



# BERWYN HEIGHTS POLICE DEPARTMENT

## MOTOR SCOOTERS,

## SCOOTERS AND MOPEDS



### Mopeds - A Hundred Miles To A Gallon?



Back in the late 70's the hottest thing to hit the "cheap transportation" circuit was the MOPED, an acronym that stood for "Motorized Pedacycle." Mopeds, like the one pictured at the left, were basically bicycles with a small gasoline motor attached. (Usually 50cc or less.) Unlike a full-fledged motorcycle, the purpose of the moped's motor was to "assist" the rider, and many models actually required the rider to start pedaling, before the gas engine would "kick in" and allow it to continue on without the use of human intervention. Each of the 50 states differed on their respective laws regarding Mopeds. Some only required that the driver be licensed with any class of permit. Some required only tags and insurance, and some required neither. (Maryland requires a regular Driver's License or a "Moped License." More info below.) In their heyday, foreign manufacturers such as Tomas, Puch, Peugeot, Vespa, and others were the big suppliers of Mopeds in the United States, but just like "lava lamps, and bell-bottomed pants," the fad of Mopeds has definitely worn off, and their presence in everyday life has become almost non-existent.

*Enter the Motor Scooter.*

### Motor Scooters - The Moped of the "Modern Generation"

Here we are in 2004. Mopeds have taken a back seat to a new form of "low cost" transportation - The Motor Scooter.

What exactly is a Motor Scooter you ask? Well basically it's a re-tooled, dressed-up Moped - minus the pedals. Today's Motor Scooters appear more like motorcycles than bicycles, and have "tweaked" motors that allow them to travel a little faster than their predecessors, while staying in the "under 50 cc" engine size category. (The average Moped could only get up to speeds of about 25 MPH, while the average Motor Scooter can attain steady speeds of about 40 MPH.) Most of today's Motor Scooters have a sleek, European styling about them, although there are some which are built to look like "Race Rocket" motorcycles, and even some that resemble miniature "Harleys."



*But are they legal?*

### Motor Scooters on the Road



Maryland does not require Motor Scooters to have Tags or Insurance, only that the driver have a valid Driver's license of any class, or a Moped Operator's Permit. There are however other requirements that must be met before a Motor Scooter can be considered "street legal," and used on the public roads.

Since Motor Scooters don't have pedals, they do not fit the legal description of a Moped. As such, the State of Maryland enacted legislation in 2001, which specifically addresses Motor Scooters. Below you will see the various sections of the law, which relate to Motor Scooters and mopeds. One section of the law that should be noted is that Motor Scooters must have a "step-through" chassis. That means that the "Race Rocket" type scooters are NOT street legal, since they are not built with this type of frame. (See pictures below for examples.)

***THE INFORMATION BELOW HAS BEEN TAKEN DIRECTLY FROM THE MARYLAND VEHICLE LAW MANUAL:***

*(To View the Entire Vehicle Law Manual [Click Here](#))*

**§ 11-135. Motor vehicle.**

- (a) In general.- "Motor vehicle" means, except as provided in subsection (b) of this section, a vehicle that:
- (1) Is self-propelled or propelled by electric power obtained from overhead electrical wires; and
  - (2) Is not operated on rails.
- (b) Moped or motor scooter.- "Motor vehicle" **does not include:**
- (1) A moped, as defined in § 11-134.1 of this subtitle; or
  - (2) A motor scooter, as defined in § 11-134.4 of this subtitle.

[An. Code 1957, art. 661/2, § 1-149; 1977, ch. 14, § 2; 1984, ch. 255; 2001, ch. 557.]

**§ 11-134.1. Moped.**

"Moped" means a bicycle that:

- (1) Is designed to be operated by human power with the assistance of a motor;
- (2) Is equipped with pedals that mechanically drive the rear wheel or wheels;
- (3) Has two or three wheels, of which one is more than 14 inches in diameter; and
- (4) Has a motor with a rating of 1.5 brake horsepower or less and, if the motor is an internal combustion engine, a capacity of 50 cubic centimeters piston displacement or less.

