



The Honorable Tim Walz, Governor of Minnesota
The Honorable Keith Ellison, Minnesota Attorney General
Julia Dreier, Commissioner, Minnesota Department of Commerce
Nancy Daubenberger, Commissioner, Minnesota Department of Transportation
Dr. Brooke Cunningham, Commissioner, Minnesota Department of Health

Re: Electric motor vehicles marketed and sold as “e-bikes,” including unlockable “trail” and “off-road” modes — request for coordinated state action under Minn. Stat. § 325F.661 and the Prevention of Consumer Fraud Act

Dear Governor Walz, Attorney General Ellison, Commissioner Dreier, Commissioner Daubenberger, and Commissioner Cunningham:

Across the country, electric motorcycles and mopeds are being marketed and sold to families as “e-bikes.” These devices are advertised online, aimed at children and young teenagers, and sold directly to consumers. Parents buy them believing they are legally defined electric-assisted bicycles. Many are not. Because of their motor power, speed, or lack of operable pedals, a large and growing share of the machines sold under the “e-bike” label do not meet Minnesota’s definition of an electric-assisted bicycle at all. They are motor vehicles.

That distinction carries real consequences. No one under the age of 15 may legally operate even a genuine electric-assisted bicycle in Minnesota. [[Minn. Stat. § 169.222, subd. 6a\(e\)](#)] A device that can exceed 30 miles per hour is not a moped but a motorcycle under state law, and operating it on a public street requires registration, insurance, and a valid motorcycle endorsement on an individual's driver’s license. The children riding these machines through their neighborhoods, our downtowns, on our trails, and around our schools clear none of those bars. Most are too young to hold a license and have never been taught the rules of the road. Motorists, pedestrians, law enforcement, and school officials are all contending with the result, and it is getting worse.

The Legislature has already drawn the lines. An electric-assisted bicycle must have fully operable pedals, a motor of no more than 750 watts, and motor assistance that cuts off at 20 miles per hour for a class 1 or class 2 bicycle, or 28 miles per hour for a class 3. [[Minn. Stat. § 169.011, subd. 27](#)] A multiple mode electric-assisted bicycle equipped with a throttle “must not be capable of exceeding 20 miles per hour on motorized propulsion alone in any mode when the throttle is engaged.” [[Minn. Stat. § 169.222, subd. 6b\(e\)](#)] A device built to do more than that is not an electric-assisted bicycle and should not share any of the legal privileges of them

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The Legislature also anticipated the exact marketing tactics now in use. A vehicle is not an electric-assisted bicycle “if it is designed, manufactured, or intended by the manufacturer or seller to be configured or modified” to exceed those limits — and the statute defines “configured or modified” to include “a mechanical switch or button,” “a modification or change to the electric motor or the electric drive system,” and “the use of an application to increase or override the electric drive system.” [[Minn. Stat. § 169.011, subd. 27\(b\)–\(c\)](#)] That language describes the “off-road,” “trail,” “race,” and “unlock” modes now advertised as selling points, the app-based speed unlocks, and the hardware built to be derestricted in seconds. A device sold with any of these features is not an electric-assisted bicycle, whatever the listing calls it.

Marketing such a device as an “e-bike” is not a gray area. A seller may not label a motorized bicycle or electric motorcycle as a class 1, class 2, class 3, or multiple mode electric-assisted bicycle at all. [[Minn. Stat. § 325F.661, subd. 3\(a\)](#)] A seller who nonetheless describes the vehicle as an “electric bicycle,” “electric bike,” “e-bike,” or similar term must disclose — clearly and conspicuously, in every advertisement, website, and social media post — both the vehicle’s classification, including “the most likely classification following an intended or anticipated vehicle modification,” and the following statement:

“This vehicle is not an ‘electric-assisted bicycle’ as defined in Minnesota law. It is instead a type of motor vehicle and subject to applicable motor vehicle laws if used on public roads or public lands. Your insurance policies might not provide coverage for crashes involving the use of this vehicle. To determine coverage, you should contact your insurance company or agent.”

[[Minn. Stat. § 325F.661, subd. 3\(b\)](#)] A seller who advertises an unlockable “trail mode” or app-based speed unlock while calling the product an “e-bike,” and omits that classification and disclaimer, has violated the statute on its face.

The tools to act already exist. Advertising, offering for sale, or selling one of these vehicles as an electric-assisted bicycle — or using “e-bike” and similar terms without the required disclosure — is an unlawful practice under the Prevention of Consumer Fraud Act. [[Minn. Stat. § 325F.661, subd. 4; § 325F.69](#)] Section 8.31 charges the Attorney General to investigate and enforce violations of that Act, and subdivision 3 provides for injunctions and civil penalties. [[Minn. Stat. § 8.31](#)] This is a consumer-protection problem the State is empowered to act on now — not a matter that must wait on the Legislature or fall to a patrol officer at the curb.

These requirements took effect August 1, 2024. More than two years later, compliance is scarce. Sellers still advertise machines that exceed 30 miles per hour, carry motors well

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beyond 750 watts, and ship with app-unlockable “trail” and “off-road” modes — and still call them “e-bikes,” with no classification and no disclaimer. With the riding season at its peak and a new school year approaching, these vehicles are on our streets and around our schools in greater numbers than ever. Every month without enforcement puts more of them in the hands of children.

We therefore respectfully ask each of your offices to act within its authority. We ask the Attorney General to investigate and enforce section 325F.661 against the manufacturers, sellers, and advertisers who market these vehicles as electric-assisted bicycles, and to pursue the injunctions and civil penalties the law provides. We ask the Department of Commerce, which regulates the insurance market the disclaimer itself warns about, to alert consumers and insurers to the coverage gap these sales create and to bring its consumer-protection tools to bear. We ask the Department of Transportation to make the line between an electric-assisted bicycle and a motor vehicle unmistakable in the state’s traffic-safety guidance and public information. We ask the Department of Health to treat the resulting injuries to children as the preventable public-health problem they are, through its injury-prevention programs and data. And we ask the Governor to direct these agencies to coordinate and to make this a priority across the executive branch.

The State has already written the law. What remains is to enforce it — before the next preventable crash, injury, or death makes the case for us.

Respectfully,



Michael Wojcik
Executive Director
Bicycle Alliance of Minnesota