



# NCSL MEMO

NATIONAL CONFERENCE *of* STATE LEGISLATURES

To:

CC:

From: Douglas Shinkle

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Subject: Statewide Bicycle Registration Laws and Bills

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The main intent of a bicycle registration system is to track and recover lost or stolen bikes and better tally the number of bicyclists in the state. However, some states have funded bike projects with bicycle registration revenue, with limited success. Bicycle registration program drawbacks could be a disincentive to ride or create an undue burden on local law enforcement agencies. In some cases, they have been used unfairly as a pretext to stop cyclists. Some logistical barriers exist to creating a cost-effective statewide bike registration system: How would you require registration? Where would you require registration? Must all bikes be registered, or only those used by adults?

Hawaii's statutory statewide registration requires counties to set up and administer a registration system and deposit the money in a fund for building and improving bikeways. The one-time, point-of-sale registration fee is \$15. Bike dealers give bicycle purchasers the form, which must be filled out on-site. The dealer then submits the form to the county, which sends the license decal and registration to the bicycle owner. Registrations have steadily increased; in the City and County of Honolulu, they rose from 209,980 in 2006 to 234,483 in 2007. It must be noted, however, that the registration program is used mainly as a mechanism to recover lost and stolen bicycles rather than to provide new funding for bicycle projects. The bikeway fund currently generates approximately \$400,000 annually for the City and County of Honolulu. Funds are used to support programs such as BikeEd Hawaii, which teaches basic safety and riding skills to fourth grade students. The fund also can be used for new initiatives, such as a pilot program to put bike racks on buses; all Honolulu buses now have bike racks.

In 2017, Oregon enacted a transportation funding bill ([HB 2017](#)) that included a new \$15 flat fee for new adult bicycles that cost more than \$200. However, this acts more as a fee and revenue generator rather than a registration mechanism. Nonetheless, it is worth noting.

California, Massachusetts and Wisconsin leave the question of bicycle registration to municipalities. In California, municipalities vote on whether to require bicycle registration, and the state distributes registration forms and bike license stickers to participating municipalities. The state receives money for administrative costs and limits the registration fee to no more than \$4 for a new registration and no more than \$2 for a renewal or replacement.

Minnesota's statewide bicycle registration program was repealed in 2005 due to underperformance. The \$9 fee per bike was not collected at point-of-sale. Instead, bicyclists were to voluntarily contact the Department of Transportation, which contributed to a lack of participation. Money collected was to be used to support bicycle facilities and safety. The state Department of Transportation recommended the law be repealed because the amount of revenue generated was less than the administrative expenses to run the program.

### Contents of Memo

Hawaii appears to be the only state where a bicycle registration is mandated at the state level. However, many states do have language allowing municipalities to require registration or licensing of bicycles, which you will find below. I have also included some narrative on the repealed Minnesota law regarding voluntary registration of bicycles as well as proposed 2013 bicycle registration legislation.

### Bicycle Registration Laws

#### CALIFORNIA

[California Vehicle Code §39000-39011](#) - This law allows, but does not mandate, cities and counties to license bicycles, but has the state administer the bicycle registration process. It also sets maximum fees and fines, as well as mandating that funds derived from registration must be expended on bicycle safety and building bicycle facilities, including trails.

#### HAWAII

In Hawaii all bicycles must be registered, with a fee of \$15 to register the bike, with all funds going into the bikeway fund.

[Hawaii Revised Statutes §249-14](#) - Language on bicycle registration.

**Hawaii Revised Statutes §249-14.2** - Procedure when registration of bicycle is transferred.

**Hawaii Revised Statutes §264-18** - Use of state highway funds for bikeways, which includes, but is not limited to, bicycle registration fees.

### ILLINOIS

Illinois Rev. Stat. Ch. 95 § 625 ILCS 5/11-208

Among powers granted to local authorities is the ability to regulate and require the registration of bicycles.

### MARYLAND

Maryland Transportation Code Ann. § 25-102

The provisions of the Maryland Vehicle Law do not prevent a local authority, in the reasonable exercise of its police power, from exercising the following powers as to highways under its jurisdiction:

(8) Regulating the operation of bicycles, requiring them to be registered, and imposing a registration fee;

### MASSACHUSETTS

**Massachusetts General Laws Annotated Chapter 85, §11A (REPEALED)** - Allowed a city or town, by a vote of the city council or the people of the town to require bicycle registration. This was repealed in 2009 due to the lack of use by municipalities. Bill repealing **Chapter 85, §11A**:

<http://www.mass.gov/legis/bills/senate/185/st02/st02573.htm>

<http://www.mass.gov/legis/laws/mgl/85-11a.htm>

### MICHIGAN

Michigan Comp. Laws § 257.606

A local authority may regulate the operation of bicycles and require the registration and licensing of bicycles, including the requirement of a registration fee.