[1978, ch. 328; 1979, ch. 65.]

**§ 11-134.4. Motor scooter.**

- (a) In general.- "Motor scooter" means a nonpedal vehicle that:
- (1) Has a seat for the operator;
  - (2) Has two wheels, of which one is 10 inches or more in diameter;
  - (3) Has a **step-through** chassis;
  - (4) Has a motor:
    - (i) With a rating of 2.7 brake horsepower or less; or

(ii) If the motor is an internal combustion engine, with a capacity of 50 cubic centimeters piston displacement or less; and

(5) Is equipped with an automatic transmission.

(b) Off-road vehicles.- "Motor scooter" does not include a vehicle that has been manufactured for off-road use, including a motorcycle and an all-terrain vehicle.

[2001, ch. 557.]

### § 11-154.1. Scooter.

"Scooter" means a two-wheeled vehicle that:

(1) Has handlebars; and

(2) Is designed to be stood on by the operator.

[2001, ch. 344.]



*Note: This section is referring to "STAND-UP" scooters, powered by either a small Electric or Gasoline Engine. These "scooters" are sometimes mistakenly referred to as "Razor Scooters," and are ARE NOT legal on Maryland's Public Roadways, as they do not qualify as "Motor Scooters." (See the pictures below for examples.)*

### § 13-402. Vehicles subject to registration; exceptions.

(a) General rule; .-

(1) Except as otherwise provided in this section or elsewhere in the Maryland Vehicle Law, each motor vehicle, trailer, semitrailer, and pole trailer driven on a highway shall be registered under this subtitle

(i) Penalty for violation.- A person who drives or attempts to drive a vehicle on any highway in this State in violation of any of the provisions of this section is guilty of a misdemeanor.

**\*\* IMPORTANT \*\***

*The Fine for Driving an Unregistered Vehicle on the Public Roadways of Maryland is \$275.00. (Section 13-402 al)*

*In addition, if the Vehicle being driven is Uninsured, the Fine is a maximum of \$1000.00, and/or 1 Year in Jail. (Section 17-107)*

[An. Code 1957, art. 661/2, § 3-402; 1977, ch. 14, § 2; 1978, ch. 590; 1981, chs. 333, 546, 682, 743; 1982, ch. 17, § 7; 1985, ch. 306, § 1; 1988, ch. 660; 1989, ch. 112; 1992, ch. 258; 1994, ch. 165, § 3; ch. 166, § 3; 1995, ch. 3, § 2; 1999, chs. 82, 241; 2000, ch. 19.]

\* It should be noted that this section requires Motor Vehicles, Trailers, Semi-Trailers and Pole Trailers to be registered (have tags) before they can be legally operated on the public highways. **"Motor Scooters"** and **"Mopeds"** by definition do not fall into one of these categories, and therefore **do NOT have to be registered.**

### Vehicle Laws - Motor Scooters - HB 1402 (Chapter 557, Laws of 2001).

Allows persons driving a motor scooter to not use a helmet. Requires that they must carry a driver's license or permit issued by the MVA while operating a motor scooter. Motor scooters are allowed to travel in bike lanes but not bike paths and no scooter can go faster than **30-miles per hour**. A motor scooter is not a motorcycle and is not subject to state motorcycle law, but the rules of the road will apply to the vehicles.

Effective: July 1, 2001

**§ 21-1205.1. Bicycles, motor scooters, and EPAMDs prohibited on certain roadways and highways; speed limit.**

(a) In general.- Notwithstanding any other provision of this title, a person may not ride a bicycle or a **motor scooter**:

(1) On any roadway where the posted maximum speed limit is **more than 50 miles an hour**; or

(2) On any expressway, except on an adjacent bicycle path or way approved by the State Highway Administration, or on any other controlled access highway signed in accordance with § 21-313 of this title.

