycle. However, Michigan law differs from those policies. Apparently, this creates confusion among prospective autocycle customers, as it is not clear what instruction, insurance, or license is needed to operate the vehicle. The bill contributes to regulatory consistency across jurisdictions by amending the Code to mirror the classification and definition used by other states. This will make it easier to educate prospective purchasers and autocycle operators about what insurance, license plate, and registration to obtain. In addition, classifying an autocycle as a motorcycle will ensure that an autocycle is subject to the requirements already in place for motorcycles (such as

license plates and insurance coverage), making it unnecessary for the State to create new regulations or affect the current insurance and regulatory framework for motorcycles.

Supporting Argument

Some innovative and popular autocycles, such as the Polaris Slingshot, do not fit the current definition of "autocycle" under the Code, as the term specifies that the vehicles are enclosed. The Slingshot has an open-air cockpit, similar to a motorcycle, but with bucket seats and automotive lighting like that of a four-wheel automobile. This configuration allows a driver or passenger to experience the open air, as if he or she were riding a motorcycle, while retaining familiar automotive operating instruments. By bringing the term into conformity with the one recommended by the American Association of Motor Vehicle Administrators and used by other states, the bill will encourage inventive designs, such as the Slingshot, and more competition in the autocycle industry within the State.

Furthermore, by modifying the definition of "autocycle" to accommodate the Slingshot and similar vehicles, the bill clarifies that the operators of these types of vehicles do not have to take the motorcycle endorsement test, which is designed for motorcycle configurations and controls and cannot be performed on an autocycle. As noted above, Public Act 177 of 2013 addressed concerns about autocycle operators' inability to complete motorcycle endorsement tests, by removing the motorcycle endorsement requirement for autocycles. In addition, as amended in 2013, the Code requires the Secretary of State to develop a driving skills test pertaining to a three-wheeled motorcycle "other than an autocycle".

Opposing Argument

An autocycle should not be classified as a motorcycle, as the two vehicles have little in common. If autocycles must be considered a motorcycle sub-type, autocycle drivers should be required to obtain an endorsement for that type of vehicle, and a specific training course or skills test should be developed for autocycles, as recommended by the American Association of Motor Vehicle Administrators. Otherwise, motorcycle crash statistics will include incidents involving vehicles that have little in common with motorcycles.

Response: If autocycles are not considered motorcycles, there are insurance, license plate, and registration issues, because Michigan law does not contain requirements specific to autocycles in these areas.

Legislative Analyst: Drew Krogulecki

FISCAL IMPACT

The bill will have a minimal impact on the number of individuals who will not be required to have motorcycle endorsements based on revisions to the definitions of "autocycle" and "motorcycle" contained in the bill.

Fiscal Analyst: Joe Carrasco

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.