

May 3, 2024

Hello Parents,

We last wrote to you in March 2024 regarding a large increase in minors illegally and recklessly riding electric motorcycles, such as the Sur-Ron brand. Working in collaboration with our schools we educated parents and students alike on these motorcycles and how they are not to be ridden in our jurisdiction unless they are registered with the Department of Motor Vehicles and the riders have a valid California Driver's license with a M1 or M2 endorsement in accordance with California law.

We have definitely seen a significant decrease in the use of illegal electric motorcycles since our education campaign, however we are still observing and receiving reports about the reckless use of motorized bicycles and electric motorcycles. We routinely respond to reports of minors riding illegal motorized bicycles and electric motorcycles at excessive speeds on pathways, sidewalks, and roadways. We are very concerned about these unsafe actions and are doing our best to prevent a tragedy.

There is a lot of misinformation on what constitutes legal electric bicycles or e-bikes. Many motorized bicycles or mopeds are being purchased and operated in our jurisdiction under the guise that they are legal e-bikes when in fact they are not.

Per the California Vehicle Code Section 312.5:

(a) An "electric bicycle" is a bicycle equipped with fully operable pedals and an electric motor of less than 750 watts.

(1) A "class 1 electric bicycle," or "low-speed pedal-assisted electric bicycle," is a bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.

(2) A "class 2 electric bicycle," or "low-speed throttle-assisted electric bicycle," is a bicycle equipped with a motor that may be used exclusively to propel the bicycle, and that is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.

(3) A "class 3 electric bicycle," or "speed pedal-assisted electric bicycle," is a bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour, and equipped with a speedometer.

Therefore, to be a legal e-bike in California:

1. The motor on the e-bike cannot emit power in excess of 750 watts; AND
2. The throttle control on an e-bike cannot enable it to travel faster than 20 mph.

Should either of these restrictions not be met, the vehicle in question is not an e-bike by definition. The vehicle in question would in fact be either a motorized bicycle/moped or an electric motorcycle, both of which require the rider to have a driver's license and to have the vehicle registered with the Department of Motor Vehicles (DMV). Only legal e-bikes can be ridden by minors under 16 years of age and can be legally ridden without DMV registration.

In addition, California Vehicle Code Section 312.5 states:

(c) On and after January 1, 2017, manufacturers and distributors of electric bicycles shall apply a label that is permanently affixed, in a prominent location, to each electric bicycle. The label shall contain the classification number, top assisted speed, and motor wattage of the electric bicycle, and shall be printed in Arial font in at least 9-point type.

This section requires all e-bike manufacturers to affix a label to all e-bikes stating what legal classification they are. Unfortunately, we have discovered that many motorized bicycles and electric motorcycles are being operated with labels stating they are "class 2 -750 watts" e-bikes, when in fact they are legally defined as motorized bicycles/mopeds or electric motorcycles.

For example, one popular brand of motorized bicycle being used comes with an attached label stating "class 2-750 watts," when in fact this brand has motors that produce significantly more than 750 watts. This brand of bike has a power output of 750 watts when it is first turned on, but this output doubles and more, when a simple adjustment is made on the handlebar or through an app. This brand clearly states this fact on their website.

In addition, this brand has the ability to travel in excess of 20 mph using only the throttle. This brand also clearly states this fact on their website.

This brand of e-bike is not a legal e-bike pursuant to the California Vehicle Code, they are instead motorized bicycles/mopeds or electric motorcycles. This brand, and many other similar brands, are being questionably marketed and sold as class 2 e-bikes, even though they are not due to their motor output and top throttle speeds.

To reiterate, any bicycle that emits power in excess of 750 watts or has a throttle that enables it to travel faster than 20 mph is not an e-bike. Motorized bicycles/mopeds or electric motorcycles cannot be ridden on pathways or sidewalks. They can only be ridden legally on the roadway if the rider has a driver's license and the vehicle is registered with the Department of Motor Vehicles (DMV).

This news may come as a shock to many of you who paid a lot of money to purchase what you thought was a legal e-bike for your child. We share your frustrations and have already contacted the Marin County District Attorney Consumer Protection Unit regarding this matter.

One helpful resource for e-bike information is the Marin County Bicycle Coalition's website, which has a dedicated Buyer's Guide page: <https://marinbike.org/news/e-bike-buyers-guide/>

We also understand that many of your children rely on bicycles to travel to and from school. We are huge proponents of bicycles, e-bikes, and children riding them as a mode of transportation. However, many children are currently riding motorized bicycles which are in fact not street legal and may only be operated on private property.

If you are not sure if your child is riding a legal e-bike, please:

- 1. Ensure the e-bike has a label from the manufacturer stating what the class is; AND**
- 2. Ensure the motor of the e-bike does not emit more than 750 watts at anytime; AND**
- 3. Ensure the e-bike cannot travel in excess of 20 mph when just the throttle is activated.**

Much of this information can be easily obtained from visiting the manufacturer's website or contacting them directly.

For the next two weeks we will be enacting an educational and grace period for illegal e-bikes and will not be issuing citations. This grace period will enable everyone to arrange for alternate transportation to and from school or to acquire a bicycle or legal e-bike. We will also be working with our schools to educate them on which e-bikes are legal and which are not. It is our hope that all schools in our jurisdictions will enact an e-bike registration process next fall to ensure all of our students are riding legal and safe e-bikes.

We look forward to continuing to work with all of you and our schools on this important safety matter.

Sincerely,

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