



Oregon

Kate Brown, Governor

Department of Transportation
Driver and Motor Vehicle Services
Office of the Administrator
1905 Lana Avenue NE
Salem, OR 97314
Phone: (503) 945-5100
Fax: (503) 945-0893

September 15, 2021

Co-Chair Sen. Lee Beyer
Co-Chair Rep. Susan McLain
Interim Joint Committee on Transportation
900 Court Street NE
Salem, OR 97301-4048

RE: HB 3125 (2017) §5 report on federal law related to autocycles

Co-Chairs Beyer and McLain, and members of the Joint Committee on Transportation:

Background

During the 2017 regular session, [HB 3125](#) passed through the Joint Committee on Transportation and eventually became law. The bill added a definition of “autocycle” to the Oregon Vehicle Code to differentiate it, for some purposes, from a motorcycle. Under Oregon law, all two-wheel and three-wheel motorized vehicles are motorcycles. For decades, occupants of three-wheel vehicles with an enclosed cab have been exempt from requiring a motorcycle endorsement or wearing a helmet. The addition of the term autocycle focused on three wheel vehicles *without* an enclosed cab but still dissimilar from two-wheel motorcycles. The bill’s addition of “autocycle” – a three wheel vehicle with a steering wheel, non-straddle seating, and a safety belt/harness – exempted the operator from the need for a motorcycle endorsement, but not from the helmet requirement. The bill also required ODOT to report to this committee, by September 15, 2021, on changes to federal law in the area of autocycles.

Report

ODOT is not aware of any related federal law changes since the passage of HB 2135 in 2017. Of note, at approximately the same time HB 2135 became law, the [Autocycle Safety Act \(H.R. 2381\)](#) was introduced in the US House of Representatives and was referred to committee, but no further action was taken on that piece of legislation.

In Fiscal Year 2019 as part of an appropriations bill ([H.R. Rep. No. 115-750](#)), and acknowledging that 38 states had established definitions and regulations for autocycles, Congress directed the National Highway Traffic Safety Administration (NHTSA) to research and report on existing regulations. Therefore, in 2020 NHTSA issued its [Report to Congress on the Federal and State Regulatory Status of Autocycles](#). The report stated:

NHTSA does not use the term “autocycle” in its regulations and, as such, it currently regulates all autocycles the same as conventional motorcycles. Otherwise stated, autocycles are subject to the same minimum Federal Motor Vehicle Safety Standards (FMVSS) that are applicable to motorcycles, rather than those FMVSS that are applicable to light vehicles (e.g., passenger cars and light trucks).”

NHTSA's report summarized that three-wheel vehicles are produced in many different configurations: from those that resemble traditional two-wheeled motorcycles to those that look like small passenger cars; with two wheels in front or in the back; with handlebars or a steering wheel; with a saddle (straddle) seat or bucket/bench (non-straddle) seats. The report states that "autocycle" usually refers to having car-like characteristics, but that various states have different definitions so there is no standard to recognize. In terms of vehicle equipment, NHTSA sets the Federal Motor Vehicle Safety Standards (FMVSS). Because there is no federal definition of autocycle, and as three-wheeled vehicles they are legally motorcycles, NHTSA reports that the FMVSS for motorcycles apply to anything the states consider autocycles.

Because the rules for operation of vehicles on the road are left to the states, NHTSA did not suggest a standard or best practice for such things as licensing, helmets, registration, etc.

While there were no law changes on this topic at the federal level, Oregon statute was amended during the 2021 session via §125 in [HB 3055](#) - the Transportation Omnibus bill. This removed the element of having a steering wheel from the definition of autocycle. This change was done with the support of an ATV/autocycle stakeholders group. At the administrative rule level, in 2020 ODOT adopted a vehicle equipment rule defining "enclosed cab" for three wheel vehicles, the presence of which allows a statutory exemption from using a helmet.

Finally, ODOT will continue to monitor developments at the federal level, in other states, and in Oregon. This will include proposed or passed changes in law, new autocycle types being developed, and safety implications.

Conclusion

There have been no changes to federal law or adoption of a federal definition of autocycle. The NHTSA report summarized the many factors that states use in their various, inconsistent definitions of autocycle. It did not suggest a federal definition. The one consistent element among autocycle definitions is that they are three-wheeled vehicles, and so they are motorcycles for the sake of federal vehicle safety standards (FMVSS). In addition, because federal law does not control rules for operation of vehicles, NHTSA's report did not offer federal standards in that area. At the state level, during the 2021 session the Oregon Legislature, with support of a stakeholder group, amended the definition of autocycle to include a broader range of vehicles. ODOT will continue monitoring autocycle developments across the country.

Please let me know if you have any questions.

Amy Joyce
DMV Administrator
Oregon Department of Transportation