### MINNESOTA

Minnesota had a voluntary registration program for cities and counties that was repealed in 2005. It cost \$9 to register a bicycle for a 3 year period and it was administered by the Department of Public Safety. The Department recommended the repeal of the law, as the amount of revenue generated was less than the administrative expenses to run the program. Also, the registration process was not a point-of-sale, rather the bicycle owner had to contact the Department themselves, lessening the chances of registration occurring. The money derived from the registration was slated for bicycle purposes, although the lack of success led to it mostly covering administrative expenses.

## Oregon

Oregon Revised Statutes §822.043 Section 92

Imposition of excise tax on retail sale of taxable bicycles. (1) An excise tax of \$15 is imposed on each sale at retail in this state of a taxable bicycle. (2) The excise tax is a liability of the purchaser of the taxable bicycle. (3) The amount of the excise tax shall be separately stated on an invoice, receipt or other similar document that the seller provides to the purchaser or shall be otherwise disclosed to the purchaser. (4) A seller shall collect the excise tax at the time of the taxable sale. (5) A purchaser's liability for the excise tax is satisfied by a valid receipt given to the purchaser by the seller of the taxable bicycle.

## UTAH

**Utah Code Ann. § 41-6a-208** states that a municipality may require the registration and inspection of bicycles, including requiring a registration fee.

## WISCONSIN

**Wisconsin Statutes §349.18, section 2 and 3** (You must scroll down to this section in the document) - Any municipality may require registration of a bicycle, including a fee:

## Past Pending or Failed Bicycle Registration Legislation

**California SB 1183** (Amended to no longer include bicycle registration fee)

This bill would have authorize a city, county, or regional park district to impose a point of sale tax on new bicycles, with the rate of the tax to be determined by the local agency. The bill would exclude from the tax bicycles with wheels of 20 inches or less in diameter. The bill would require the State Board of Equalization to collect the bicycle tax in a manner similar to the collection of local transactions and use taxes, and to transmit the net revenues from the tax to the local agency. The bill would require the local agency to use bicycle tax revenues for improvements to paved and natural surface trails, including existing and new trails, and for associated maintenance purposes.

**Georgia HB 689** (Failed)

This bill would require anyone purchasing or acquiring a bicycle to register and obtain a license plate within thirty days. Bicycle license plates must be at least four inches wide and not less than seven inches in length. The owner of any bicycle shall have the option of obtaining a permanent registration and license plate, in lieu of an annual registration and license plate. The proposed annual fee is \$15, and \$48 for the permanent registration.

Hawaii **SB 1371** (2015 – failed)

This bill proposes to increase the bicycle registration fee from \$15 to \$25.

#### [Hawaii SB 210](#) (Failed)

This bill provides that no registration fee shall be charged for a new bicycle or moped registration if the bicycle or moped is gifted to the transferee within ninety days of issuance of the original certificate of registration by the person to whom the original certificate of registration was issued.

#### [Indiana HB 1203](#) (Failed)

This bill establishes the bicycle trail maintenance fund to defray the costs of maintaining bicycle trails throughout Indiana. Imposes a fee of \$25 on the retail sale of a nonexempt bicycle. Provides that the fee imposed on sales of nonexempt bicycles at retail are paid into the fund. Requires the department of natural resources to develop a statewide bicycle trail policy.

#### [New York AB 2659](#) (Failed)

This bill would require all persons or businesses that deliver materials by bicycle to register each bicycle with the local police precinct.

#### [Oregon SB 769](#) (Failed)

This bill would require all bicycles to be registered with the state Department of Transportation for a fee of \$10. Failure to register, to ensure registration or to report change of ownership or address would be punishable by a \$25 fine. The first time a person is convicted of failing to register a bicycle, the fine may be waived provided the person can prove they have registered their bicycle. A citation for a person under age 12 shall be issued to their parent or guardian, while a citation for a person between age 12 to 16 may be issued to the parent or the child. All fees shall be deposited in the Bicycle Transportation Improvement Fund, which is created in the bill and is separate from the general fund. All money from fees in the Fund shall be used to pay for development and maintenance of bicycle lanes, bicycle paths and other bicycle related transportation improvement projects.

