

Date of Hearing: April 28, 2025

ASSEMBLY COMMITTEE ON TRANSPORTATION

Lori D. Wilson, Chair

AB 875 (Muratsuchi) – As Amended April 21, 2025

SUBJECT: Vehicle removal

SUMMARY: Authorizes a peace officer to remove a vehicle with fewer than four wheels that does not meet the definition of an electric bicycle (e-bike) and is powered by an electric motor capable of exclusively propelling the vehicle in excess of 20 miles per hour (mph) and is being operated without a current vehicle registration or by an operator who is not licensed to operate the vehicle. Specifically, **this bill:**

- 1) Authorizes a peace officer to remove a vehicle with fewer than four wheels that does not meet the definition of an e-bike if both of the following apply:
 - a) The vehicle is powered by an electric motor capable of exclusively propelling the vehicle in excess of 20 miles per hour (mph); and,
 - b) Is being operated without a current vehicle registration or by an operator who is not licensed to operate the vehicle.
- 2) Authorizes a peace officer to remove a class three e-bike if it is being operated by a person under the age of 16, as prohibited by law.
- 3) Requires an agency to release the seized vehicle to the owner, violator, or their agent after a minimum of 48 hours if both of the following conditions are met:
 - a) The owner, violator, or authorized agent's request is made during normal business hours; and,
 - b) The applicable removal, seizure, and storage costs have been paid.
- 4) Authorizes a city, county, or city and county to adopt a regulation, ordinance, or resolution imposing charges equal its administrative costs relating to the removal, seizure, and storage costs and shall not exceed the actual costs incurred for the expenses directed related to removing, seizing, and storing the vehicle.
- 5) Authorizes an agency to require the owner, violator, or the parent or legal guardian of the owner or violator to deliver proof that the violator completed a California Highway Patrol safety and training program for e-bikes in order to have a class 3 e-bike released if it was removed for being operated by a person under the age of 16.

EXISTING LAW:

- 1) Prohibits a person under 16 years of age from operating a class 3 e-bike. (Vehicle Code section (VEH) 21213)
- 2) Authorizes a peace officer to impound a vehicle if a person is operating a vehicle without a proper driver's license, a suspended driver's license or revoked driver's license. (VEH 14602.6)

- 3) Defines an e-bike as a bicycle equipped with fully operational pedals and an electric motor that is not physically capable of exceeding 750 watts of power. (VEH 312.5)
- 4) Defines a class 1 e-bike as a bicycle equipped with a motor that provides assistance only when the rider is pedaling, that is not capable of exclusively propelling the bicycle, that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour (mph), and is not capable of providing assistance to reach speeds greater than 20 miles per hour. (VEH 312.5)
- 5) Defines a class 2 e-bike as 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 mph. (VEH 312.5)
- 6) Defines a class 3 electric bicycle as a bicycle equipped with a motor that provides assistance only when the rider is pedaling, that is not capable of exclusively propelling the bicycle, and that ceases to provide assistance when the bicycle reaches the speed of 28 mph, and equipping with a speedometer. (VEH 312.5)
- 7) Prohibits a person from tampering with or modifying an electric bicycle as to change the speed capability of the bicycle unless the modification keeps within the existing speed allowances of an electric bicycle. (VEH 24016)
- 8) Prohibits a person from selling a product or device that can modify the speed capability of an electric bicycle such that it no longer meets the definition of an electric bicycle. (VEH 24016)

FISCAL EFFECT: Unknown

COMMENTS: State law prohibits people from modifying their e-bikes to operate at speeds greater than what is allowed. AB 1774 (Dixon), Chapter 55, Statutes of 2024 prohibited a person from selling a product or device that can modify the speed capability of an e-bike. This bill also prohibits the sale of applications that can modify the speed capability of an e-bike. SB 1271 (Min), Chapter 891, Statutes of 2024 modifies the definition of an e-bike to make it clear that it cannot be capable of going greater than 20 miles per hour (class 1 or 2) or 28 miles per hour on pedal assist (class 3).

SB 1271 was targeting Super73, a bicycle with an electric motor capable of traveling at speeds considerably faster than the law permits. As a result of SB 1271's passage, the manufacturer of Super73 removed the 1st party application feature that allowed riders to unlock "unlimited mode". This mode allowed riders to travel at speeds greater than what would classify the device as an e-bike under the law. While Super73 removed this feature from their application, the device still can be modified through third-party applications to travel at much greater speeds.

