

POLICY STATEMENT



ASSOCIATION OF PEDESTRIAN
& BICYCLE PROFESSIONALS

Expertise for Active Transportation

POLICY STATEMENT: E-Bikes vs E-Motos

Overview of APBP Policy Statements

The Association of Pedestrian and Bicycle Professionals (APBP) supports the community of professionals working to create more walkable, bikeable places through facilitating the exchange of professional and technical knowledge and by promoting fundamental positions that are broadly acknowledged and acted upon by APBP members.

APBP Policy Principles:

- APBP represents the professional expertise and practical experience of its members in transportation policy discussions to advance active, healthy, and sustainable communities.
- APBP recognizes the impacts of systemic and institutionalized racism, and we recognize our responsibility to identify and address inequities.
- APBP endorses active transportation as an integral part of transportation systems through all stages of planning, design, funding, and implementation.
- APBP supports connected, convenient, accessible, and safe streets and pathways in every community and planning with the input of every member of a community.
- APBP advances a safe system approach that leverages active transportation to create equitable access for everyone in every place.

Position

Electric bicycles (e-bikes) and micromobility devices (small electric devices, such as e-scooters, that operate similarly to e-bikes) collectively represent one of the most promising active transportation innovations of our time. They extend the reach of cycling to more people, support more sustainable transportation networks, and provide meaningful public health benefits. At the same time, the rapid growth of higher-speed and higher-powered electric devices is creating new safety and regulatory challenges in communities across the United States. Some of these devices, often called e-motos, look like e-bikes and are marketed as e-bikes but perform like mopeds or motorcycles without meeting the safety or registration requirements those vehicles must meet.

The Association of Pedestrian and Bicycle Professionals (APBP) strongly supports the continued expansion of access to e-bikes and micromobility devices as part of a safe, connected, and equitable transportation

system. At the same time, the rapid growth of electric technologies has blurred the distinctions between bicycles, micromobility devices, e-motos, and other devices, creating confusion for consumers, policymakers, and transportation professionals.

This policy statement provides APBP's recommendations for defining, regulating, and managing e-bikes, micromobility devices, and other devices, namely e-motos. It affirms that e-bikes should continue to be treated as bicycles while recognizing the need for a distinct regulatory approach for higher-speed and higher-powered devices.

APBP's position is that:

- 1. E-bikes are bikes.** E-bikes meeting applicable legal definitions should be regulated as bicycles. APBP opposes motor vehicle licensing, registration, and insurance requirements for e-bikes because they create barriers to access and undermine the benefits that e-bikes provide.
- 2. Low-speed, low-weight micromobility devices should have the same regulations as e-bikes.** Low-speed, low-weight micromobility devices operate similarly to e-bikes. Regulations for these low-speed, low-weight micromobility devices, therefore, should follow e-bike regulations.
- 3. E-motos are not e-bikes.** Devices that exceed e-bike standards for speed or power operate differently than e-bikes, have different safety concerns due to their higher operational speeds and typically higher mass, and should be clearly distinguished from e-bikes and regulated separately.
- 4. Address the problem at or before the point of sale.** Jurisdictions should support consumer protection by focusing on truthful classification, consumer information, and marketplace accountability. Manufacturers, retailers, and online marketplaces should not market, sell, or rent devices as e-bikes unless they meet applicable e-bike definitions.
- 5. Regulate operations as well as device design.** Classifications based on the design of devices (including size, mass, electrical system, and battery) should be complemented by operational rules governing speed, yielding, passing, and other operational expectations that affect safety and comfort on shared facilities.
- 6. Pursue national consistency.** APBP supports the establishment of consistent definitions and regulatory frameworks for e-bikes, e-motos, and micromobility devices to reduce consumer confusion and improve regulatory clarity.

The Problem

Shared-use paths, trails, and bikeways are designed to accommodate users traveling at a range of speeds. As speeds and masses increase, conflicts become more likely and crash outcomes become more severe. Beyond the objective safety risks associated with higher speeds and heavier devices, the presence of e-motos may also reduce people's perceived safety and comfort. Even when a crash does not occur, high-speed passing and close interactions can discourage people from using trails and shared-use facilities, particularly children, older adults, and less experienced riders.

