

**From:** [Bob Mittelstaedt](#)  
**To:** [TAM Info](#)  
**Subject:** Revised Public Comment. March 9 Exec Committee - Legislation, Item 5  
**Date:** Wednesday, March 4, 2026 9:14:26 PM  
**Attachments:** [SB 1167.pdf](#)

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E-Bike Access, the Marin-based e-bike advocacy group, submits these comments on pending bills regarding “e-bikes.”

We also ask TAM and its board members to formally support the [petition](#) that we drafted and that is now sponsored by CalBike. It calls on the state Attorney General and county District Attorneys to enforce the consumer protection laws against companies selling electric motorcycles as e-bikes — a core reason we see so many e-motos in our schools and on our streets. The petition is available [here](#).

We applaud TAM for supporting “bicycle and pedestrian safety, including . . . reductions on the number of **out-of-class, non-street legal electric devices** on public roadways and paths.” [Legislative Platform (IV.4)] Those devices are now referred to as “e-motos.”

Here are our recommendations on the five bills listed in TAM’s March 9 memo. Note, however, that TAM’s list omits **SB 1167 (Blakespear)**. That bill is, in our view, the most important bill now pending.

It directly confronts the problem facing our communities — the electric motorcycles or “e-motos” that are being mislabeled and sold as “e-bikes” to escape the licensing and registration requirements for motorcycles. “**The e-bike problem is an e-moto problem**,” to quote the [U.S. bike manufacturers’ association](#), People For Bikes. As the recent Legislature-commissioned Mineta Transportation Institute put it: “illegal, over-powered devices [are the] key problem.”

## BACKGROUND

We have been working this issue for over two years. Now, Marin’s e-moto problem has received national attention. *E.g.*, [NYTimes](#), [SF Chronicle](#), [CBS KPIX](#), [Mineta Transportation Institute report on e-bike safety](#), and [KQED](#). To quote the KQED story:

*"Bob Mittelstaedt, co-founder of the e-bike advocacy group [E-bike Access](#), called these high-powered devices 'e-motorcycles.' He said safety concerns associated with these e-motos lead to 'bike-lash,' or whiplash, against e-bikes.*

*"Last year, Mittelstaedt conducted surveys of the kinds of e-bikes parked at 19 different middle and high schools in Marin and San Mateo County. His findings, in coordination with the San Mateo County Office of Education Safe Routes to School Program, showed that 88% of the electric devices parked at schools did not comply with California’s three-class system for e-bikes, meaning they had more power than legally allowed, and more closely resembled e-motorcycles or e-mopeds.*

*"It’s not just a technical, legal issue. It’s a matter of literally life and death for these kids,' said Mittelstaedt, who owns two e-bikes himself, and whose work was featured in the state report."*

The good news is that the e-moto problem can be resolved if we correctly identify the problem and then enforce existing laws. This requires political will, from the top.

Under existing law, e-motos are not street-legal and cannot lawfully be ridden on our streets by anyone regardless of age. Yet we are seeing a continuing proliferation of these devices at our schools and on our streets. As the superintendent of Tam Union High School District recently observed: “there is a **growing**

prevalence of these devices on our campuses.”

A major reason is that the hands-off approach of the Central Marin Police Authority. Its mindset, as its lawyer, Thomas Bertrand, wrote on January 6 is: **"Parents are not enthusiastic about us going after their children. Nor are schools. We are not the gestapo."**

We had thought it obvious that parents should not be given a veto over enforcing laws when their children commit crime -- the very parents who are themselves committing a crime in providing vehicles to unlicensed juveniles. Cal. Veh. Code 14607. And the schools in fact are calling for collaboration and police enforcement.

In addition to police enforcement, **our state Attorney General and our county District Attorneys** should step up and discharge their consumer protection responsibilities. As [People for Bikes](#) explains:

**“Who Is Responsible For The E-Moto Problem?** *The E-moto problem is caused by E-moto manufacturers and sellers.* The companies that make, import and sell e-motos are attempting to skirt legal and safety requirements for motor vehicles in order to sell their products. Their intention is to deceive the public into believing their e-moto is an electric bicycle or ‘e-bike’ that does not require a driver’s license to operate and may even be appropriate for children.”

That is the purpose of the petition that we ask TAM and its members to sign.

