



October 2017

To: Electric Bicycle Manufacturers, Suppliers, Retailers, and Owners

The Bicycle Product Suppliers Association (BPSA) is the national trade association for the U.S. bicycle industry, representing over 100 member companies that supply bicycles, electric bicycles, and related products to retailers and consumers. The safety of our products and the consumers who use them is the highest priority of the BPSA.

The BPSA has developed this policy position on Out of Class Electric Vehicle (OCEVs).

The bicycle industry has created Class 1, 2, and 3 designations for Low Speed Electric Bicycles (LSEBs) to clarify and describe their respective capabilities, and to support the enactment of appropriate legislation and regulations regarding LSEB equipment and usage on transportation and recreational facilities. Class 1, 2 and 3 LSEBs are classified as “electric bicycles” by the U.S. Consumer Product Safety Commission and regulated by that agency under 16 C.F.R. Section 1512.

By definition, OCEVs are not LSEBs and should not be labeled, marketed, or sold as LSEBs. LSEBs should not be modified by retailers or consumers to exceed the specifications of their class as manufactured. The use of OCEVs on facilities designed and designated for the use of bicycles and LSEBs may result in user conflicts and jeopardize the BPSA’s ongoing efforts to promote uniform laws and gain wider acceptance and access for LSEBs.

Because OCEVs are not LSEBs or bicycles under the law, they are subject to a variety of different federal, state, and local laws and regulations regarding motorized vehicle equipment and usage. Accordingly, manufacturers and retailers of OCEVs must inform consumers that they are not purchasing a LSEB, that there may be laws and regulations respecting the usage of the particular OCEV, and that they may not be able to lawfully operate the OCEV on facilities designated for use by bicycles or LSEBs.

The complete policy position is attached.

For more information, contact Larry Pizzi, Chair of the BPSA E-Bike Committee at larry@bpsa.org.

**Bicycle Product Suppliers Association
Policy Position on Out of Class Electric Vehicles
October 2017**

Key Policy Statement:

It is the united view of the bicycle industry, represented by the Bicycle Product Suppliers Association (BPSA), that Out of Class Electric Vehicles (OCEVs) should not be marketed, sold, or regulated as Low Speed Electric Bicycles (LSEBs), or used on bicycle infrastructure in which they are not authorized. LSEBs should not be modified by retailers or the consumer to exceed the specifications of their class as manufactured.

By requiring LSEBs to be labeled with their class number, motor wattage, and maximum assisted-speed, the bicycle industry is taking proactive steps to ensure that LSEBs are distinguishable from other types of electric-powered vehicles. Representing or labeling OCEVs as Class 1, 2, or 3 LSEBs creates complications for the bike industry, government officials, and other stakeholders when developing appropriate regulations for LSEBs, and could jeopardize our work to allow LSEBs on bicycle infrastructure. The bicycle industry is not currently working to identify appropriate places for OCEVs to be ridden, as these vehicles fall outside the scope of the LSEB class system. Manufacturers, distributors, and retailers of OCEVs should be aware that these vehicle may be regulated for both equipment and use at the federal, state, and local level as an another type of motorized vehicle that is not subject to the rules that are applicable to bicycles or LSEBs.

1. Current Status of Low Speed Electric Bicycles (LSEBs)

At the federal level, the Consumer Product Safety Commission (CPSC) defines LSEBs as follows (15 U.S.C. § 2085):

“A two- or three-wheeled vehicle with fully operable pedals and an electric motor of less than 750 watts (1 h.p.), whose maximum speed on a paved level surface, when powered solely by such a motor while ridden by an operator who weighs 170 pounds, is less than 20 mph.”

The bicycle industry has refined the products that fall within the federal definition of a low-speed electric bicycle into classes that better describe their capabilities. The bicycle industry is working to codify the three-class system, labeling requirements, and modification prohibitions in all 50 states to ensure that e-bikes are appropriately regulated. Electric bicycles that meet the requirements of one of these three classes are defined and regulated as “bicycles” under current CPSC regulations , and with some exceptions, are suitable for use on many facilities used by human-powered bicycles.

The BPSA advocates for streamlining federal, state, and local laws pertaining to Low Speed Electric Bicycles (LSEBs). Progressive e-bike laws, now enacted in many U.S. states, define the following three classes of LSEBs and generally treat them like traditional bicycles for the purposes of state traffic laws:

- “Class 1 electric bicycle,” or “low-speed pedal-assisted electric bicycle:” A bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of 20 mph.
- “Class 2 electric bicycle,” or “low-speed throttle-assisted electric bicycle:” 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.
- “Class 3 electric bicycle,” or “speed pedal-assisted electric bicycle:” A bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of 28 mph, and is equipped with a speedometer.

