

Date of Hearing: July 15, 2025

ASSEMBLY COMMITTEE ON WATER, PARKS, AND WILDLIFE

Diane Papan, Chair

SB 586 (Jones) – As Amended May 23, 2025

**SENATE VOTE:** 38-0

**SUBJECT:** Off-highway motor vehicles: eMotos

**SUMMARY:** Defines “eMoto” and classifies an eMoto as an off-highway motor vehicle (OHV). Specifically, **this bill:**

- 1) Defines the term “eMoto” as an electric two-wheeled device built on a bicycle infrastructure that does not have pedals or an engine number and is not subject to registration under the Vehicle Code.
- 2) Classifies an eMoto as an off-highway motor vehicle, subjecting eMotos to the rules and regulations related to off-highway motor vehicles.

**EXISTING LAW:**

- 1) Establishes the Division of Off-Highway Motor Vehicle Recreation (OHMVR Division) within the Department of Parks and Recreation (State Parks) and tasks the OHMVR Division with developing, managing, and operating lands in the state vehicular recreation areas (SRVAs) and providing for law enforcement and appropriate public safety activities in these areas (Public Resources Code §§ 5090.30 *et. seq.*).
  - a) Vests the OHMVR Division with responsibility for the enforcement of OHVs (Division 16.5 of the Vehicle Code) and other laws regulating the use or equipment of off-highway motor vehicles in all areas acquired, maintained, or operated by funds from the Off-Highway Vehicle Trust Fund;
  - b) Requires the OHMVR Division to prepare and coordinate safety and education programs;
  - c) Specifies the Department of the California Highway Patrol (CHP) shall have responsibility for enforcement on highways;
  - d) Requires the OHMVR Division to make available on its website: laws and regulations for operating OHVs; maps of federal, state, and local OHV recreation areas; information concerning safety, education, and trail etiquette; and information to prevent trespass and damage.
- 2) Requires the OHMVR Division to adopt courses of instruction in OHV safety, operation, and principles of environmental preservation by January 1, 2005 (Vehicle Code § 38007).
- 3) Defines “electric bicycle,” and excludes from that definition “[a] vehicle with two or three wheels powered by an electric motor that is intended by the manufacturer to be modifiable to attain a speed greater than 20 miles per hour on motor power alone or to attain more than 750 watts of power” (Vehicle Code § 312.5).

- 4) Requires OHVs, as defined in #5, that are not registered under the Vehicle Code, to display an identification plate or other device issued by the Department of Motor Vehicles (Vehicle Code § 38010).
- 5) Establishes categories of vehicles to be considered “off-highway motor vehicles” including (Vehicle Code § 38012):
  - a) A motorcycle or motor-driven cycle, except for any motorcycle that is eligible for a certain special transportation identification device;
  - b) A snowmobile or other vehicle designed to travel over snow or ice;
  - c) A motor vehicle commonly referred to as a sand buggy, dune buggy, or all-terrain vehicle;
  - d) A motor vehicle commonly referred to as a jeep; and
  - e) A recreational off-highway vehicle.

**FISCAL EFFECT:** Unknown. This bill is keyed fiscal.

**COMMENTS:**

- 1) **Purpose of this bill.** According to the author, “[This bill] provides necessary regulatory clarity for the growing eMoto industry by classifying these vehicles as off-highway motorcycles. By doing so, the bill ensures that eMoto users comply with existing OHV regulations, including safety and identification requirements, to enhance responsible recreation and public safety.”
- 2) **Background.** An OHV is any motor vehicle operated off public roads and highways. Some of the more common OHVs include all-terrain vehicles, dirt bikes, sand rails, recreation utility vehicles, golf carts, snowmobiles, go carts, jeeps, recreational off-highway vehicles, and 4x4s.

OHVs can be operated on a variety of private, state, and federal lands. The state’s OHMVR Division operates the nine SVRAs in the state, each of which offers a variety of services and facilities, including:

- Trails, tracks, and other OHV recreation opportunities;
- Restrooms, camping, shade ramadas, and water;
- OHV parts store;
- Public safety, including law enforcement, first aid, and search and rescue;
- Maintenance including repair and maintenance of OHV trails, buildings, equipment and public use facilities;
- Interpretive and educational activities and publications promoting safe and responsible OHV recreation; and
- Resource management designed to sustain OHV opportunities that protect and enhance wildlife habitat, provide for erosion control and revegetation, etc.

An eMoto is an electric motorcycle—not an electric bicycle. According to the Assembly Transportation Committee’s analysis, some models can reach 50 to 60 mph, generate 8,000 watts of power, and have a 50–90 mile range. There has been a recent surge in the popularity and proliferation of new types of electric vehicles, including those in use for off-road recreation, and it is not always evident what requirements, if any, apply to a given vehicle.

- 3) **Proposed committee amendments.** To improve understanding of the statute, there is benefit in selecting a term that would be more broadly understood than “eMoto.” Additionally, the definition of eMoto uses the word “device,” which may also cause confusion as noted in the analysis from the Senate Natural Resources and Water Committee. *The committee may wish the author to consider the following amendments to improve the clarity of the bill:*

**Amendment 1** – Change the term and definition:

~~SECTION 1. Section 312.8 is added to the Vehicle Code, to read:~~

~~312.8. An “eMoto” is an electric two-wheeled device built on a bicycle infrastructure that does not have pedals or an engine number and is not subject to registration under this code.~~

***436.1. An "off-highway electric motorcycle," commonly referred to as an eMoto, is an off-highway motorcycle that is subject to identification under this code and meets all of the following:***

- (a) Was designed by the manufacturer for operation primarily off the highway.***
- (b) Is powered by an electric motor for which a motor number is not required.***
- (c) Has handlebars for steering control.***
- (d) Has a straddle seat provided by the manufacturer.***
- (e) Has 2 wheels.***
- (f) Is not equipped with pedals from the manufacturer.***

**Amendment 2** – Make conforming and technical changes:

**38010.** (a) Except as otherwise provided in subdivision (b), a motor vehicle specified in ***subdivision (b) of*** Section 38012, ~~including an eMoto as defined in Section 312.8,~~ that is not registered under this code because it is to be operated or used exclusively off the highways, except as provided in this division, shall display an identification plate or device issued by the department. (....)

**38012.** (....)

(b) (6) An ~~eMoto~~ ***off-highway electric motorcycle*** as defined in Section ~~312.8~~ ***436.1***.

- 4) **Double referral.** This bill was also referred to the Assembly Transportation Committee, where it passed 16–0.

- 5) **Related legislation.** SB 632 (Caballero), Chapter 592, Statutes of 2024, authorizes State Parks, until 2030, to establish a pilot project to designate combined-use highways on roads in Red Rock Canyon State Park in order to link existing OHV motor vehicle trails, trailheads, and recreational-use areas on federal Bureau of Land Management or United States Forest Service lands.

SB 708 (Jones), Chapter 446, Statutes of 2024, requires State Parks to issue a sanctioned event permit that allows a California resident, upon payment of a fee, to operate off-road motorcycles that do not meet emissions standards at competitions on public lands (i.e., “sanctioned events”).

SB 249 (Allen), Chapter 459, Statutes of 2017, extends the Off-Highway Motor Vehicle Recreation Act indefinitely and made various other changes to the Act.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

None on file

**Opposition**

None on file

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