While e-bikes and low-speed, low-weight micromobility devices can reach higher maximum speeds than

are typically achieved on conventional bicycles (excluding riders training or racing), they are subject to established speed and power limits intended to maintain relative compatibility with other users. Evidence suggests that these speed limits achieve their intended goal, with e-bike and e-scooter riders typically traveling at average speeds only modestly different from conventional bicyclists.^{1,2} E-motos, however, are capable of substantially greater speeds and acceleration and weigh considerably more than traditional e-bikes. These devices are increasingly operating in spaces intended for people walking, bicycling, rolling, and using low-speed, low-weight micromobility devices. The resulting speed and mass differentials create a fundamentally different safety concern than those posed by conventional bicycles or e-bikes.

For example, an e-moto rider and e-moto weighing a collective 350 lbs and travelling at 35 mph have more than five times the kinetic energy of an e-bike and rider weighing a collective 200 lbs and travelling 20 mph.

At the same time, consumers face a confusing marketplace. Regulations vary across jurisdictions, terminology is inconsistent, and many high-powered devices that do not meet the legal definition of “e-bike” and would be better classified as “e-motos” are marketed or informally described as “e-bikes.” This confusion makes it difficult for the general public to understand what a device is, where it may be operated, who may operate it, what rules apply, and what level of risk it presents to others.

The lack of a clear distinction between e-bikes and e-motos has also resulted in public concern and policy responses directed at legal e-bikes, even when the underlying safety concerns stem from e-motos. Without clear classifications and regulations, the substantial mobility, environmental, accessibility, and public health benefits of e-bikes and micromobility devices face the risk of being undermined by concerns more appropriately directed at e-motos.

Definitions

Defining E-Bikes

The Federal Definition

Federal law (15 U.S.C. § 2085) defines a “low-speed electric bicycle” as a consumer product, not a motor vehicle, if it meets all of the following criteria:

- Two- or three-wheeled vehicle
- Fully operable pedals
- Electric motor of less than 750 watts (1 h.p.)
- Maximum speed on a paved level surface, when powered solely by the motor and ridden by a 170-lb operator, of less than 20 mph

¹ [Sunday Drivers, or Too Fast and Too Furious?](#)

² [Risky riding: Naturalistic methods comparing safety behavior from conventional bicycle riders and electric bike riders](#)

This federal statute preempts state product safety requirements for these e-bikes that are more stringent than the federal (CPSC) requirements. It does not preempt state definitions of e-bikes or state and local rules on where and how e-bikes may be operated.

State Regulations

Most states have laws that acknowledge that e-bikes are bicycles, regulate e-bikes as bicycles, and allow them to use bicycle infrastructure. This legislation is critical to providing clear and consistent rules, preserving access to bicycle facilities, and reducing barriers to e-bike use by ensuring that people using legal e-bikes are not subjected to licensing, registration, insurance, or other requirements intended for motor vehicles.

The Three-Class System

About forty U.S. states have adopted the PeopleForBikes model legislation, establishing three classes of e-bikes based on their maximum assisted operational speed and drive type, presented in Table 1.

Table 1: E-Bike Classes

Class	Drive Type	Max Assisted Speed
E-Bike, Class 1	Pedal assist only	20 mph
E-Bike, Class 2	May be throttle-controlled or pedal assist	20 mph
E-Bike, Class 3	Pedal assist only ³	28 mph

Defining Low-Speed, Low-Weight Micromobility Devices

There is no one unifying federal policy that regulates the classification or use of low-speed, low-weight micromobility devices. A clear, uniform federal definition would be valuable for determining what fits within this classification. This would also open the door to providing clear and consistent rules, acknowledging their users' access to bicycle facilities, and reducing barriers to low-speed, low-weight micromobility device use by ensuring that people using compliant micromobility devices are not subjected to licensing, registration, insurance, or other requirements intended for motor vehicles.

