
SENATE COMMITTEE ON NATURAL RESOURCES AND WATER

Senator Josh Becker, Chair

2025 - 2026 Regular

Bill No:	SB 1167	Hearing Date:	April 14, 2026
Author:	Blakespear		
Version:	April 9, 2026 Amended		
Urgency:	No	Fiscal:	Yes
Consultant:	Edith Hannigan		

Subject: Vehicles: electric bicycles

SUMMARY

This bill would explicitly clarify that off-highway electric motorcycles are subject to identification as off-highway motor vehicles. The bill would also prohibit the use or operation of, or the allowance to use or operate, an off-highway electric motorcycle, motorcycle, motor-driven cycle, or moped powered by an electric motor on any forest-covered land, brush-covered land, or grass-covered land unless the vehicle has been certified by an accredited independent laboratory, as specified, and the name or mark of the certifying laboratory is permanently marked on the vehicle or on its drive system.

BACKGROUND AND EXISTING LAW

State Vehicular Recreation Areas. State Vehicular Recreation Areas (SVRAs) are off-highway vehicle (OHV) parks operated by the Off-Highway Motor Vehicle Recreation Division (Division) of the California Department of Parks and Recreation (State Parks). Each SVRA has an operational program which provides, in most locations, the following services:

- Trails, tracks, and other OHV recreation opportunities.
- Restrooms, camping, shade ramadas, and water.
- OHV parts store.
- Public safety, including law enforcement, first aid, and search and rescue.
- Maintenance including repair and maintenance of OHV trails, buildings, equipment, and public use facilities.
- Interpretive and educational activities and publications promoting safe and responsible OHV recreation.
- Resource management designed to sustain OHV opportunities that protects and enhances wildlife habitat, and provides for erosion control and revegetation.

There has been a recent surge in the popularity and proliferation of new types of electric vehicles – including in use for off-road recreation – and it is not always evident what requirements, if any, apply to a given vehicle.

Existing law:

- 1) Establishes the Division within State Parks and tasks the Division with developing, managing, and operating lands in SRVAs and providing for law enforcement and appropriate public safety activities in these areas. (Public Resources Code (PRC) §§ 5090.30, 5090.32)

- a) Vests the Division with responsibility for the enforcement of Division 16.5 (commencing with Section 38000) of the Vehicle Code and other laws regulating the use or equipment of off-highway motor vehicles in all areas acquired, maintained, or operated by funds from the Off-Highway Vehicle Trust Fund.
- b) Specifies the Department of the California Highway Patrol (CHP) has responsibility for enforcement on highways.
- 2) Establishes the Chappie-Z'berg Off-Highway Motor Vehicle Law of 1971. (Vehicle Code (VEH) §§ 38000 *et seq.*).
- 3) Requires motor vehicles intended to be operated or used exclusively off highway to display an identification plate or other device issued by the Department of Motor Vehicles. (VEH § 38010).
- 4) Establishes categories of vehicles to be considered "off-highway motor vehicles," including, but not limited to:
 - a) A motorcycle or motor-driven cycle, except for any motorcycle that is eligible for a certain special transportation identification device.
 - b) A snowmobile or other vehicle designed to travel over snow or ice.
 - c) A motor vehicle commonly referred to as a sand buggy, dune buggy, or all-terrain vehicle.
 - d) A motor vehicle commonly referred to as a jeep.
 - e) A recreational off-highway vehicle. (VEH § 38012).
- 5) Specifies category of vehicles that are prohibited from being operated on forest-covered land, brush-covered land, or grass-covered land, unless the vehicle is equipped with spark arresters. (VEH § 38366 and PRC § 4442).

PROPOSED LAW

This bill would:

- 1) Add to the kinds of vehicles that do not qualify as electric bicycles or "e-bikes," including a vehicle with motor power of more than 750 watts; a vehicle capable of attaining speed greater than 20 miles per hour on motor power alone; a vehicle with a motor capable of providing assistance when the vehicle reaches a speed exceeding 28 miles per hour; a vehicle with no more than three wheels powered by an electric motor that is intended by the manufacturer to be modified in a specified manner; a vehicle without operable pedals; and any motorcycle, moped, motorized scooter, off-highway electric motorcycle, pocket bike, or recreational off-highway vehicle.
 - a) Establish that advertising or selling one of those devices as an electric bicycle or e-bike shall constitute a misleading statement under the Business and Professions Code.
- 2) Amend the definition of a "motor-driven cycle."
 - a) Specify that an electric bicycle, moped, motorized scooter, pocket bike, or recreational off-highway vehicle is not a motor-driven cycle and shall not be advertised as such.

