Terra Lawson-Remer

Chair

Supervisor, Third District
San Diego County Board Of Supervisors

Agenda Item

Date: **September 15, 2026** **19**

To: Board of Supervisors

Taking Deceptive Retailers to Court for Marketing Motorcycles to Kids as "E-Bikes" (Districts: All)

Overview
When a San Diego parent buys their child an electric bike (e-bike), they should be able to trust that they are getting a safe, legal bicycle, and not an unlicensed motorcycle in disguise. But shady retailers are deceptively marketing and selling high-powered, electric motorcycles as "e-bikes," pocketing the profits, while families are left with the devastating consequences. Some of these machines can reach 40, 50, even 60 miles per hour – speeds far beyond what California allows for a legal E-Bike. Our kids are ending up in trauma centers or worse while the companies that put these machines on our streets have been allowed to profit without consequences.

The damage is staggering. Nationally, e-bike injuries treated in emergency rooms increased more than thirtyfold in just five years, from fewer than 1,000 injuries in 2017 to more than 23,000 in 2022.[1] Locally, Rady Children's Hospital, has seen pediatric 'e-bike' trauma cases surge from three in 2021 to 262 in 2025, putting e-bikes on pace to become the number one cause of pediatric trauma at the hospital this year.[2] Doctors are treating children for skull fractures, spinal injuries, and brain bleeds, the kind of injuries you see in car crashes, not bike crashes. And kids are dying. In May 2026, a 13-year-old was killed in Garden Grove riding a machine that police said was never legal on a public street.[3]

But many of these machines are not actually e-bikes at all. Research commissioned by the California Legislature found that **nearly 88%** of so-called e-bikes parked at public schools were actually illegal e-motorcycles.[4] Many can reach 60 miles per hour, three times the legal limit.[5] San Diego police report a sharp rise in crashes involving dangerous vehicles ridden by kids as young as 11.[5] Increasingly, our emergency rooms are being filled with children injured on dangerously overpowered electric motorcycles being sold and ridden as if they were legal e-bikes.

Parents should not need to be vehicle-code experts to know whether they are buying their child a bicycle or a motorcycle. Yet online retailers routinely market machines as "e-bikes" even when their speed and power exceed California's legal limits. California law already bans selling these

machines as e-bikes.[6] The reckless companies do it anyway, because deceiving parents is profitable and, so far, free of consequences. When a child gets hurt, the family bears the trauma and medical bills. The company that sold the machine faces nothing.

The County has a strong track record of suing companies that harm San Diegans. We joined the fight against the opioid manufacturers and secured more than $100 million for San Diego County. We went after the ghost gun companies selling machines that turn out untraceable firearms. We took on the social media giants hooking our kids on addictive technology. This year we created the Consumer Fairness and Public Protection unit inside County Counsel, to protect San Diegans from deceptive and dangerous business practices.

We already have strong laws on the books to hold these illegal retailers accountable. California's False Advertising Law and Unfair Competition Law prohibit businesses from misleading consumers and from profiting through unlawful business practices. Parents in Marin County are already suing a California-based manufacturer, Super73, under these laws over "e-bikes" a kid could switch to illegal and dangerous speeds with a phone app.[7] The County has both the authority and the obligation to protect San Diego families from harmful, deceptive, and dangerous business practices that put our communities at risk.

Today's action directs the County to aggressively pursue legal action to hold manufacturers and retailers accountable for endangering youth riders and misleading families by deceptively selling overpowered, illegal e-motorcycles as e-bikes. If we don't act, these companies will keep cashing in while our kids suffer severe and life altering injuries. They made money putting dangerous products in the hands of kids. Now it is time to hold them responsible. I urge my colleagues to support this effort to stand up for San Diego families and protect our kids.

Recommendation by Chair Terra Lawson-Remer

1) Direct the Chief Administrative Officer, in consultation with County Counsel, to pursue legal actions against manufacturers, distributors, and retailers marketing and selling illegal electric motorcycles as e-bikes, under state and federal law. Litigation options should include, but not be limited to actions arising under, California's False Advertising Law, Unfair Competition Law, Consumers Legal Remedies Act, and public nuisance. This may also include joining statewide and national efforts, outreach to justice officials, and affirmative litigation strategies. Return to the Board in closed session on an ongoing basis every 90 days with updates on their efforts, and with options that the Board can consider for further direction.

Equity Impact Statement

The costs of illegal e-motorcycles fall hardest on families and communities with the fewest resources. E-bikes are an important and affordable mobility option for many under-resourced families, and deceptive marketing takes away their ability to make safe, informed choices. Serious injuries impose heavy medical costs and lost income on working families. Ensuring that products sold as e-bikes are actually safe and legal is crucial for the safety of all young riders, regardless of income or neighborhood.

Sustainability Impact Statement

Safe, legal e-bikes are an important part of the County's sustainable transportation future because they reduce car trips and greenhouse gas emissions. Holding accountable the companies that sell

illegal e-motorcycles disguised as e-bikes protects public confidence in legitimate micromobility options and supports the County's goals of expanding safe, clean, and active transportation options.

Fiscal Impact
Funds for this request are included as existing staff time in the Fiscal Year 2026-27 Operational Plan in County Counsel based on settlement funds held in the Consumer Fraud Trust Fund. There will be no change in net General Fund cost and no additional staff years. There may be fiscal impacts associated with future related recommendations which staff would return to the Board for consideration and approval.

Business Impact Statement
Local bike shops and legitimate e-bike retailers who follow the law are being undercut by manufacturers and online sellers pushing illegal, overpowered products. Holding bad actors accountable levels the playing field for responsible local businesses and reduces the injury, enforcement, and healthcare costs that illegal products impose on the region.