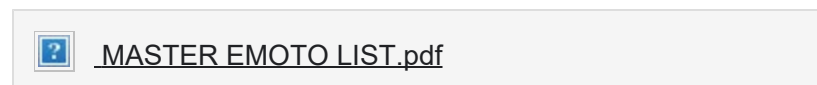
**TAM SHOULD SUPPORT LEGISLATION THAT WILL FIX THE PROBLEM, NOT DISCOURAGE LEGAL PEDAL-ASSIST E-BIKES.**

**SB 1167.** As detailed in the attached Position Paper submitted to the Legislature, this bill deserves the attention and support of TAM. The bill makes it unlawful to sell an e-moto as an e-bike. It also strengthens disclosure requirements. It was drafted by CalBike and People For Bikes (the manufacturers association that created the three-class framework for e-bikes adopted by California and most states a decade ago.)

As to the five bills discussed in the TAM March 9 memo, the memo recommends support for two bills: AB 2284 (Dixon) and AB 2346 (Wilson).

**AB 2284** (Dixon). We agree that TAM should **support** this bill but with a technical amendment to avoid a glaring loophole. It would require the California Highway Patrol, in partnership with biking nonprofit groups, to compile and post on its website a list of “electric bicycles and electric bicycle products” that do not comply with statutory and regulatory requirements for the “labeling or advertising of electric bicycles or electric bicycle products.”

This addresses a key issue: Everyone agrees that throttle electric two wheelers that exceed the 750 watts/20mph requirements for e-bikes are illegal e-motos. But identifying which brands cross the line proves difficult for police and schools. E-Bike Access has prepared what is perhaps the only list of such devices. A copy is attached.



Working with the CHP to formalize and publish this or a similar list would significantly aid enforcement of our current laws.

For clarity, “electric bicycle products” needs to be defined to include the e-motos we see in our schools. And “labeling and advertising” requirements should be expanded to include the specifications for e-bikes.

**AB 2346** (Wilson). We advise **against supporting** this bill. It would require speedometers and front and rear lights on class 1 and class 2 e-bikes. That just adds to the cost of e-bikes, and does not address the core problems. Nor does the added requirement of including of e-bike laws with the bicycle’s packaging to be provided to the consumer.

The TAM memo recommends “watch/support” for AB 1557 (Pappan).

**AB 1557** (Papan). We recommend “watch” at best. This bill would clarify that an electric bicycle is a bicycle equipped with fully operable pedals and an electric motor that cannot exceed 750 watts of peak power. In our view, that is already the existing law. But it suffers from lack of enforcement. Without providing additional means of enforcement, this bill will not accomplish its purpose.

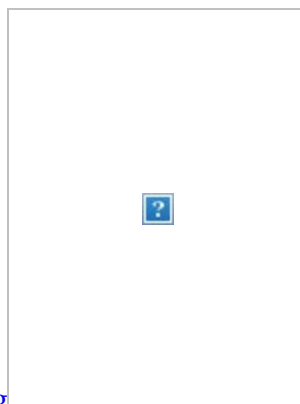
Finally, the TAM memo recommends “watch” for three others. We oppose all three, as currently drafted.

**AB 1569 (Davies)** This bill would require each school that allows pupils to park e-bikes on campus to require pupils to complete an e-bike safety program. We do not think schools should be burdened with this responsibility. And it would not cover the e-motos, which are the vast majority of electric devices that students ride to school based on our counts with Safe Routes to Schools in three Bay Area counties.

**AB 1614** (Dixon) This bill would prohibit a person from operating a bicycle on a Class I bikeway without a permanent seat being affixed. Again, the problem is not bicycles; it’s e-motos. And it is already unlawful to carry a passenger on an e-bike without a separate seat — anywhere, not just on Class 1 bikeways.

**AB 1942** (BauerKahan) This bill would require class 2 and class 3 electric bicycles to be registered with the Department of Motor Vehicles (DMV) and to display a special license plate issued by the department. As drafted, this is a classic example of “e-bike-lash” — regulating e-bikes when e-motos are the problem.

At a minimum, it should be limited to anything sold as a class 2 e-bike and the same thing should be required for e-motos. By requiring a license plate on class 2 e-bikes, the police will have an additional reason to stop anyone riding a throttle device without determining whether it is a class 2 e-bike or an e-moto. If a class 2 e-bike, it must have a license plate under this bill. If it is an e-moto, it must have a license plate under existing law.



<https://www.ebikeaccess.org>



## **POSITION PAPER ON SB 1167**

### **“SUPPORT WITH AMENDMENTS”**

Submitted by **E-Bike Access** and **Danville Safety Advocates**

**E-Bike Access** is a Marin County–based advocacy organization that grew out of Marin Water’s Citizen Advisory Committee on E-Bikes. We are the only advocacy group focused exclusively on e-bike policy. Our mission is twofold:

1. Expand access to legal pedal-assist electric bicycles; and
2. Curb the proliferation of dangerous, illegal electric motorcycles (“e-motos”) misrepresented as e-bikes.