The Department of Transportation shall adopt rules to implement and enforce a program of bicycle registration, including designation of convenient sites where registration certificates and decals may be issued. The department may appoint agents to issue the registration certificates

and registration decals and to collect the fee. An issuing agent may charge and collect 50 cents for each registration decal issued by an agent. If the department finds that an agent has violated any of the provisions or procedures prescribed by the department, they may revoke the authority of the agent to issue registration certificates and registration decals or may suspend the authority of the agent.

#### [Oregon SB 551](#) (Failed)

Requires registration of bicycles; imposes \$15 biennial registration fee; provides exemption; creates offense of failure to register bicycle; punishes by maximum fine of \$250; provides exemptions; creates offense of failure to report change of bicycle ownership or change of address to Department of Transportation; punishes by maximum fine of \$250; establishes Bicycle Transportation Improvement Fund; continuously appropriates moneys in fund to department for administration of bicycle registration program and Development and maintenance of bicycle lanes and bicycle paths.

#### [Oregon SB 177](#) (Failed)

This bill would require registration of certain bicycles; imposes \$10 registration fee; creates bicycle license; specifies procedure for obtaining license; imposes license fee in amount sufficient to pay administrative costs, as determined by Department of Transportation; creates offense of failure to register bicycle; punishes by maximum fine of \$250; provides exemptions; creates offense of failure to report change of ownership or change of address to department; punishes by maximum fine of \$250. Prohibits use of State Highway Fund moneys for bicycle lanes, bicycle paths and bicycle trails.

#### [South Carolina HB 4923](#) (Failed)

This bill would require the owner of a bicycle who is at least fifteen years old to obtain a bicycle permit from the Department of Motor Vehicles upon payment of a fee of five dollars and maintain liability insurance on the bicycle as is required of an owner of a motor vehicle before operating the bicycle along a highway whose maximum speed limit is at least thirty-five miles an hour.

Before the department issues a bicycle permit, the applicant must pass successfully all parts of a bicycle safety written examination that is developed by the department. The examination would include a test of the applicant's eyesight, as pertains to the operation of a bicycle, a test of his ability to read and understand highway signs regulating, warning, and directing traffic and his knowledge of the traffic laws of this State. This permit must be in the applicant's immediate possession when the bicycle is operated along a highway whose maximum speed limit is at least thirty-five miles an hour. A person who is less than fifteen years old may not operate a bicycle along a highway whose maximum speed limit is at least thirty-five miles an hour.

#### [Vermont HB 699](#) (Failed – 2016)

This bill proposes to require a 9 Vermont resident 16 years of age or older to register any bicycle that he or she 10 operates on a highway in Vermont, and require that proceeds from bicycle 11 registration fees be deposited in the Transportation Fund and designated for 12 expenditure on bicycle lane and bicycle path projects.

#### [Vermont SB 136](#) (Failed)

This bill would require a resident 18 years of age or older who operates a bicycle on the highways of this State to register his or her bicycle. annual registration fee of \$20.00 or a biennial registration 1 fee of \$37.00. The Transportation Commissioner shall issue each registrant a registration certificate as well as a plate or decal with a unique combination of identifying letters and numbers, and the plate or decal shall be affixed to the bicycle. A resident who has moved into the State shall register their bicycle within 60 days of moving into the State. A person who does not register their bicycle shall be subject to a fine of: not more than \$50.00 for a first offense; not more than \$100.00 for a second offense; and not more than \$200.00 for a third or subsequent offense.

#### [Washington HB 1954](#) (Text Removed)

This bill originally included language that would have levied a fee of \$25 on new bicycles with a purchase price of \$500 or more. The fee would have been collected by the department of revenue and deposited into the complete streets grant program account.

#### [Washington SB 6301](#) (Failed)

This bill would require a person age eighteen or older that operates a bicycle to have and display a current bicycle operator identification number when operating a bicycle and pay an annual fee of \$20.00. Any operator of a bicycle, whose primary residence address is outside of the state, when operating a bicycle in this state, must comply with this chapter. The out-of-state operator must obtain a bicycle operator identification number. The bill also would create the bicycle safety and education account in the multimodal transportation account with the fees from the bicycle operator identification inserted into the account. Expenditures from the account would be used only for grants administered by the department of transportation in the following manner: (1) Seventy-five percent to support the construction, preservation, and maintenance of bicycle lanes and other bicycle-related capital facilities; and (2) twenty-five percent to bicycle safety-related education programs.

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