According to the author, "E-bikes are a green alternative to cars, but their increased popularity comes with greater risk. According to data collected by the California Highway Patrol, there was nearly a four-fold increase in e-bike injuries from 2022 to 2024. The worst offenders are "out-of-class" e-bikes, which are capable of speeds greater than 20 mph or 28 mph.

Currently, law enforcement lacks clear authority under the Vehicle Code to remove these illegal and unsafe vehicles—even when they pose a clear threat to public safety. This bill provides needed clarity in statute to allow law enforcement to remove illegal and dangerous vehicles from the streets.”

This bill authorizes law enforcement to impound a vehicle that is not an e-bike if it has fewer than four wheels, is traveling at speeds greater than 20 mph, and the person lacks proper registration or licensing to operate the vehicle. Law enforcement already has the authority to remove a vehicle operated without a valid driver's license. This bill clarifies that law enforcement has the authority to remove an out-of-class electric bicycle, which depending on its speed may be a motorized bicycle (which requires an m2 license to operate) or a motorcycle that does not meet federal motor vehicle safety standards.

In addition, this bill enhances the penalty for a person under 16 from operating a class 3 e-bike by authorizing law enforcement to remove the vehicle for a minimum of 48 hours. This mirrors existing laws for pocket bikes, which are prohibited by law for anyone to operate outside of private property. A person may retrieve the vehicle after 48 hours so long as they pay the storage costs and pick the vehicle up during normal business hours. A local jurisdiction may also require a person under 16 years old who has their class-3 e-bike removed to take an e-bike safety course created by the CHP. The CHP has created an online safety course for e-bike riders that is being updated to include questions and a certificate of completion.

A bicycle that is capable of going faster than 20 mph using a throttle or faster than 28 mph because of pedal assist is not an e-bike under state law and is considered a motorized bicycle or a motorcycle or a “motor-driven cycle” if it displaces less than 150 cubic centimeters. Unlike an e-bike, motorized bicycles, motorcycles, and motor-driven cycles require a person have a class M1 or M2 license to operate them and they must be registered with DMV. The devices may also not be street legal if they lack the equipment required for motorcycles or other devices.

While e-bike injuries are rising, they are still far outpaced by injuries from conventional bicycles, scooters, and electric scooters. According to a UCSF national study *Injuries with Electric vs Conventional Scooters and Bicycles*, 23,493 individuals were injured while riding an e-bike in 2022, resulting in 3,122 hospitalizations. Hospitalizations and injuries for electric scooters were twice as high (58,847 injuries and 6,317 hospitalizations). Conventional cyclist's injuries and hospitalizations were the highest (403,465 injuries as 54,937 hospitalizations).

While crashes are increasing, the committee has not found any information that would inform if e-bike crashes are commiserate with or disproportionate to increased ridership. It is also unclear how many crashes are falsely attributed to e-bikes but are devices that do not legally meet the definition of an e-bike.

Related legislation: AB 545 (Davies) of 2025 prohibits the sale of an application that would modify an e-bike to go speeds greater than what is permissible under the definition of an e-bike.

AB 965 (Dixon) of 2025 prohibits a person from selling a class 3 e-bike to a person under the age of 16.

AB 1774 (Dixon), Chapter 55, Statutes of 2024 prohibits the sale of a device that makes it someone can increase the speed of an e-bike beyond the speed permitted by law (28 mph).

SB 1271 (Min), Chapter 891, Statutes of 2024 modifies the definition of an e-bike to make it clear that it cannot be capable of going speeds greater than 20 miles per hour (class 1 or 2) or 28 miles per hour on pedal assist (class 3).

SB 381 (Min), Chapter 869, Statutes of 2023 requires the Mineta Transportation Institute at San Jose State University, in consultation with relevant stakeholders, to conduct a study on electric bicycles and the safety of riders and pedestrians by January 1, 2026.

AB 1096 (Chiu), Chapter 568, Statutes of 2015 established the definitions, classification, and requirements for the operation, sale, and manufacturing of e-bikes.

REGISTERED SUPPORT / OPPOSITION:**Support**

California Orthopedic Association
California Police Chiefs Association
California State Sheriffs' Association
South Bay Cities Council of Governments
Streets Are For Everyone
University of California

Opposition

None on file

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