- b) Establish that selling a motor-driven cycle as an e-bike constitutes a misleading statement under the Business and Professions Code.
- 3) Amend the definition of a “moped.”
 - a) Specify that a moped does not include an electric bicycle, motor-driven cycle, motorized scooter, pocket bike, or off-highway electric motorcycle.
 - b) Establish that selling a moped as an e-bike constitutes a misleading statement under the Business and Professions Code.
- 4) Make clarifying and conforming changes to relevant sections of the Vehicle Code to address these new definitions.
- 5) Specify that two- or three-wheeled devices powered by electric motor are not permitted on certain roads, unless the device meets certain provisions.
- 6) Specify that motor-driven cycles and mopeds propelled by an electric motor, manufactured after January 1, 2027, shall be equipped with lamp-type turn signals.
- 7) Establish requirements for labeling and advertising of electric bicycles, motor-driven cycles, mopeds, and off-highway electric motorcycles that are powered by electric motors.
- 8) Prohibit the use or operation of any off-highway electric motorcycle, or any motorcycle, motor-driven cycle, or moped powered by an electric motor, on any forest-covered land, brush-covered land, or grass-covered land unless the vehicle has been certified by an accredited independent laboratory.
- 9) Make relevant findings and declarations.

ARGUMENTS IN SUPPORT

According to the author, “The three class system for e-bikes can be confusing for consumers, media, healthcare providers, and law enforcement. Unscrupulous businesses have taken advantage of this confusion by selling powerful motor vehicles as “e-bikes.” SB 1167 will improve community safety by better regulating motor vehicles that look like e-bikes so purchasers are aware of the safety risks, manufacturers are held responsible for misleading advertisements, and law enforcement can collect better data.”

ARGUMENTS IN OPPOSITION

None received.

COMMENTS

This bill is double referred. This bill was heard in the Transportation Committee on April 7, 2026, and passed out of Committee with a vote of 12-0. Any issues discussed in this analysis under the portfolio of the Transportation Committee are included here for completeness and context only.

Duplicative definition. This bill amends the definition of “off-highway motor vehicle” to include an “off-highway electric motorcycle.” However, the definition for “off-highway motor vehicle” already includes “off-highway electric motorcycles” in VEH § 38012(b)(6).

The Committee may wish to consider amendments to strike the proposed addition of “off-highway motor vehicle” to VEH § 38012 [**SEE AMENDMENT #1**].

Prohibited activities on vegetated land. It is prohibited to use or operate certain internal combustion engines on forest-, brush-, or grass-covered land in the state, unless the engine is equipped with a spark arrester, maintained in effective working order, or the engine is constructed, equipped, and maintained for the prevention of fire, as specified. (PRC § 4442 and VEH § 38366)

This bill amends VEH § 38366 to also exclude the use or operation of off-highway electric motorcycles, or motorcycles, motor-driven cycles, or mopeds powered by an electric motor on forest-, brush-, or grass-covered lands, unless the vehicle has been accredited by an independent laboratory. However, the bill does not make a similar conforming change to PRC § 4442. This may cause a lack of enforcement clarity.

The Committee may wish to consider amendments to PRC § 4442 to align the requirements for electric vehicles on forest-, brush-, or grass-covered lands [**SEE AMENDMENT #2**].

Related Legislation:

SB 586 (Jones, Chapter 588, Statutes of 2025) defined an “off-highway electric motorcycle.”

SB 249 (Allen, Chapter 459, Statutes of 2017) extended the Off-Highway Motor Vehicle Recreation Act indefinitely and made various other changes to the Act including, amongst others, making certified community conservation corps and resource conservation districts eligible grant program applicants for scientific research, natural resource conservation activities, trail and facility maintenance, restoration, and programs involving off-highway motor vehicle safety or education.

