



### Atherton Police Department E-Bicycle/Motorcycle Reference Guide

#### DEFINITION NOTES

**CVC §312.5 – Electric Bicycle** = Has pedals **AND** does not exceed 750 watts (REGARDLESS OF IF IT HAS PEDALS)

**CVC §312.5(a)(1) – Class 1 Electric Bicycle =**

- Provides assistance **only** when the rider is pedaling (**exclusive propelling not allowed**)
- Does not provide assistance after reaching 20 MPH
- No insurance required (24016 CVC)
- No driver license required (24016 CVC)
- No license plates required (24016 CVC)
- Is not a motor vehicle (24016 CVC)



**CVC §312.5(a)(2) – Class 2 Electric Bicycle =**

- Equipped to **provide exclusive assistance** to propel the bicycle
- Does not provide assistance after reaching 20 MPH
- No insurance required (24016 CVC)
- No driver license required (24016 CVC)
- No license plates required (24016 CVC)
- Is not a motor vehicle (24016 CVC)



**CVC §312.5(a)(3) – Class 3 Electric Bicycle =**

- Provides assistance **only** when the rider is pedaling (**exclusive propelling not allowed**)
- Does not provide assistance after reaching 28 MPH
- Is equipped with a speedometer
- No insurance required (24016 CVC)
- No driver license required (24016 CVC)
- No license plates required (24016 CVC)
- Is not a motor vehicle (24016 CVC)
- Must be 16 years old or older
- Must wear a bicycle safety helmet
- Must not transport passengers



*A class 1 or class 3 electric bicycle may have start assistance or a walk mode that propels the electric bicycle on motor power alone, up to a maximum speed of 3.7 miles per hour.*

**A sticker containing the bicycles classification, top assisted speed, and motor wattage shall be affixed to the bicycle**  
**312.5(c) / AB 1096**

**Any vehicle powered to go faster than 20 mph (on motor alone), have wattage higher than 750, or have the capability of having operable pedals that are removable, is not an e-bike**  
**312.5(d)(1)/(d)(2)/(d)(3) CVC**



**CVC §407.5 - Motorized Scooter** = Any two wheeled device that has handlebars, a floorboard designed to be stood upon when riding or a seat and footrests in place of the floorboard, and is powered by an electric motor [includes "other sources" too - (b)]. May also be designed to be powered by human propulsion. It is not a motorcycle, motor-driven cycle, or a motorized bicycle/moped.

- Classified as a vehicle - 21221 VC (not required to be noted on the citation, like a bicycle)
- Not required to be registered
- A driver's license is required (any class)
- May not drive faster than 15 MPH

### **CVC §313.5 - Electric Motorized Board**

- Not greater than 60 x 18 inches
- Less than 1000 watts
- Has a max speed = 20 MPH
- Designed to transport only 1 person
- Must be 16 years old or older



### **CVC §400 - Motorcycle** = Two wheels, can be straddled.

- Must have M1 license (12500(b) CVC / 12804.9(b)(4) CVC)



### **CVC §405 - Motor-Driven Cycle** = Any motorcycle with a motor less than 150 cubic centimeters (CC's)

- Must have M1 license (12500(b) CVC / 12804.9(b)(4) CVC)
- ***This section does not apply to e-bikes or e-motorcycles because reference to CC engines***





**CVC §406(a) – Motorized Bicycle/Moped** = Two or three wheeled device, capable of no more than 30 MPH (level ground), and equipped with 1) Fully operative pedals for human propulsion, 2) A motor producing less than 4 gross brake horsepower (3000W) and an automatic transmission, 3) *No pedals if powered solely by electrical energy.*

- Must have M1 or M2 license [12500(b) CVC], Class C if renting the Motorized Bicycle/Moped
- Must be over 16 years of age
- Must wear a DOT helmet while you ride
- Insurance not required
- Special license plates required
- May ride in bicycle lane if authorized by ordinance



**CVC §473 – Pocket Bike/Mini Chopper** = Two wheels with a saddle. Not designed or manufactured for highway use. **Is not an Off-Highway Vehicle (OHV).**

- Doesn't have a VIN (therefore not registerable)
- May not drive on roadway/sidewalk (21720 CVC)
- Unable to be registered b/c does not meet Federal Standards (DMV)



**CVC §436 – Off-Highway Vehicle** = An “off-highway motorcycle” means a motorcycle or motor-driven cycle which is subject to identification under this code.

- Registration with the DMV required
- Special license identification required (REG227)
- Must be 16 years old or older
- Must wear a bicycle safety helmet





### ELECTRIC MOTORCYCLE REGISTRATION INFORMATION

Sur-Ron, Talaria, Segway, and E-Ride Pro and off-highway electric motorcycles are specifically **designed for off-highway use** (per the manufacturer's owner manual); therefore, they cannot be retrofitted with aftermarket equipment (lighting, braking, etc) to make them eligible for on-highway registration.

“Any motorcycle or vehicle originally manufactured and registered for off-highway use cannot be converted for on-highway use, unless it is manufactured for dual purpose”

- DMV Handbook Chapter 15

Motorcycles like the Zero and/or a dual purpose dirt dirt bike are built for the road/dual purpose; therefore they can be registered.

#### Miscellaneous Notes:

- ❖ Off-Highway vehicles (OHV) can be confirmed by the absence of a 17-digit vehicle identification number.
- ❖ Off-Highway vehicles only be operated on OHV designated areas (with proper registration) or private property.
- ❖ Ask if they were provided a Manufacturer Statement of Origin/Manufacturer Certificate of Origin (MSO/MCO), a document required by the DMV to apply for Off-Highway Vehicle Identification (for off-highway use).

Off-Highway DMV Registration Example:





### FREQUENTLY ASKED QUESTIONS

#### **Do off-highway electric motorcycles meet the CVC definition of an electric bicycle?**

No. CVC §312.5 says an electric bicycle must be equipped with fully operable pedals and an electric motor of less than 750 watts.

#### **Do off-highway electric motorcycles meet the CVC definition of a motorized bicycle or moped?**

No. CVC §406 says motorized bicycle or moped must be less than 4 gross brake horsepower (~3000W) and achieve a maximum speed of not more than 30 miles per hour on level ground.

#### **Is a California OHV Green Sticker Registration required for an off-highway electric motorcycle?**

Yes. Existing law (CVC §38010(a), CVC §38020, CVC §38170) requires every off-highway motor vehicle being operated on public lands or private property (with permission) to display an off-highway identification plate or Green Sticker.

#### **Can an electric motorcycle be legally operated on highways, streets, sidewalks, bike paths, bike lanes, or off-street parking facilities?**

No. These vehicles do not meet the definition of an electric bicycle or moped and therefore are only allowed to be operated in OHV designated areas or on private property (with permission). These vehicles are unable to be registered under the provisions of Divisions 3 and cannot be modified to become street legal. These off-highway vehicles must be registered through the DMV as an off-highway motor vehicle to be operated in designated OHV areas.

#### **Does adding aftermarket operable pedals to an electric off—highway motorcycle reclassify it as an electric bicycle.**

No. CVC §312.5 requires an electric bicycle to be equipped with fully operable pedals and an electric motor of less than 750 watts. Electric bicycles must have an electric motor of less than 750 watts, regardless of having operable pedals.

#### **Can an electric off-highway motorcycle be converted to street legal?**

No. Per the DMV manual, "Any motorcycle or vehicle originally manufactured for off-highway use cannot be converted for on-highway use, unless it is manufactured for dual purposes".