Oregon HB 4007 (2026) provides an example of clear legislation for micromobility devices. It defines a powered micromobility device as a vehicle that:

- (a) Is designed to transport a person;

³ Some states allow throttle use up to 20 mph on Class 3 e-bikes

- (b) Has a propulsion system;
 - (c) Has a maximum speed of 28 miles per hour; and
 - (d) Has an unloaded weight of less than 100 pounds.
- (2) “Powered micromobility device” does not include:
- (a) Devices exclusively powered by human power; or
 - (b) The following devices or vehicles:
 - (A) Electric assisted bicycles;
 - (B) Electric personal assistive mobility devices;
 - (C) Motor assisted scooters;
 - (D) Motorized wheelchairs;
 - (E) Motorcycles;
 - (F) Mopeds; or
 - (G) All-terrain vehicles.

Micromobility devices that fall within the above definition do not create the same speed and weight concerns as e-motos and should be regulated the same as e-bikes.

Other Devices: Devices Outside Low-Speed and Low-Weight Categories

Powered devices that exceed applicable low-speed or low-weight thresholds should be treated as a broader category distinct from e-bikes and low-speed, low-weight micromobility devices. These devices may take many forms. E-motos are prominent within this broader category. Their greater speed and/or weight can create different safety and regulatory concerns and may warrant separate requirements based on their operating characteristics.

E-Motos

E-motos often exceed 750 watts of motor power, are typically capable of speeds well above 28 mph (some 50 mph or above), are throttle-controlled, and may lack functional pedals entirely. They operate like mopeds or low-speed electric motorcycles but are not typically certified or registered as either. They also often do not follow the safety standards required by electric mopeds or motorcycles.

Despite this, many e-motos are marketed, sold, and operated as e-bikes, benefiting from the lighter regulatory treatment afforded to bicycles while presenting materially greater safety risks to pedestrians, bicyclists, and their own riders.

Safe Devices

Whether it is an e-bike, micromobility device, or motor vehicle, public safety starts with a device built to recognized safety standards. For e-bikes, micromobility devices, and motor vehicles, a safety regulation framework already exists. E-bikes meeting the federal definition already fall under the Consumer Product Safety Commission's bicycle safety rule, 16 CFR Part 1512, which governs mechanical and structural safety, such as frames, brakes, and reflectors. Additional safety standards exist for e-bike and micromobility devices, including for their electrical systems through UL 2849 and UL 2272 respectively. These UL standards let manufacturers get independently certified by an accredited lab, and a growing number of jurisdictions, including New York City and California, are starting to require that certification by law before devices are sold or rented in their jurisdiction.

A throttle-controlled, high-speed two-wheeler built for road use legally qualifies as a motorcycle or moped under National Highway Traffic Safety Administration's (NHTSA) jurisdiction, so it should be self-certified to Federal Motor Vehicle Safety Standards before it's sold. E-motos marketed and sold as "e-bikes", however, are often neither classified nor certified as motorcycles or mopeds, and they're too powerful to qualify for CPSC's bicycle safety rule or the e-bike certification standards above. These e-motos therefore meet neither bicycle nor motor vehicle safety standards.

Why the Distinction Matters

- **Safety standards:** E-bikes meeting the federal definition (15 U.S.C. § 2085) are subject to Consumer Product Safety Commission (CPSC) bicycle safety standards. E-motos are not, which can create risk or safety concerns for their users.
- **Speed and mass:** E-motos often weigh significantly more than e-bikes and can often achieve much higher speeds, creating much greater risk profiles in shared spaces.
- **Pedestrian and cyclist risk:** When operated on shared-use paths or in shared spaces, e-motos can create substantially more severe crashes than those created by e-bikes.
- **Fraudulent marketing:** Labeling an e-moto as an "e-bike" to avoid licensing, registration, or helmet requirements is deceptive and endangers public safety.

Table 2 provides an overview of each category of e-bikes and other devices.

Table 2: Characteristics of E-Bikes and Other Devices

Device Name	Drive Type	Max Assisted Speed	Weight	E-Bike or Similar?
E-Bike, Class 1	Pedal assist only	20 mph	Varies, no legal weight limit but typically 30 – 85 lbs	Yes, e-bike
E-Bike, Class 2	May be throttle-controlled or pedal assist	20 mph	Typically 30 – 85 lbs	Yes, e-bike
E-Bike, Class 3	Pedal assist only ⁴	28 mph	Typically 30 – 85 lbs	Yes, e-bike
Low-Speed, Low-Weight Micromobility Devices	Typically throttle or other	20 or 28 mph	Varies, but only those less than 100 lbs fit within this category	Yes, low-speed, low-weight devices that operate and have similar safety considerations as e-bikes
E-Motos	Throttle or other	Varies, often >28 mph	Varies, often greater than 100 lbs	No. While sometimes incorrectly marketed as e-bikes, these higher-speed or higher-weight devices operate more similarly to electric mopeds and electric motorcycles.