SUGGESTED AMENDMENTS

AMENDMENT 1

Revise proposed VEH Sec. 38012 as follows:

38012. (a) As used in this division, “off-highway motor vehicle subject to identification” means a motor vehicle subject to subdivision (a) of Section 38010.
- (b) As used in this division, “off-highway motor vehicle” includes, but is not limited to, the following:
- (1) A moped, motorcycle, or motor-driven cycle, ~~including an off-highway electric motorcycle~~, except for any motorcycle that is eligible for a special transportation identification device issued pursuant to Section 38088.
 - (2) A snowmobile or other vehicle designed to travel over snow or ice, as defined in Section 557.
 - (3) A motor vehicle commonly referred to as a sand buggy, dune buggy, or all-terrain vehicle.
 - (4) A motor vehicle commonly referred to as a jeep.
 - (5) A recreational off-highway vehicle as defined in Section 500.
 - (6) An off-highway electric motorcycle as defined in Section 436.1.

AMENDMENT 2

Add a new section to the bill, and amend PRC Sec. 4442 as follows:

4442.

(a) Except as otherwise provided in this section, no person shall use, operate, or allow to be used or operated, any internal combustion engine which uses hydrocarbon fuels on any forest-covered land, brush-covered land, or grass-covered land unless the engine is equipped with a spark arrester, as defined in subdivision (c), maintained in effective working order or the engine is constructed, equipped, and maintained for the prevention of fire pursuant to Section 4443.

(b) Spark arresters affixed to the exhaust system of engines or vehicles subject to this section shall not be placed or mounted in such a manner as to allow flames or heat from the exhaust system to ignite any flammable material.

(c) A spark arrester is a device constructed of nonflammable materials specifically for the purpose of removing and retaining carbon and other flammable particles over 0.0232 of an inch in size from the exhaust flow of an internal combustion engine that uses hydrocarbon fuels or which is qualified and rated by the United States Forest Service.

(d) Engines used to provide motive power for trucks, truck tractors, buses, and passenger vehicles, except motorcycles, are not subject to this section if the exhaust system is equipped with a muffler as defined in the Vehicle Code.

(e) Turbocharged engines are not subject to this section if all exhausted gases pass through the rotating turbine wheel, there is no exhaust bypass to the atmosphere, and the turbocharger is in effective mechanical condition.

(f) Motor vehicles when being operated in an organized racing or competitive event upon a closed course are not subject to this section if the event is conducted under the auspices of a recognized sanctioning body and by permit issued by the fire protection authority having jurisdiction.

(g) A person shall not use, operate, or allow to be used or operated, any off-highway electric motorcycle, or any motorcycle, motor-driven cycle, or moped powered by an electric motor, on any forest-covered land, brush-covered land, or grass-covered land unless the vehicle has been certified by an accredited independent laboratory for compliance with SAE J2929 or another applicable SAE, ISO, UNECE, IEC, or other electrical safety standard and the name or mark of the certifying laboratory is permanently marked on the vehicle or on its drive system.

SUPPORT

California Bicycle Coalition (co-sponsor)
PeopleForBikes (co-sponsor)
Streets for All (co-sponsor)
Streets Are for Everyone (SAFE) (co-sponsor)
350 Sacramento
Active San Gabriel Valley
Bicycling Monterey
Bike East Bay
Bike LA
Bike Temecula Valley
California Bicycle Coalition (CalBike)

California District Attorneys Association
California Emergency Nurses Association
California Orthopedic Association
Chico Velo Bicycle Advocates
Circulate San Diego
City of Carlsbad
City of Oceanside
City of Vista
Claremont Streets for People
Day One
Festival Trail
LA Critical Mass
Livable Communities Initiative
Marin County Bicycle Coalition
Move LA
Move San Mateo
Move Santa Barbara County
Napa County Bicycle Coalition (Napa Bike)
Oceanside Unified School District
Rails to Trails Conservancy
Sacramento Area Bicycle Advocates
San Diego County Bicycle Coalition
San Diego County Sheriff's Office
San Dieguito Union High School District
San Francisco Bicycle Coalition
Sandiego350
Santa Monica Safe Streets Alliance
Santa Monica Spoke
Silicon Valley Bicycle Coalition
Sonoma County Bicycle Coalition
South Pas Active Streets
Street Racing Kills
Sunnyvale Safe Streets
Transbay Coalition
Transform
Walk Bike Berkeley
Walk Bike Cupertino
West Hollywood Bicycle Coalition

OPPOSITION

None Received

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