(b) Roadway with bike lane or shoulder paved to smooth surface.-

(1) Where there is a bike lane paved to a smooth surface or a shoulder paved to a smooth surface, a person operating a bicycle or a motor scooter shall use the bike lane or shoulder and may not ride on the roadway, except in the following situations:

(i) When overtaking and passing another bicycle, motor scooter, pedestrian, or other vehicle within the bike lane or shoulder if the overtaking and passing cannot be done safely within the bike lane or shoulder;

(ii) When preparing for a left turn at an intersection or into an alley, private road, or driveway;

(iii) When reasonably necessary to leave the bike lane or shoulder to avoid debris or other hazardous condition; or

(iv) When reasonably necessary to leave the bike lane or shoulder because the bike lane or shoulder is overlaid with a right turn lane, merge lane, or other marking that breaks the continuity of the bike lane or shoulder.

(2) A person operating a bicycle or a motor scooter may not leave a bike lane or shoulder until the movement can be made with reasonable safety and then only after giving an appropriate signal.

(3) The Department shall promulgate rules and regulations pertaining to this subsection which will include, but not be limited to, a definition of "smooth surface".

(c) Motor scooter speed limit.- **A motor scooter may not be operated at a speed in excess of 30 miles per hour.**

(d) Restrictions on operating EPAMDs.- Notwithstanding any other provision of this title, a person may not operate an EPAMD on any roadway where there are sidewalks adjacent to the roadway or the posted maximum speed limit is more than 30 miles an hour.

(e) EPAMD speed limit.- An EPAMD may not be operated at a speed in excess of 15 miles per hour.

[An. Code 1957, art. 661/2, § 11-1205.1; 1977, ch. 14, § 2; ch. 543, § 2; 1983, ch. 108, § 2; 1995, ch. 495, § 2; 2001, ch. 557; 2002, ch. 546.]

NOTE: EPAMD stands for "Electric Personal Assistive Mobility Device." (The [Segway](#) Scooter is an example of an EPAMD)

**§ 21-1206. Carrying articles; tampering with bicycle, motor scooter or EPAMDs.**

(a) Transporting articles.- A person may not operate a bicycle, an EPAMD, or a motor scooter while carrying any package, bundle, or other article that prevents the person from keeping both hands on the handlebars.

(b) Interfering with view or balance of operator.- A person may not carry on a bicycle, an EPAMD, or a motor scooter any package, bundle, or other article that interferes with the view or balance of the operator.

(c) Tampering with bicycle, motor scooter, or EPAMD.- A person may not remove, ride on, or tamper with any part of a bicycle, an EPAMD, or a motor scooter without the permission of its owner.

[An. Code 1957, art. 661/2, § 11-1206; 1977, ch. 14, § 2; 1986, ch. 472, § 1; 2001, ch. 557; 2002, ch. 546.]

### **§ 21-1207. Lamps and other equipment on bicycles and motor scooters.**

**(a) Lamp and reflector.-**

**(1) If a bicycle or a motor scooter is used on a highway at any time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 1,000 feet, the bicycle or motor scooter shall be equipped:**

**(i) On the front, with a lamp that emits a white light visible from a distance of at least 500 feet to the front; and**

**(ii) On the rear, with a red reflector of a type approved by the Administration and visible from all distances from 600 feet to 100 feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle.**

**(2) A bicycle or bicyclist may be equipped with a lamp that emits a red light or a flashing amber light visible from a distance of 500 feet to the rear in addition to the red reflector required by paragraph (1) of this subsection.**

**(b) Bell.- A person may not operate a bicycle or a motor scooter unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least 100 feet.**

**(c) Sirens or whistles.- However, a bicycle or motor scooter may not be equipped with nor may any person use on a bicycle any siren or whistle.**

**(d) Brake.- Every bicycle and motor scooter shall be equipped with a brake that enables its operator to make the braked wheels skid on dry, level, clean pavement.**

[An. Code 1957, art. 661/2, § 11-1207; 1977, ch. 14, § 2; 1981, ch. 152; 1986, ch. 472, § 1; 2001, ch. 557.]