Recommendations

Address Misleading Marketing and Noncompliant Sales at the Source

The proliferation of e-motos is not solely an operational or enforcement problem. It is a significant consumer protection and marketplace accountability problem. Consumers are routinely presented with devices marketed as “e-bikes” even though their speed, power, weight, or design places them outside established e-bike classifications. Many buyers don't know they've purchased a moped, motorcycle, or off-highway vehicle rather than an e-bike. These come with rules e-bikes don't have, such as registration, licensing, insurance, and restrictions on where they can be ridden.

This confusion places an unreasonable burden on consumers and complicates enforcement after a device has already entered the transportation system. It also contributes to the conflation of e-motos with legal e-bikes, resulting in safety concerns, perceived-safety concerns, and regulatory responses that may unnecessarily restrict legitimate e-bike use.

^{4 4} Some states allow throttle use up to 20 mph on Class 3 e-bikes

APBP supports addressing this problem at the point of marketing, sale, rental, or import. Jurisdictions should prohibit distributors, retailers, and online marketplaces from advertising, labeling, offering for sale, or selling a device as an e-bike unless it meets the applicable legal definition of an e-bike. Retailers should be required to clearly disclose a device’s design information (maximum motor-assisted speed, motor power, if the electrical system and battery have been certified to the applicable safety standards, and legal classification within the jurisdiction it is being sold) and the applicable operation information (licensing, registration, insurance, helmet, or operating-location requirements.)

Consumer protection agencies, attorneys general, and other appropriate enforcement authorities should be empowered to investigate non-compliant products and issue cease-and-desist or stop-sale orders. Prohibitions on misleading sales are only effective when paired with meaningful penalties and active enforcement and early actions show that low-fine traffic violations are unlikely to deter sellers. Enforcement options should include removal of online listings, corrective disclosures, civil penalties for each noncompliant sale, and injunctive relief for repeated or knowing violations. Online marketplaces should also be responsible for implementing reasonable procedures to verify compliance and prevent sellers from avoiding these requirements through misleading terminology or product categories.

These measures should focus on the seller and the accuracy of the transaction, rather than placing the primary enforcement burden on enforcement officers or individual riders who may have unknowingly purchased a device that cannot legally be operated as an e-bike. California and New York City offer emerging models for addressing the problem through clear product definitions, restrictions on misleading sales, and direct enforcement against retailers. Delaware’s Truth in E-Bike Marketing Act is another example of legislation that protects consumers by prohibiting false advertising of high-powered motor vehicles as e-bikes or electric bikes.

Table 3: Consumer Protection Focused Recommendations

Recommendation	How It Can Be Implemented	Example
Truth in Classification: Prohibit advertising, labeling, offering for sale, or selling a device as an e-bike or electric bike unless it meets the applicable e-bike definition.	State/provincial legislation, consumer protection statutes, vehicle code amendments, or regulations governing vehicle sales and advertising.	California’s SB 1167 prohibits certain devices from being advertised, sold, offered for sale, or labeled as electric bicycles if they exceed statutory e-bike criteria or are designed to be modified beyond those criteria.

Standardized Consumer Disclosure: Require permanent and conspicuous disclosure of maximum assisted speed, motor power, electrical system certification, battery certification, legal classification, and any licensing, registration, helmet, or insurance requirements.

Device labeling requirements, manufacturing standards, point-of-sale disclosure requirements, or online listing requirements.

California requires permanent labels identifying e-bike classification, top assisted speed, and motor wattage.

Retailer and Marketplace Accountability: Apply sales, labeling, and disclosure requirements to manufacturers, distributors, retailers, and online marketplaces. Require removal of identified noncompliant listings.

Statutory requirements, online marketplace regulations, retailer licensing requirements, or consumer protection enforcement.