Advisory Board Statement
N/A

Background
California law draws a clear line between electric bicycles and motor vehicles. Under the California Vehicle Code, a legal e-bike must have fully operable pedals and a motor of no more than 750 watts, and it must fall into one of three classes: Class 1 (pedal-assist up to 20 miles per hour), Class 2 (throttle-assist up to 20 miles per hour), or Class 3 (pedal-assist up to 28 miles per hour, restricted to riders 16 and older).[6] Anything faster or more powerful is not an e-bike at all. It is a motor-driven cycle or motorcycle that requires a driver's license, registration, and insurance, and it cannot legally be operated by children.

A growing segment of the industry is deliberately blurring that line. Manufacturers design and market machines that look like bicycles but are built to perform like motorcycles, with some capable of reaching 60 miles per hour.[5] Some products ship in a Class 2 configuration but can be unlocked to illegal speeds in seconds through a companion smartphone app or a simple settings change. Major online retailers list dozens of these products as e-bikes, and parents have no meaningful way to tell a legal e-bike apart from an illegal electric motorcycle. Families report having unknowingly purchased unlicensed motorcycles for their children.

Independent research confirms how widespread the problem has become. In 2023, the California Legislature passed SB 381, directing the Mineta Transportation Institute at San José State University to study electric bicycle safety and recommend policy options. The resulting report, *Exploring Electric Bicycle Safety Performance Data and Policy Options for California*, was released in December 2025 and identified illegal, overpowered devices as the key problem in e-bike safety.[4] Surveys of bike racks at California middle and high schools, reported in the study, found that nearly 88% of the electric devices parked at school were illegal e-motorcycles rather than legal e-bikes. The study's authors warned that many Californians may be purchasing illegal devices without realizing it, because marketing materials show overpowered devices being ridden

on city streets and only consumers who think to look at the fine print and are familiar with specific e-bike classifications would notice the illegal motor specifications. San Diego parents, educators, and law enforcement report seeing the same pattern here.

The consequences are showing up on our streets and in our trauma centers. In 2025, San Diego police reported a significant increase in e-motorcycle crashes involving riders between 11 and 16 years old.[5] Local emergency departments and law enforcement report a steady rise in young riders on these vehicles, with crashes producing serious and sometimes life-changing injuries.

These harms are the predictable result of corporate decisions to design, market, and sell illegal products to families. Manufacturers and retailers profit from every mislabeled machine they sell, while families, hospitals, schools, and taxpayers are left to cover the costs of injuries, hospitalizations, enforcement, and public safety education.

Litigation is already underway in California under laws that exist today. In Marin County, two parents filed a class action lawsuit against Super73, a California-based manufacturer, alleging that the company heavily marketed and sold "e-bikes" that could easily be switched to e-motorcycle speeds through a companion app.[7] The suit is brought under California's Unfair Competition Law and False Advertising Law, longstanding consumer protection statutes that prohibit misleading representations made to sell a product. The plaintiffs allege they believed the product was legal until local police informed them it was in fact an illegal electric motorcycle.[6] California law has separately prohibited advertising, selling, or labeling a vehicle as an electric bicycle when it does not meet the legal definition since January 2025.[5][8]

However, state law may soon get stronger. SB 1167 would expand the prohibition on marketing a vehicle as an e-bike to cover mopeds and electric motorcycles, and would make a violation actionable under California's Unfair Competition Law and False Advertising Law rather than solely as a Vehicle Code offense. Sellers would be required to disclose a device's actual classification in all advertising, including online listings and social media, and law enforcement would be required to record label information in crash reports involving these vehicles, giving agencies a clearer picture of how many crashes involve illegal machines. The practical effect would be to make cases against deceptive sellers clearer and easier to bring.[9]

The County has successfully pursued legal and advocacy action against corporate actors engaged in harmful or deceptive conduct, from opioid manufacturers and ghost gun sellers to social media platforms and corporate landlords. There is clear precedent for County action here. As the region's public health authority, the County has both the tools and the obligation to act, and today's item directs County Counsel to prepare litigation against the manufacturers and retailers responsible for putting these machines in the hands of San Diego children.

Linkage To The County Of San Diego Strategic Plan

Today's proposed action supports the Justice (Safety), Community (Safety, Quality of Life), and Equity (Health) Initiatives in the County's 2026–2031 Strategic Plan.

Respectfully submitted,

Terra Lawson-Remer
Supervisor, Third District

Attachment(s)
N/A

[1] https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2821387
[2]https://www.axios.com/local/san-diego/2026/05/21/e-bike-injuries-top-pediatric-trauma-cases
[3] https://abc7.com/post/13-year-old-boy-riding-motorcycle-dies-crashing-garden-grove-police-say/19066690/
[4] Agrawal, A.W., Fang, K., et al., Exploring Electric Bicycle Safety Performance Data and Policy Options for California, Mineta Transportation Institute, San José State University, Project 2423 (December 2025), commissioned by the California Legislature pursuant to SB 381 (2023). The school parking surveys were conducted by E-Bike Access in coordination with the San Mateo County Office of Education Safe Routes to School Program. https://transweb.sjsu.edu/research/2423
[5]https://www.cbs8.com/article/news/local/rising-accidents-underage-riders-on-electric-motorcycles/509-e6c27c3f-4c79-4c72-8d39-1a6aafbe281f
[6] https://california.public.law/codes/vehicle_code_section_312.5
[7] https://www.bicycleretailer.com/industry-news/2024/12/31/super73-sued-over-legality-its-e-bikes-california
[8] https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240SB1271
[9] https://calmatters.digitaldemocracy.org/bills/ca_202520260sb1167