### **§ 21-1208. Securing bicycle, motor scooter or EPAMD to certain objects.**

**(a) Prohibition.- A person may not secure a bicycle, an EPAMD, or a motor scooter to a fire hydrant, police or fire call box, or traffic control device.**

**(b) Poles, etc., within bus or taxi-loading zones.- A person may not secure a bicycle, an EPAMD, or a motor scooter to a pole, meter, or device located within a bus or taxi-loading zone.**

**(c) Poles, etc., within 25 feet of intersections.- A person may not secure a bicycle, an EPAMD, or a motor scooter to a pole, meter, or device located within 25 feet of any intersection.**

**(d) Poles, etc., having notices forbidding securing of bicycles.- A person may not secure a bicycle, an EPAMD, or a motor scooter to a pole, meter, or device on which notice has been posted by the appropriate authorities forbidding the securing of bicycles.**

**(e) Obstructing or impeding traffic or pedestrian movement.- A person may not secure a bicycle, an EPAMD, or a motor scooter to any place where the securing of a bicycle or a motor scooter would obstruct or impede vehicular traffic or pedestrian movement.**

**(f) Securing to parking meter.- A bicycle, an EPAMD, or a motor scooter may be secured to a parking meter, without payment of the usual fees, if it is entirely removed from the bed of the street normally used for vehicular parking.**

[An. Code 1957, art. 661/2, § 11-1206.2; 1977, ch. 14, § 2; 1986, ch. 472, § 1; 2001, ch. 557; 2002, ch. 546.]

### **§ 21-1210. Wearing earplugs, headsets, etc., prohibited.**

**(a) Wearing headset coverings.- A person may not operate a bicycle, an EPAMD, or a motor scooter on any highway, or on any roadway, while the person is wearing any headset covering both ears.**

**(b) Earplugs.- A person may not operate a bicycle, an EPAMD, or a motor scooter on any highway, or on any roadway, while the person is wearing any earplugs in both ears.**

**(c) Exceptions.- The provisions of this section do not apply to:**

- (1) Any person wearing personal hearing protectors in the form of custom earplugs or molds that are designed to attenuate injurious noise levels, if the custom plugs or molds are designed in such a manner as to not inhibit the wearer's ability to hear a siren or horn from an emergency vehicle or a horn from another vehicle;
- (2) Any person wearing a prosthetic device used to aid the hard of hearing; or
- (3) Any person operating a bicycle on a public bicycle pathway expressly authorized for the use of persons operating bicycles.

[1984, ch. 730, § 2; 1986, ch. 396, § 1; ch. 472, § 1; 2001, ch. 557; 2002, ch. 546.]

**EXAMPLES OF "STREET LEGAL" AND "NON STREET LEGAL" VEHICLES**

			
<p><b>LEGAL</b> - Standard Moped</p>	<p><b>LEGAL</b> - Standard Moped</p>	<p><b>LEGAL</b> - Standard Motor Scooter</p>	<p><b>LEGAL</b> - S</p>
			
<p><b>NOT LEGAL</b> - Motor Scooter w/o "Step-Through" Chassis.</p>	<p><b>NOT LEGAL</b> - Motor Scooter w/o "Step-Through" Chassis.</p>	<p><b>NOT LEGAL</b> - Motor Scooter w/o "Step-Through" Chassis.</p>	<p><b>NOT LI</b> w/o "St</p>

			
<p><b>LEGAL</b> - Electric Scooter with 14" wheels, and required lighting.</p>	<p><b>NOT LEGAL</b> - Motor Scooter w/o "Step-Through" Chassis.</p>	<p><b>NOT LEGAL</b> - Although the seat is present and the wheels are 10" in diameter, it has NO lighting.</p>	<p><b>NOT LI</b> Rider, dia</p>

**RELATED LAWS OF INTEREST:**

**§ 21-1207.1. Helmets required. (This section applies to Bicycles)**

(a) In general.-

(1) The provisions of this section apply:

- (i) At all times while a bicycle is being operated on any highway, bicycle way, or other property open to the public or used by the public for pedestrian or vehicular traffic; and
- (ii) To a person under the age of 16 who is riding on a bicycle, including a person under the age of 16 who is a passenger on a bicycle:

- 1. In a restraining seat attached to the bicycle; or
- 2. In a trailer being towed by the bicycle.

