



## Out of Class Electric Vehicles | Media and Messaging Guide

This guide is a tool when speaking with the media, consumers, public, and elected officials about electric vehicles that fall outside of the three classes of electric bicycles. Any type of vehicle beyond a Class 1, 2, or 3 electric bicycle is not an electric bicycle and should not be called or treated like an electric bicycle.

The following FAQs address why this policy was developed; guidance on Class 1, 2, and 3 e-bikes; and useful information for manufacturers, retailers, and riders.

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.

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The entire policy is available [here](#).

Visit the PeopleForBikes e-bikes site for more information.

### *Policy Overview*

1. ***Why is this policy needed and why does the BPSA care about differentiating between bikes, e-bikes, and other vehicles?***
  - a. The safety of our products and the consumers who use them is the highest priority of the BPSA.
  - b. Calling a vehicle that is not a Class 1, 2, or 3 electric bicycle is confusing and misleading.
  - c. Electric bicycles are safe to operate on facilities designed and designated for the use of bicycles. Other vehicles are not, and their operation on bicycle infrastructure may result in user conflicts and public safety hazards.

- d. Confusion over e-bikes and other vehicles could jeopardize the BPSA's ongoing efforts to promote uniform laws and gain wider acceptance and access for e-bikes.
2. ***What does this policy do?***
    - a. Draws a line between Class 1, 2, and 3 e-bikes and anything that does not fall in those classes, including electric scooters, mopeds and motorcycles.
    - b. Makes clear that riding anything that is not a Class 1, 2, or 3 e-bike might make the rider subject to the moped, scooter and/or motorcycle regulation in that state, and that some vehicles will not fit into any legal category.
    - c. Informs the market that anything that is not a Class 1, 2, or 3 e-bike should not be marketed, sold, or regulated as Class 1, 2, or 3 e-bikes or used on bicycle infrastructure where they are not authorized.
  3. ***Why the term OCEV?*** The official BPSA policy position uses the term OCEV. There is no perfect term to describe an electric bicycle that is not a Class 1, 2, or 3 e-bike, but "out of class electric vehicle" comes closest to describing any electric vehicle that might resemble, but is not an e-bike.
  4. ***What if I see a vehicle that's not a Class 1, 2, or 3 e-bike being marketed as one?*** Report this to the Consumer Product Safety Commission at [www.saferproducts.gov](http://www.saferproducts.gov).

#### ***Overview of Class 1, 2, and 3 E-Bikes***

5. ***What are the Class 1, 2, and 3 e-bikes?*** Class 1 is a pedal assist e-bike with a top motor assist of 20 mph; Class 2 is a throttle-actuated e-bike with a top motor assist of 20 mph; Class 3 is a pedal assist e-bike with a top motor assist of 28 mph.
6. ***Why are many vehicles outside of a Class 1, 2, or 3 e-bike called e-bikes?*** They should not be. There are many instances in the media, marketing, and on our streets where a motorcycle, moped, scooter, or other electric device is confused with a Class 1, 2, or 3 e-bike. Class 1, 2, or 3 e-bikes should not be lumped in with electric vehicles that are not e-bikes.
7. ***What about e-bikes that have a maximum assisted speed beyond 28 mph?*** These are not e-bikes, but a motorized bicycle, moped, motorcycle, scooter, or other electric-powered device.
8. ***What about Class 1, 2, or 3 e-bikes that are modified to be more powerful?*** These e-bikes are no longer e-bikes and in general, their warranty is voided. Class 1, 2, and 3 e-bikes should not be modified by retailers or consumers to exceed the specifications of their class as manufactured.

#### ***State Regulations***

9. ***What states have defined Class 1, 2, and 3 e-bikes as bikes?*** Arkansas, California, Colorado, Illinois, Michigan, Tennessee, Utah. Many other states define e-bikes like bikes, as

opposed to more powerful or faster electric scooters, mopeds and motorcycles which have different regulations depending on the state.

10. ***What about states that do not define Class 1, 2 and 3 e-bikes?*** In the states where e-bike law is not settled, consumers do their best to navigate current e-bike regulations. Class 1, 2, and 3 e-bikes have labels that identify them. We actively advocate for fixing the law for Class 1, 2, and 3 e-bikes but not for vehicles that are outside of the three classes.
11. ***Why is a three-class bill needed in a state that already allows e-bikes?*** These states do not define e-bikes consistently, but are encouraged to align their vehicle code consistent with the current. Defining three classes of e-bikes helps local agencies and municipalities govern where they should be allowed and allows more flexibility in local e-bike rules.

### ***Electric Mountain Bikes***

12. ***What about electric mountain bikes?*** There is a patchwork of electric mountain bike rules and regulations in the U.S. When electric bikes are allowed on non-motorized singletrack trails, generally this applies only to Class 1 e-bikes. Consumers should visit a local bicycle shop to have a conversation about the variety of electric mountain bikes on the market out there. If a consumer would like to ride an electric mountain bike in the same places where traditional mountain bikes are allowed, a Class 1 e-bike is advisable.

### ***E-Bike Safety***

13. ***What about e-bike crashes?*** Safe riding of a bicycle relies on a variety of factors – user education, proper infrastructure, safe operation of other vehicles on the road, and unpredictable human behavior, regardless of mode of travel. There have been no instances of serious injuries or loss of life due to Class 1, 2, or 3 e-bikes. The media should accurately report on the types of vehicles involved in crashes, rather than implicating e-bikes and bikes in crashes without proper information.

### ***Information for Consumers***

14. ***What should consumers know about this policy?***
  - a. Class 1, 2, and 3 e-bikes generally have the same rights of the road at a bicycle (see [peopleforbikes.org/e-bikes](http://peopleforbikes.org/e-bikes) for specific state laws). Anything outside of a Class 1, 2, and 3 e-bike does not.
  - b. Marketing claims that electric vehicles can go anywhere a bicycle can are misleading and erroneous.
  - c. If you have purchased an electric vehicle outside of a Class 1, 2, or 3 e-bike, you did not purchase an e-bike and there may be different laws and regulations regarding the usage of that particular vehicle. You may not be able to lawfully operate the vehicle on facilities designated for use by bicycles or e-bikes.
  - d. If you would like to ride an e-bike in the same way as a bicycle, you are encouraged to purchase a Class 1, 2, or 3 e-bike.

- e. If you modify a Class 1, 2, or 3 e-bike, modifications may result in the vehicle becoming a different class of vehicle subject to different regulatory requirements such as licensing, registration, and insurance; and your warranty will be voided.

15. ***How should consumers decide how much power and speed they need?*** Whether a recreational rider or commuter, a Class 1, 2, or 3 e-bike will provide 20 – 80 miles on a charge and a variety of wattage options. Consumers should visit a local bicycle shop to discuss the variety of e-bikes on the market, and take some test rides. If a consumer would like to ride an e-bike in the same places where bikes are allowed Class 1, 2, or 3 e-bikes are all good options.

***Information for Retailers, Suppliers and Manufacturers***

16. ***What can retailers do?*** Retailers should not sell e-bikes that fall outside of a Class 1, 2, or 3 e-bike unless inform customers about the applicable laws for these types of vehicles. They should not participate in or encourage making modifications to or tuning compliant products so that they may be operated beyond the three-class labeling standards.

17. ***What can suppliers and manufacturers do?*** Suppliers and manufacturers can produce and deliver e-bikes that strictly comply with state and federal guidelines and regulations; label products accurately according to their class; and discourage hacking or modification by stating the impact on the product warranty.

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