
SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair
2025 - 2026 Regular Session

SB 1167 (Blakespear) - Vehicles: electric bicycles

Version: April 9, 2026

Urgency: No

Hearing Date: May 4, 2026

Policy Vote: TRANS. 12 - 0, N.R.&W. 7- 0

Mandate: Yes

Consultant: Mark McKenzie

Bill Summary: SB 1167 would revise the definitions of electric bicycles (e-bikes), motor driven cycles, and mopeds, update the labeling and disclosure requirements for manufacturers and sellers of these devices, and expand prohibitions on false advertising and unfair competition related to e-bikes, among other things.

Fiscal Impact:

- The Department of Motor Vehicles (DMV) indicates that it would incur one-time costs to make legacy IT systems modifications to enable the department to receive violations of new Vehicle Code provisions created by the bill and report violations on offenders' driving records, which could include assignment of Negligent Operator Treatment System points. These costs are unknown, but potentially significant because DMV is undertaking an Enterprise Modernization Project (the Digital eXperience Platform, or DXP), and resources are fully committed to the project. Coordinating implementation of the bill within DXP might delay implementation, or potentially increase DXP costs. Most change to the department's services will have to be built outside the core legacy systems at a significant cost. DMV costs to modify its website, publications, and manuals to account for revised definitions and requirements in the bill would likely be relatively minor. Staff notes that DMV would be unable to make the necessary programming changes by the January 1, 2027 operative date of this bill. (Motor Vehicle Account)
- The California Highway Patrol (CHP) anticipates a minor and absorbable cost to update policies and training materials, and to collect and incorporate specified information into crash reports. (Motor Vehicle Account)
- Unknown, potentially reimbursable local law-enforcement costs related to provisions that require a peace officer to record specified information from an E-bike label when filling out an incident report for an injury or crash involving an E-Bike. It is unclear whether any local agency would seek state-reimbursement for any incremental costs related to recording this additional information on incident reports. State-reimbursement of any local costs would be subject to a determination by the Commission on State Mandates, should a local agency file a claim. (General Fund)
- Unknown, potentially significant court cost pressures for new workload to adjudicate new violations of California's false advertising and unfair competition laws, as specified in the bill. (Trial Court Trust Fund, General Fund). The actual fiscal impact on the courts as a result of the bill's expansion of causes of action will depend on many unknown factors, including the number of cases filed and the factors unique to each case. (See Staff Comments)

Background: Existing law defines an e-bike as a bicycle equipped with fully operable pedals and an electric motor of less than 750 watts. Existing law specifies three categories of e-bikes, including low-speed pedal assisted e-bikes (Class 1), low-speed throttle-assisted e-bikes (Class 2), and speed pedal-assisted e-bikes (Class 3). Classes 1 and 2 e-bikes cease to provide assistance when they reach 20 mph, and Class 3 E-bikes cease to provide assistance when they reach 28 mph. Existing law requires manufacturers and distributors of e-bikes to apply a permanently affixed label that contains the classification number, top assisted speed, and motor wattage. Existing law prohibits the sale of a product or device that can modify the speed capability of an e-bike such that it no longer meets the definition of an e-bike.

Existing law defines a “motorized bicycle” or “moped” as a two-wheeled or three-wheeled device having fully operative pedals for propulsion by human power, or having no pedals if powered solely by electrical energy, and an automatic transmission and a motor that produces less than 4 gross brake horsepower and is capable of propelling the device at a maximum speed of not more than 30 miles per hour on level ground. Existing law also defines a “motor-driven cycle” as any motorcycle with a motor that displaces less than 150 cubic centimeters. A motor-driven cycle does not include a “motorized bicycle.”

Existing law prohibits the following vehicles from being sold as an electric bicycle:

- A vehicle with two or three wheels powered by an electric motor that is intended by the manufacturer to be modifiable to attain a speed greater than 20 mph on motor power alone or to attain more than 750 watts of power.
- A vehicle that is modified to attain a speed greater than 20 mph on motor power alone or to have motor power of more than 750 watts.
- A vehicle that is modified to have its operable pedals removed.

Existing law contains several provisions to protect state consumers from unfair, dishonest, or harmful market practices. These consumer-protection laws authorize consumers to enforce their own rights and seek remedies to make them whole. Specifically, the Unfair Competition Law (UCL) provides remedies for “anything that can properly be called a business practice and that at the same time is forbidden by law.” The UCL provides that a court “may make such orders or judgments . . . as may be necessary to restore to any person in interest any money or property, real or personal, which may have been acquired by means of such unfair competition.” The law also permits courts to award injunctive relief and, in certain cases, to assess civil penalties against the violator.