**Danville Safety Advocates**, based in Contra Costa County, works to reduce traffic-related collisions, injuries, and fatalities while promoting safer and more sustainable transportation options.

We support SB 1167 and commend its purpose. We offer several targeted amendments to simplify the bill, eliminate ambiguity, and strengthen enforcement.

### **I. The Problem SB 1167 Correctly Identifies**

Legal electric bicycles — particularly pedal-assist models — provide significant environmental, transportation, and public health benefits.

The problem is not e-bikes.

The problem is the high-powered electric motorcycles falsely marketed as “e-bikes.” These devices exceed the statutory 750-watt motor limit and/or provide

motor assistance beyond 20 mph (throttle) or 28 mph (pedal assist), in violation of California Vehicle Code § 312.5.

These products are commonly referred to as “**e-motos.**”

As **PeopleForBikes** has stated: “**The e-bike problem is an e-moto problem.**”

By selling them as e-bikes, manufacturers attempt to avoid requirements that apply to motor vehicles — including driver licensing, DMV registration, insurance, and safety equipment. The manufacturers target the unlicensed youth market, including paid use of social media influencers with millions of followers.

The consequences are real. As SB 1167 notes, these devices are “gaining popularity.” In Marin and San Mateo counties, nearly 90 percent of motorized devices observed at schools were e-motos, not legal electric bicycles. Those data were collected by E-Bike Access and reported in the *New York Times* and by the Mineta Transportation Institute.

Beyond illegality, these devices present documented safety risks. SB 1167 properly cites the 2025 Mineta Transportation Institute report concluding that e-motos are contributing to increased safety issues across California communities.

## **II. SB 1167’s Approach is Sound — With Three Clarifying Amendments**

SB 1167 addresses this problem with three key provisions. We support each and propose modest clarifications.

### **1. Prohibiting the Sale of Non-Compliant Vehicles as E-Bikes**

In 2015 when AB 1096 created the three e-bike classes to be treated as bicycles instead of motor vehicles, it did not expressly make selling more powerful, faster vehicles as e-bikes unlawful. Enforcement depended on suing for consumer fraud. *E.g., Whitman v. Super73*, Case No. CV0004757 (2024), pending in Marin Superior Court (consumer class action against leading manufacturer of e-motos misrepresented as e-bikes).

In 2025, SB 1271 made it unlawful to sell as an e-bike any device that was modified or intended to be modified to exceed e-bike limits. Incongruously, that bill did not make it unlawful to sell as an e-bike a vehicle that already exceeds those limits as sold.

SB 1167 appropriately closes that gap by adding three characteristics that also make it unlawful to sell a vehicle as an e-bike:

- Motor power greater than 750 watts
- Capability of exceeding 20 mph on motor power alone
- Motor assistance above 28 mph

These provisions mirror CVC § 312.5(a)(1)–(3), but the wording differs slightly.

**Suggested Amendment:**

For clarity and to avoid interpretive disputes, replace subdivision (c)(1)–(3) with:

“A vehicle that does not meet the specifications set forth in Section 312.5(a)(1)–(3) of the Vehicle Code.”

This ensures perfect statutory alignment. It will be unlawful to sell as an e-bike any vehicle that does not meet the statutory requirements for e-bikes.

**2. Clarifying That Mislabeling Constitutes False Advertising**

SB 1167 provides that advertising or selling such vehicles as e-bikes constitutes a misleading statement under Business & Professions Code §17500.

We support this provision. To avoid any implication that such conduct was previously lawful, the legislative analysis should clarify that this provision reflects existing false-advertising principles. And it should not be limited to Business & Professions Code §17500. It should apply equally under §17200 and any other applicable laws. We do not want manufacturers sued for fraud to claim that this provision restricts remedies.

**Suggested Amendment:**

Expand the provision to reference Business & Professions Code §17200 (Unfair Competition Law), which is the primary vehicle for consumer fraud enforcement in California. Clarify that making this misrepresentation actionable under §§17200 and 17500 is consistent with existing law and not intended to limit actions under common law or other statutes.

### **3. Addressing the Classification of Electric Motor Vehicles That Exceed E-Bike Limits**

The existing definitions of motor-driven cycle (CVC § 405), and moped (CVC § 406) apply only to internal combustion engines. This bill introduces wattage and brake horsepower equivalents for electric motors.

