

# Whose Bike Is It, Anyway?

## *The truth about customizing your motorcycle*

You buy a new bike. You head over to the local hangout to show it off. You pull in, park, and settle back on the seat, ready to modestly respond, “Gee, thanks,” to everyone who wanders by and says “Hey, nice bike.”



Instead of that, you get Mr. Know-It-All.

“Nice bike,” he says sarcastically. “Too bad you didn’t get one last year.”

“What do you mean?” you say.

“Well,” he explains, “it’s a 2006. That means you can’t do anything to it. You can’t even change the handlebars.”

“Huh?” you stammer.

“Yeah,” he continues. “It’s the new EPA rules. They cracked down on everything. Did you know that if you like custom bikes, they made it so you can only build one in your entire life?”

He says it all with such conviction: Some bureaucrat in Washington has made it so you can’t do anything to your own bike. It just has to be true, doesn’t it?

Uh, no.

But that doesn’t mean you won’t hear it, time after time. We sure have.

For some reason, the motorcycle world has been filled with rumors this year—rumors about a supposed government crackdown on customized bikes. And accusations are flying that our rights are being sold out.

By now, it’s gotten to the point that some ordinary motorcyclists are really concerned. So let’s sort out fact from fiction. It’s a complex story, but we think you’ll feel better at the end of it.

The origin of a lot of this year’s rumors is a new set of EPA emissions standards that went into effect for streetbikes starting with the ’06 model year.

Those standards significantly reduce the allowable levels of hydrocarbons, nitrogen oxides and carbon monoxide that can come from your new bike.

By itself, that rule doesn’t really affect you at all. The manufacturer is responsible for meeting the new standards, and in fact, they’ve been building 2006-compliant bikes for a couple of years because the new federal standards match state standards that went into effect in California in 2004.

A second, even stricter, set of standards goes into effect for 2008 in California and 2010 across the country. But the major manufacturers are on top of that one, too.

Some models sold nationwide (Honda’s ST1300 and Interceptor are two examples) already meet the 2008 California standards. Meanwhile, smaller motorcycle manufacturers, those who sell fewer than 3,000 bikes in the U.S. market, may not be required to meet those new standards at all.

All of this is a long way from a ban on changing your handlebars, but there is a connection. Since 1979, the federal government has prohibited motorcyclists from “tampering” with parts of the motorcycle responsible for controlling emissions.

Yes, that means things like air-intake modifications, carburetor jetting adjustments and replacement of exhaust system components. And yes, we know that thousands of riders have been routinely modifying those parts since the day after Gottlieb Daimler invented the internal-combustion motorcycle in 1885.

But here's the thing: Whether the law has been enforced or not, tampering with the emissions-controls components of your motorcycle has been illegal for 27 years. And there's nothing in the new EPA regulations that expands those anti-tampering restrictions to include things like handlebars or shocks or brakes or whatever else Mr. Know-It-All in the parking lot might tell you.

Here are the exact words from the EPA on this subject: "The new emission standards...do not change this 'tampering' prohibition, which has been in the Clean Air Act for more than 20 years. Part manufacturers are still free to make parts, dealers are free to sell and install parts, and owners are free to customize their motorcycles in any way, as long as they do not disable emission controls or cause the motorcycle to exceed the emission standards."

Got it? OK, let's move on.

At the same time that rumors have been spreading about a ban on modifying your motorcycle, we've also been hearing allegations of a federal crackdown on custom motorcycles. This rumor typically warns that new federal rules now limit motorcyclists to building just one custom bike for their own use in their entire lifetime.

Parts of that statement are true. Parts of it aren't.

And the difference is significant.

Here's the deal: When you purchase parts and assemble them into a motorcycle yourself (or you pay someone to assemble the parts you've purchased), the EPA refers to that as a "kit bike."

Kit bikes were recognized by the EPA for the first time in 2004. And at that time, the EPA created a regulation allowing you to build one kit bike in your lifetime and ride it on the street, without having to meet federal emissions standards.

So that part of the rumor is true.

But here's what Mr. Know-It-All doesn't tell you: Prior to 2004, the number of kit bikes you could build and ride on the street without meeting federal emissions standards was zero.

Under federal law, they were all illegal.

"Wait a minute," you say. "I've got a buddy who built himself a bike years ago, and he's been riding it ever since."

Uh-huh, and you probably know another guy who's been cheating on his federal taxes for decades, and maybe he hasn't been caught, either.

"But," you counter, "he's got a state registration and a license plate, so he's legal."

The fact is that many states don't enforce the federal emissions regulations.

If your bike meets state safety standards, you may even be able to get a license plate.

But as strange as it sounds, a license plate doesn't guarantee that your bike is a legal street vehicle. If law enforcement officials choose to actually enforce federal emissions regulations, you could find yourself on the wrong side of the law.

In other words, the only reason it seems OK now is that a longstanding rule has seldom been enforced.

Now back to those 2004 regulations governing kit bikes.

The truth is that what the EPA did in 2004 was actually relax emissions regulations regarding motorcycles.

The agency specifically created a loophole in the law that allows you to build a kit bike without any regard for federal emissions laws, and legally ride it on the street, something you could never do before.

Just remember, though, the loophole they created is only big enough to accommodate one motorcycle that you build in your lifetime.

“No,” you cry. “I want to own more than one custom bike in my whole lifetime.”

You can. And the EPA has created a way for you to use those bikes, with some limitations.

Now we’re into the category that the EPA refers to as “custom bikes”—those created primarily to be displayed in shows.

And prior to 2004, those bikes, too, were completely illegal for street use. Completely illegal.

Under the new rules, a builder can create custom bikes that don’t meet EPA emissions requirements. But those machines must carry a special label that indicates they can be used on public roads “only as necessary to the display purpose, such as traveling to and from motorcycle shows.”

To control the production of these bikes, the EPA says that any individual builder can sell no more than 24 per year. But there’s no limit on how many you can own or build for yourself.

No, your additional custom bikes won’t be legal for street use all the time. For that, you’ve got your one kit bike. But you can ride your custom bikes—legally—when you want to make a big entrance at the bike show.

And all of that gives you more options than you had in the past, no matter what Mr. Know-It-All says.

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