2. Definitions of OCEVs

The following vehicles do not meet the definition of an LSEB, are not “electric bicycles” under CPSC regulations, and are not within the scope of the BPSA’s e-bike policy work:

- Electric bicycles that fall outside of the three classes of e-bikes. These vehicles have a motor that continues to assist or power the vehicle, while being operated at a speed greater than labeled as Class 1, 2, or 3 LSEBs, and are subject to different regulatory standards for equipment and use than LSEBs at the federal, state, and local levels.
- Electric bicycles that were originally sold as compliant LSEBs but have been tuned, modified or tampered with so that they no longer meet the Class 1, 2, or 3 LSEB definitions. They lose their status as LSEBs once modified, and are subject to different regulatory standards for equipment and use at the federal, state, and local levels.

In general, the rules and regulations that apply to LSEBs in each state do not apply to OCEVs. OCEVs may be defined as mopeds, motorized bicycles, scooters, motorcycles or even motor vehicles depending on the vehicle laws in each state; and may be legitimately marketed, sold and used if accurately described and compliant with all applicable requirements for the type of motorized vehicle as defined by such state laws. State and local authorities may have differing legal requirements for on-road use and off-road use. Manufacturers, distributors, and retailers of OCEVs that are represented or marketed as LSEBs should be aware that such products could be reported to the Consumer Product Safety Commission at www.saferproducts.gov.

3. Rationale

Consumer safety and protection is the bicycle industry’s priority above and beyond all else. By defining the three class system and requiring LSEBs to be labeled with their class number, motor wattage, and maximum assisted-speed, the bicycle industry is taking proactive steps to ensure that consumers are aware of their respective capabilities and that LSEBs can be distinguished from other types of electric-powered vehicles. The accurate labeling of LSEBs is critical to maintaining a proper regulatory environment for these products and their use. Inaccurately labeled products will

create confusion for both users and regulators when attempting to identify areas that are appropriate for LSEBs to be ridden.

In addition, OCEVs may be subject to different requirements for equipment and use than those applicable to bicycles or LSEBs. For example, products that do not comply with 15 U.S.C. § 2085 will not be subject to the CPSC's regulations for bicycles at 16 C.F.R. Part 1512. OCEVs may be governed by alternative product requirements prescribed the National Highway Transportation Safety Administration, and by state and local law.

4. Actions for Suppliers and Manufacturers

The bicycle industry can work together to ensure that bicycle companies are creating products that meet existing requirements for LSEBs by taking the following actions:

- Produce and deliver electric bicycles that strictly comply with state and federal guidelines and regulations.
- Label products accurately according to their class number, motor wattage, and maximum assisted speed. Do not participate in making modifications to or tuning compliant products so that they may be operated beyond the three-class labeling standards.
- Strongly discourage hacking or modification by stating the impact on the product warranty, including the potential to become null and void, if an electric bicycle is tuned, modified, or tampered with so that it operates beyond its labeled class.
- Recognize that by selling or mislabeling LSEBs, or by participating in or facilitating tuning, you jeopardize the existing regulatory environment and risk officials enacting market-disrupting regulation.
- Keep the BPSA E-Bike Committee informed of local conflicts that may result in LSEBs losing access to bicycle infrastructure, or opportunities to expand e-bike access to new areas.

5. Actions for Retailers

- Do not sell OCEVs unless you comply with and inform customers about the applicable laws for these types of electronic motorized vehicles.
- Do not participate in making modifications to or tuning compliant products so that they may be operated beyond the three-class labeling standards.
- Strongly discourage hacking or modification by stating the impact on product warranty, including the potential to become null and void if an electric bicycle is tuned, modified or tampered with so that it operates beyond its labeled class.
- Recognize that by selling or mislabeling LSEBs, or by participating in or facilitating tuning, you jeopardize the existing regulatory environment and risk officials enacting market disrupting regulation.
- Keep the BPSA E-Bike Committee informed of local conflicts that may result in LSEBs losing access to bicycle infrastructure, or opportunities to expand e-bike access to new areas.

6. Actions for Owners

- Do not purchase a OCEV unless you are prepared to comply with all laws and regulations regarding their use.
- Do not tune, modify or tamper with an LSEB so that it may be operated beyond the three-class labeling standards.
- Recognize that by modifying your electric bicycle beyond the limitations of the three class system, you are jeopardizing your device's status as a LSEB and access to bicycle infrastructure. Modifications may result in your LSEB becoming a different class of vehicle subject to different regulatory requirements such as licensing, registration, and insurance.