(2) The provisions of this section do not apply to passengers in commercial bicycle rickshaws.

(b) Inapplicable on Ocean City boardwalk.- This section does not apply in the town of Ocean City, Maryland, on the boardwalk between the Ocean City inlet and 27th Street, during the hours in which bicycles are permitted by local ordinance to be operated on the boardwalk.

(c) Helmets.- A person to whom this section applies may not operate or ride as a passenger on a bicycle unless the person is wearing a helmet that meets or exceeds the standards of the American National Standards Institute, the Snell Memorial Foundation's standard, or the standards of the American Society of Testing and Measurements for protective headgear for use in bicycling.

(d) Enforcement.- This section shall be enforced by the issuance of a warning that informs the offender of the requirements of this section and provides educational materials about bicycle helmet use.

[1995, ch. 497.]

**Scooters - Protective Helmets - HB 1407 (Chapter 344, Laws of 2001).**

Prohibits anyone under 16 from riding a scooter, in-line skates or bicycle without a helmet.

Effective: October 1, 2001

**§ 21-1103. Driving on sidewalk.**

**(a) Driving prohibited.-** Except as provided in subsection (b) or (c) of this section, a person may not drive any vehicle on a sidewalk or sidewalk area unless it is a permanent or authorized temporary driveway.

**(b) Exceptions - Bicycles, play vehicles, etc.-** (1) For purposes of this subsection, "bicycle" does not include "moped", as defined in § 11-134.1 of this article.

(2) Where permitted by local ordinance, a person may ride a bicycle, play vehicle, or unicycle on a sidewalk or sidewalk area.

**(c) Same - Special vehicles of individuals with disabilities persons.-** Where permitted by local ordinance, an individual with a disability may use a special vehicle on sidewalks or sidewalk areas from one-half hour after sunrise to one-half hour before sunset.

[An. Code 1957, art. 661/2, § 11-1103; 1977, ch. 14, § 2; 1979, ch. 128; 1982, ch. 323; 2001, ch. 255; 2002, ch. 19, § 4.]

### § 11-136. Motorcycle.

**(a) In general.-** "Motorcycle" means a motor vehicle that:

(1) Has one front wheel and one or two rear wheels on a single axle; however, if it is equipped with two rear wheels on a single axle, the rear tread width may not exceed 25 inches;

(2) Is self-propelled by a motor with a rating of more than 1.5 brake horsepower and a capacity of at least 49 cubic centimeters piston displacement;

(3) Has a singular front steering road wheel mounted in a fork assembly that passes through a frame steering bearing and to which is attached a handlebar or other directly operated steering device;

(4) Has a seat that is straddled by the driver; and

(5) Except for a windshield or windscreen, does not have any enclosure or provision for an enclosure for the driver or any passenger.

**(b) Detachable sidecar.-** A detachable sidecar is an accessory to and not a part of a motorcycle.

[An. Code 1957, art. 661/2, § 1-150; 1977, ch. 14, § 2; 1978, ch. 328; 1981, ch. 483; 1982, ch. 300; 1984, ch. 542; 1986, ch. 672; 1988, ch. 6, § 1.]

### § 21-1306. Equipment for riders. (Motorcycles Only)

**(a) Exception.-** This section does not apply to any person riding in an enclosed cab.

**(b) Required headgear.-** An individual may not operate or ride on a motorcycle unless the individual is wearing protective headgear that meets the standards established by the Administrator.

**(c) Required eye-protective device or windscreen.-** A person may not operate a motorcycle unless:

(1) He is wearing an eye-protective device of a type approved by the Administrator; or

(2) The motorcycle is equipped with a windscreen.

**(d) Approval of protective devices by Administrator.-** The Administrator:

(1) May approve or disapprove protective headgear and eye-protective devices required by this section;

(2) May adopt and enforce regulations establishing standards and specifications for the approval of protective headgear and eye-protective devices; and

(3) Shall publish lists of all protective headgear and eye-protective devices that he approves, by name and type.