The False Advertising Law (FAL) proscribes making or disseminating any statement that is known or should be known to be untrue or misleading with intent to directly or indirectly dispose of real or personal property. Violators are subject to a civil penalty not to exceed \$2,500 for each violation in an action brought by the Attorney General or by any district attorney, county counsel, or city attorney. Similar to the UCL, the FAL provides that a person may bring an action for an injunction or restitution if the person has suffered injury in fact and has lost money or property as a result of an FAL violation.

Proposed Law: SB 1167 would revise the definitions of e-bikes, motor driven cycles, and mopeds, update the labeling and disclosure requirements for manufacturers and

sellers of these devices, and expand prohibitions on false advertising and unfair competition related to e-bikes. Among other things, this bill would:

- Explicitly exclude from the definition of e-bike a vehicle with motor power of more than 750 watts, a vehicle capable of attaining a speed greater than 20 mph on motor power alone, a vehicle with a motor capable of providing assistance when the vehicle reaches a speed exceeding 28 mph without pedal assistance, a motorcycle, moped, motorized scooter, off-highway electric motorcycle (eMoto), pocket bike, or recreational off-highway vehicle, as specified.
- Specify that advertising or selling a motor-driven cycle as an e-bike, or a device that is explicitly excluded from the definition of an e-bike, shall constitute a misleading statement in violation of unfair competition and false advertising laws, as specified.
- Add to the definition of a motor-driven cycle vehicles that are propelled by an electric motor of less than 3,750 watts that produces 5 brake horsepower or less, are designed for highway use, and comply with all applicable federal motor safety standards.
- Clarify 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, sold, offered for sale, or labeled as a motor-driven cycle.
- Delete the term “motorized bicycle” from the Vehicle Code and replace it with “moped” and make numerous technical changes to the definition of a moped, as specified. The bill would also make numerous conforming changes to reflect the replacement of the term motorized bicycle with moped.
- Require motor-driven cycles and mopeds propelled by an electric motor and manufactured after January 1, 2027, to be equipped with a lamp-type turn signal system, and require motor-driven cycles whose speed attainable in one mile is 30 mph or less to also have a lamp-type turn signal.
- Require every motor-driven cycle and moped operating during darkness to be equipped with at least one and not more than two lighted headlamps.
- Create a new Vehicle Code violation by prohibiting the operation of a two-wheeled or three-wheeled device powered by an electric motor that is capable of propelling the device at a speed greater than 20 mph on level ground on a highway or public right-of-way when powered solely by the motor unless the device meets a definition of a class of motor vehicle device that is explicitly defined in the Vehicle Code, complies with all applicable requirements for that motor vehicle, and is explicitly authorized for use on a highway or public right-of-way. This prohibition would also apply to any device that has multiple speed modes or settings, even if one of them limits the maximum speed to 20 mph, as specified.
- Authorize a peace officer to remove a prohibited device described above if a person is operating the unauthorized device on a highway or public-right-of-way.
- Require manufacturers and distributors of electric bicycles, mopeds, and motor-driven cycles to securely affix an informational label to the frame or fork that is readily visible without inverting the electric bicycle, moped, or motor-driven cycle, and that cannot be removed without the marking or labeling being defaced or destroyed.
- Require an e-bike label to include the name of the brand, the manufacturer, importer, or distributor of the e-bike, the e-bike classification number, and the top assisted speed and motor wattage of the e-bike.

- Require a moped or motor-driven cycle label to include the name of the brand, the manufacturer, importer, or distributor of the moped or motor-driven cycle, the word “moped” or “motor-driven cycle,” and the top assisted speed and motor wattage, if applicable, of the moped or motor-driven cycle.
- Require any incident report filed by a peace officer for an injury or crash involving an electric bicycle, moped, or motor-driven cycle to include all of the information provided on the device’s label. If the device does not have the marking or label, the incident report must indicate that a marking or label was not available.
- Require every manufacturer, importer, or seller of a motor-driven cycle, a moped, or an off-highway electric motorcycle that is powered by an electric motor to provide a specified disclosure to all potential buyers in any advertising, including any online advertising.
- Provide that it is unlawful for a person to sell an e-bike, moped, or motor-driven cycle in violation of these labeling and disclosure requirements.
- Include mopeds and off-highway electric motorcycles (eMotos) in the definition of “off-highway motor vehicles subject to identification.”
- Prohibit the 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 for compliance with specified standards.