New York City directed online retailers to stop selling devices that exceeded applicable legal limits and warned of penalties for continued sales.

Enforcement at the Point of Marketing, Sale, and Rental: Prioritize enforcement against sellers and marketplaces rather than consumers who may unknowingly purchase a misclassified device. Authorize cease-and-desist orders, stop-sale orders, corrective disclosures, civil penalties, and injunctive relief.

Existing consumer protection authority, attorney general actions, municipal enforcement authority, cease-and-desist letters, administrative penalties, or new legislation.

New York City issued cease-and-desist orders to 42 online retailers and established potential penalties of up to \$2,000 per illegal sale. California has used statutory definitions and attorney general actions to pressure removal of noncompliant listings.

E-Bikes Are Bikes — Preserve Access and Reduce Barriers

APBP firmly opposes applying motor vehicle licensing, registration, and insurance requirements to e-bikes that meet applicable legal definitions. Such requirements:

- Create significant barriers to e-bike adoption and therefore create barriers to biking and transportation more broadly.
- Undermine equity gains made possible by bikeshare and e-bike programs.
- Create new pretexts for discriminatory enforcement.
- Contradict the intent of federal law, which classifies e-bikes as consumer products — not motor vehicles.

The solution to the e-moto problem is not to burden riders of legal e-bikes with motor vehicle regulation. The solution is to correctly identify and separately regulate e-motos.

Regulate Operations, Not Just Designs

Design-based regulations can help distinguish among device types, but they do not directly address the behaviors that create conflicts and safety concerns on shared-use paths or other shared facilities. In many

cases speed, yielding behavior, passing practices, and rider conduct are more important than whether a device is powered by pedals, electricity, or another technology.

For example, jurisdictions could establish:

- Speed limits on shared-use paths applicable to all users, motorized and non-motorized.
- Yield requirements for faster users in mixed-use environments.
- Power-assisted speed caps that are technologically enforced (e.g., geofencing for shared e-bike and e-scooter programs) where possible.
- Prohibitions on reckless operation, such as excessive speed for conditions, unsafe passing, racing, or other dangerous behaviors.

An operational approach is flexible and scalable and can complement device regulations. It also future-proofs regulations against new device form factors.

Compliance Regulation

Law enforcement agencies across the country are largely not equipped to identify or give citations to riders of e-motos.

APBP calls for:

- Retailer accountability: dealers and online marketplaces should not be permitted to sell devices misclassified as e-bikes; and should be required to inform consumers when the devices they sell do not meet applicable definitions.
- Standardized, visible labeling or markings on devices at point of sale to indicate class.
- Law enforcement training on distinguishing e-bikes from e-motos, with clear visual identification standards, as well as training on how to identify common modifications (e.g. snipped wires, tampered speed limiters, etc.) and/or enforcing speed limits, including for e-motos.
- Technology-based compliance: modification-resistant speed limiters and other tools that can reduce violations without requiring constant active enforcement.

The Case for National Regulatory Consistency

The existing patchwork of state and local e-bike and e-moto regulations creates confusion for manufacturers, retailers, consumers, advocates, and law enforcement alike. Inconsistency across jurisdictions undermines both safety and uptake.

APBP supports:

- A national model regulatory framework for e-bikes that builds on and strengthens the PeopleForBikes 3-class model.
- A national model regulatory framework for micromobility devices that acknowledges that devices with certain speeds and weights (e.g. 20 or 28 mph and 100 lbs.) should have the same regulations as the equivalent e-bikes and should not have the same requirements as motor vehicles.
- A national model regulatory framework acknowledging that e-motos devices should have the same regulations as the equivalent motor vehicles (e.g. mopeds or motorcycles).

- Federal legislation clarifying the e-moto/e-bike distinction.

APBP's policy statement development process/member participation

The Association of Pedestrian and Bicycle Professionals (APBP) relied on widely available information and tools to draft this policy statement. APBP sought comments on a draft policy statement from its Policy Committee members. APBP's Board of Directors approved this policy statement on October 15, 2026. APBP members can suggest changes to any policy statement by contacting the association's executive director, policy committee chair, or a board member. For more information, contact: Lauren Santangelo, Executive Director, at lsantangelo@amrms.com.