While well-intentioned, this approach creates confusion and gaps. The structure outline in the bill is:

- “E-bike”: up to 750 watts
- “Mopeds”: 750–3,000 watts (if not capable of more than 30 mph)
- “Motor-driven cycles”: up to 3,750 watts

But what about:

- A 3,000-watt vehicle capable of exceeding 30 mph?
- A vehicle exceeding 3,750 watts?

The classification becomes unclear. More fundamentally, the devices at issue are now commonly referred to as “e-motos.” To start calling them something else is bound to create confusion.

#### **A Simpler Solution**

If the goal is to ensure that any electric two- or three-wheeled vehicle exceeding e-bike limits is subject to motor-vehicle licensing and registration requirements (or otherwise treated the same as mopeds and motor-driven cycles, the bill should say so directly. Or it should call them “e-motos” if it is necessary to provide a category and add to the other statutory provisions requiring licensing, registration, etc.

**Suggested Amendment:**

“The licensing, registration, equipment and other requirements applicable to motor-driven cycles and mopeds shall apply to any two- or three-wheeled vehicle equipped with an electric motor that exceeds the specifications for electric bicycles set forth in Section 312.5(a).”

This approach is clearer, comprehensive, and avoids patchwork redefinition.

If from a statute-writing perspective, it is necessary to give them a name, we recommend calling them by their colloquial label — “e-motos” or “electric motorcycles.” To wit: “‘E-moto’ is any two- or three-wheeled vehicle equipped with an electric motor that exceeds the specifications for electric bicycles set forth in Section 312.5(a).” Then add “e-moto” to all provisions referring to mopeds and motor-driven cycles. Or, if permissible, simply state that “‘e-motos’ are subject to all provisions applicable to motorcycles.”

Note that SB 586 amended the Vehicle Code last year with respect to Off-Highway Vehicles (the pedal-less vehicles intended for exclusively for off-road use.). That bill noted that an “off-highway electric motorcycle” is “commonly referred to as an eMoto” but did not otherwise incorporate that term into the law. In fact, e-moto is more commonly used to describe vehicles designed for street usage and which are advertised as e-bikes and are equipped with pedals. We suggest amending SB 586 as codified in Vehicle Code 436.1 to removed the words “commonly referred to an eMoto.” That will not cause any substantive change but will avoid confusion.

**III. Amendment For Added Enforcement**

AB 875 was enacted last year to authorize law enforcement officers to impound a vehicle with less than four wheels if three conditions are met:

- The vehicle “does not meet the definition of an electric bicycle set forth in Section 312.5”
  - It is “[p]owered by an electric motor capable of exclusively propelling the vehicle in excess of 20 miles per hour on a highway.” *i.e.*, if it has a throttle.
- And

- The person operating the vehicle “is not licensed to operate the vehicle.”

The key limitation is that an officer must witness someone operating the vehicle. Enforcement would be facilitated if an officer could also impound the vehicle if it is parked and does not display the required registration. This is a common occurrence when school students ride illegal e-motos to school and park them either on campus or nearby. To satisfy notice and due process requirements, the bill could be limited to situations where the officer is able to identify the owner and provide notice.

[While not applicable here, AB 875 also authorizes impounding if the person operating a class 3 pedal-assist electric bicycle does not satisfy the minimum age of 16 years old set forth in Section 21213.]

## **IV. Additional Provisions We Support**

### **Elimination of “Motorized Bicycle”:**

Existing law uses “motorized bicycle” as a synonym for “moped,” creating confusion with “electric bicycle.” We support deleting that word.

### **Labeling and Disclosure Requirements:**

Existing law requires manufacturers to permanently and prominently affix class, top assisted speed, and wattage labels. SB 1167 strengthens labeling and advertising disclosures. We support these provisions as essential enforcement tools.

We propose amending the bill to specify in 312.5(a) that it is unlawful to sell as an e-bike any vehicle that violates the labeling and disclosure requirements.

## **Conclusion**

SB 1167 correctly identifies the problem: illegal electric motorcycles are being marketed as e-bikes — undermining safety, consumer protection, and public confidence in legitimate electric bicycles.

The bill's solutions are sound. Our modest amendments align statutory language with § 312.5, clarify consumer protection cross-references, and simplify classification of electric motor vehicles exceeding e-bike limits. With these amendments, SB 1167 will provide a clear, enforceable framework that protects consumers while preserving access to lawful e-bikes.

March 3, 2026

Submitted by:

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