Related Legislation: AB 1557 (Papan), which is currently pending in the Assembly Appropriations Committee, would revise the definitions of class 1 and class 2 electric bicycles by limiting motor-assisted speeds to 16 mph, restricting propulsion capabilities, and allowing certain pre-2027 e-bikes that meet prior legal requirements to retain their classification. The bill would also prohibit manufacturers and retailers from equipping, selling, or advertising electric bicycles that exceed specified motor power limits, including a 750-watt peak power cap and stricter limits for class 1 and class 2 e-bikes.

AB 1942 (Bauer-Kahan), which is currently pending in the Assembly Appropriations Committee, would require class 2 and class 3 e-bikes to be registered with DMV and to display a special license plate, as specified.

SB 455 (Blakespear), which was held on this Committee’s Suspense File last year, would have made many of the same changes that are included in this bill. Specifically, the bill would have changed the definitions of mopeds and motor-driven cycles, created a new classification of low-powered moped, and added labeling and noticing requirements for manufacturers and retailers of e-bikes, as specified.

SB 586 (Jones), Chap. 588/2025, created a new vehicle classification of an “off-highway electric motorcycle” (eMoto) as an electric two-wheeled device built on a bicycle infrastructure that does not have pedals or an engine number and is not subject to registration, as specified. The bill also added eMoto to existing statutes that list vehicles that comprise the term “off-highway motor vehicle subject to identification.”

Staff Comments: This bill amends numerous definitions in existing law to address problems associated with certain out-of-class (overpowered) e-bikes by clearly distinguishing between e-bikes, mopeds, and motor-driven cycles. SB 1167 would ban from public roads any device not specifically captured under one of the classifications of

devices, and would only authorize undefined devices to be used on private roads or in off-highway environments. Devices are currently on the market that allow riders to travel at speeds greater than that of a legal e-bike (i.e. over 28 mph with pedal assist). Some of these devices are illegally advertised as e-bikes, but have top speeds listed at 40 or 50 mph. Manufacturers of legal e-bikes contend that these out-of-class devices do not have appropriate safety features necessary for their top speeds, and argue that these too-fast, “rogue e-vehicles” are circumventing California law, endangering riders, and propagating misplaced suspicion on legal e-bikes.

This bill would create a new Vehicle Code violation for operating a device powered by an electric motor that is capable of propelling the device at a speed greater than 20 mph on a highway or public right-of-way when powered solely by the electric motor, as specified. This provision would require DMV to make IT systems modifications to enable the department to receive violations of new Vehicle Code provisions created by the bill and report violations on offenders’ driving records, which could include assignment of Negligent Operator Treatment System points. According to the DMV, resources are fully committed to current IT modernization efforts (the DXP), and coordinating implementation of this bill within DXP may delay the IT efforts necessary to implement the bill and/or increase DXP Platform costs. If the department is required to implement the bill by January 1, 2027, DMV would have to build a temporary solution outside of the core legacy systems, which will be costly, redundant, and will require the department to acquire new technology and services.

The Motor Vehicle Account (MVA) is the primary funding source for the California Highway Patrol and DMV. The MVA has had a structural deficit since the 2021-22 fiscal year, with expenditures exceeding revenues by approximately \$60 million in the current year, and approximately \$112 million in the budget year (projected). Absent further actions to address the MVA fund condition, approving any new proposals that increase MVA expenditures would exacerbate the current structural imbalance of the fund. The Budget Summary published for the Governor’s proposed 2026-27 Budget notes that “the MVA will be insolvent as soon as 2028-29. Given the ongoing fiscal constraints in the MVA, the Administration will continue to limit new workload or initiatives, including those with delayed implementation dates that would create additional cost pressures over time.”

This bill would amend the type of vehicles that are prohibited from being advertised, sold, offered for sale, or labeled as electric bicycles, and make a violation a misleading statement for purposes of unfair competition and false advertising statutes. It is unknown how many additional actions will be brought to adjudicate violations of these statutes as a result of this bill. Staff notes that it generally costs about \$10,500 to operate a courtroom for one eight-hour day. If cases brought as a result of this bill take an additional 40 hours of court time in the aggregate in a given year, the cost pressures to the courts would surpass the Suspense File threshold. Although courts are not funded on the basis of workload, increased staff time and resources resulting from additional case filings may result in delayed court services and create a need for enhanced support from the General Fund to fund court operations. Staff notes that trial court operations have cumulatively received over \$1 billion from the General Fund over the last five Budget Acts to improve service levels. The Governor’s Proposed 2026-27 Budget includes \$70 million in ongoing support from the General Fund to continue to backfill the fund imbalance in the Trial Court Trust Fund and help pay for trial court

operations. The Proposed Budget includes total funding of \$5.3 billion (\$3.3 billion General Fund and \$2 billion other funds) in 2026-27 for the Judicial Branch, of which \$3 billion is provided to support trial court operations.

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