**(e) Failure to use required headgear; evidence; civil actions.-**

(1) The failure of an individual to wear protective headgear required under subsection (b) of this section may not:

(i) Be considered evidence of negligence;

(ii) Be considered evidence of contributory negligence;

(iii) Limit liability of a party or an insurer; or

(iv) Diminish recovery for damages arising out of the ownership, maintenance, or operation of a motorcycle.

(2) Subject to the provisions of paragraph (3) of this subsection, a party, witness, or counsel may not make reference to protective headgear during a trial of a civil action that involves property damage, personal injury, or death if the damage, injury, or death is not related to the design, manufacture, supplying, or repair of protective headgear.

(3) (i) Nothing contained in this subsection may be construed to prohibit the right of a person to institute a civil action for damages against a dealer, manufacturer, distributor, factory branch, or other appropriate entity or person arising out of an incident that involves protective headgear alleged to be defectively designed, manufactured, or repaired.

(ii) In a civil action described under subparagraph (i) of this paragraph in which 2 or more parties are named as joint tort-feasors, interpleaded as defendants, or impleaded as defendants, and at least 1 of the joint tort-feasors or defendants is not involved in the design, manufacture, supplying, or repair of protective headgear, a court shall order on a motion of any party separate trials to accomplish the ends of justice.

[An. Code 1957, art. 661/2, § 11-1306; 1977, ch. 14, § 2; 1979, ch. 746; 1992, chs. 1, 2.]

### § 21-1303.1. Restrictions; requirements.

(a) Minimum engine size required on certain roadways.- Notwithstanding any other provisions of this title, a person may not operate a motorcycle that has a motor with a rating of 1.5 brake horsepower or less, or a capacity of less than 70 cubic centimeters piston displacement:

(1) On a roadway where the posted maximum speed limit is more than 50 miles per hour; or

(2) On any expressway or other controlled access highway.

(b) Dealer warnings required.-

(1) Prior to the sale of such vehicle, any dealer or agent or employee of a dealer, any vehicle salesman, or other person who sells a motorcycle as defined in this subsection shall inform the buyer of the operating restrictions imposed by this section.

(2) The Administration may provide a warning of the operating restrictions imposed by this subsection.

[1984, ch. 542; 1985, ch. 10 § 3.]

## **REMEMBER - MARYLAND STREET LEGAL MOTOR SCOOTERS:**

1. Must Have a Seat for the Driver,
2. Must Have a "Step-Thru" Chassis,
3. Must Have a Engine Size of 50cc or Less,
4. Must Have an Automatic Transmission,
5. Must Have a White Headlight in the Front, and a Red Reflector or Light to the Rear,
6. May Not Travel in Speeds in Excess of 30 MPH,
7. May Not Travel on Roadways whose Posted Maximum Speed Limit is more than 50 MPH ,
8. Must Use Bike Lanes or Paved Shoulders when on the Highway (where applicable) except for passing, and

## 9. May Not Use Bike or Pedestrian Paths.

*\* THE DRIVER MUST POSSESS A VALID DRIVER'S LICENSE (Any Class) OR A MOPED LICENSE. TAGS, INSURANCE AND A . . . HELMET FOR ANYONE OVER 16 IS NOT REQUIRED, BUT INSURANCE & A "DOT APPROVED" HELMET IS RECOMMENDED.*

**ALWAYS DRIVE MOPEDS AND MOTOR SCOOTERS WITH CAUTION. MOTOR SCOOTERS AND MOPEDS ARE HARDER TO SEE ON THE ROAD, ESPECIALLY AT NIGHT, AND THE SMALL ENGINE SIZE DOES NOT AFFORD THE OPERATOR THE ABILITY TO QUICKLY MOVE OUT OF THE WAY OF LARGE VEHICLES. BE SMART - ALWAYS USE LOWER SPEED SIDEROADS TO AVOID MAJOR HIGHWAYS.**

\* The use of Mopeds and Motor Scooters on Private Property such as Parking Lots and Open Fields are subject to the permissions and rules granted by the owners of the property.  
Riding on private property without permission of the owner could result in an arrest for trespassing!

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