

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 1464

H.P. 1027

House of Representatives, March 23, 2005

### **An Act To Amend the Laws Relating to Motorized Scooters, Motor-driven Cycles and Mopeds**

(EMERGENCY)

---

Submitted by the Secretary of State pursuant to Joint Rule 204.  
Reference to the Committee on Transportation suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative SAMPSON of Auburn.  
Cosponsored by Senator SAVAGE of Knox and  
Representatives: COLLINS of Wells, HOGAN of Old Orchard Beach, MARLEY of Portland,  
THOMAS of Ripley, Senator: DAMON of Hancock.

2           **Emergency preamble.** Whereas, acts of the Legislature do not  
become effective until 90 days after adjournment unless enacted  
as emergencies; and

4  
6           **Whereas,** there has been a drastic increase in the number of  
motorized cycles and off-road vehicles; and

8           **Whereas,** the law regarding these motorized cycles and  
off-road vehicles is not clear; and

10           **Whereas,** in the judgment of the Legislature, these facts  
12 create an emergency within the meaning of the Constitution of  
Maine and require the following legislation as immediately  
14 necessary for the preservation of the public peace, health and  
safety; now, therefore,

16           **Be it enacted by the People of the State of Maine as follows:**

18           **Sec. 1. 29-A MRSA §101, sub-§36,** as amended by PL 2001, c.  
20 687, §4, is repealed and the following enacted in its place:

22           **36. Moped.** "Moped" means a motorized device designed to  
24 travel with only 2 or 3 10-inch or larger diameter wheels in  
contact with the ground and that:

26           A. May have fully operative pedals for propulsion by human  
power;

28           B. Has an electric or a liquid fuel motor with a cylinder  
30 capacity displacement not exceeding 50 cubic centimeters or  
an electric motor with a capacity not exceeding 1,500 watts;  
32 and

34           C. Is equipped with a power drive system that functions  
only directly or automatically and does not require  
36 clutching or shifting by the operator after the drive system  
is engaged.

38           "Moped" does not include an electric personal assistive mobility  
40 device.

42           **Sec. 2. 29-A MRSA §101, sub-§38,** as enacted by PL 1993, c.  
44 683, Pt. A, §2 and affected by Pt. B, §5, is repealed and the  
following enacted in its place:

46           **38. Motorcycle.** "Motorcycle" means a motor vehicle that  
48 has a seat or a saddle for the use of the rider and is designed  
to travel with only 2 or 3 10-inch or larger diameter wheels in  
ground contact and has a motor with a cylinder capacity of more  
50 than 50 cubic centimeters or an electric motor with a capacity of  
not less than 1,500 watts.

2           **Sec. 3. 29-A MRSA §101, sub-§39**, as amended by PL 2001, c.  
687, §5, is repealed.

4           **Sec. 4. 29-A MRSA §101, sub-§41-B**, as amended by PL 2001, c.  
687, §8, is further amended to read:

8           **41-B. Motorized scooter.** "Motorized scooter" means a  
10 scooter that has 2 or 3 10-inch or smaller in diameter wheels in  
ground contact or is powered by a motor having a maximum piston  
12 displacement of less than 25 cubic centimeters or an electric  
driven motor and is capable of a maximum speed of no more than 25  
14 miles per hour on a flat surface motor with a capacity not  
exceeding 750 watts. "Motorized scooter" does not include an  
electric personal assistive mobility device.

16           **Sec. 5. 29-A MRSA §101, sub-§47-A** is enacted to read:

18           **47-A. Off-road vehicle.** "Off-road vehicle" means a motor  
20 vehicle that, because of the vehicle's design and configuration,  
does not meet the inspection standards of chapter 15 and that is  
22 not a moped or motorcycle.

24           **Sec. 6. 29-A MRSA §101, sub-§64-C**, as repealed and replaced by  
PL 2003, c. 510, Pt. A, §24, is amended to read:

26           **64-C. Scooter.** "Scooter" means a device upon which a  
28 person may ride, consisting of a footboard between 2 end wheels,  
controlled by an upright steering handle attached to the front  
30 wheel and propelled by human power ~~or a motor~~. "~~Scooter~~" ~~does~~  
~~not include an electric personal assistive mobility device.~~

32           **Sec. 7. 29-A MRSA §354** is enacted to read:

34           **§354. Off-road vehicles**

36           Off-road vehicles may not be registered in accordance with  
38 this Title.

40           **Sec. 8. 29-A MRSA §405, sub-§1**, as amended by PL 2001, c. 671,  
§5, is further amended to read:

42           1. **Automobile, truck, truck tractor, motor home,**  
44 **motorcycle, moped, semitrailers not exceeding a gross vehicle**  
**weight of 2,000 pounds, special mobile equipment, tractor and**  
46 **camp trailer registration.** Registration for an automobile,  
truck, truck tractor, motor home, motorcycle, moped, ~~motor-driven~~

2 eyele, semitrailer not exceeding a gross vehicle weight of 2,000  
pounds, special mobile equipment, tractor and camp trailer is as  
follows.

4  
6 A. A registration expires on the last day of the month one  
year from the month of issuance.

8 B. When an application is made after the registration for  
the previous year has expired, the term of the renewal  
10 begins on the month of the issuance of the previous  
registration.

12 C. A person who has a fleet of 5 or more motor vehicles may  
14 petition the Secretary of State for a common expiration date  
of all vehicle registrations.

16 **Sec. 9. 29-A MRSA §452, sub-§1, ¶B,** as enacted by PL 1993, c.  
18 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

20 B. A motorcycle ~~ex-motor-driven-eyele~~ registration plate  
may not be attached to the front of that motorcycle ~~ex~~  
22 ~~motor-driven-eyele~~.

24 **Sec. 10. 29-A MRSA §652, sub-§7,** as enacted by PL 1993, c.  
26 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

28 **7. Motorcycle or moped of less than 300 cubic centimeters.**  
A motorcycle, ~~--motor-driven--eyele~~ or a moped with an engine  
displacement of less than 300 cubic centimeters;

30 **Sec. 11. 29-A MRSA §851, sub-§8,** as enacted by PL 1993, c.  
32 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

34 **8. Motorcycle dealer.** "Motorcycle dealer" means a dealer  
whose primary business is the buying or selling of new or used  
36 motorcycles, or both, ~~ex-motor-driven-eyeles, ex-both~~.

38 **Sec. 12. 29-A MRSA §954, sub-§2,** as enacted by PL 1993, c.  
40 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

42 **2. Motorcycle.** Motorcycle dealer plates and a license may  
be issued to a person engaged in the manufacturing or buying and  
selling of new or used motorcycles ~~ex-motor-driven-eyeles~~.

44 **Sec. 13. 29-A MRSA §1252, sub-§2,** as enacted by PL 1993, c.  
46 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

48 **2. School bus or motorcycle.** Operation of a school bus, or  
50 motorcycle ~~ex-motor-driven-eyele~~ requires a special endorsement  
on a license.

2 A nonresident school bus driver picking up and discharging school  
4 children or driving in conjunction with school-related activities  
may operate a vehicle with a certificate issued by the Secretary  
of State.

6  
8 A school bus certificate may be issued only after the applicant  
has successfully passed the required examination.

10 **Sec. 14. 29-A MRSA §1252, sub-§3, ¶A,** as enacted by PL 1993,  
c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

12  
14 A. By a person who does not possess a valid license of any  
class or a license specially endorsed to operate a  
motorcycle, ~~a motor-driven eyele~~ or a moped; or

16  
18 **Sec. 15. 29-A MRSA §1254, sub-§1,** as enacted by PL 1993, c.  
683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

20 **1. Motorcycles.** The Secretary of State may issue a license  
specifically endorsed for the operation of a motorcycle ~~or~~  
22 ~~motor-driven-eyele~~ with the same requirements as a motor vehicle  
license. A motor vehicle license does not authorize operation of  
24 a motorcycle ~~or motor-driven-eyele~~ unless the license is endorsed  
for ~~these-vehieles~~ that vehicle.

26  
28 **Sec. 16. 29-A MRSA §1254, sub-§3,** as amended by PL 1999, c.  
170, §2, is further amended to read:

30 **3. Motorized bicycle or tricycle operator.** A motorized  
bicycle or tricycle may only be operated by a person who  
32 possesses a valid license of any class, an instruction permit or  
a license endorsed for a motorcycle, ~~motor-driven-eyele~~ or  
34 moped. The Secretary of State may not require the operator of a  
motorized bicycle or tricycle to obtain a license endorsed for a  
36 motorcycle, ~~motor-driven-eyele~~ or moped.

38 **Sec. 17. 29-A MRSA §1304, sub-§1, ¶E,** as repealed and replaced  
by PL 2001, c. 710, §13 and affected by §14, is amended to read:

40  
42 E. Unless the permittee is operating a motorcycle or  
~~motor-driven-eyele~~ moped, the permit requires the permittee  
to be accompanied by a licensed operator who:

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46 (1) Has held a valid license for the immediately  
preceding 2 consecutive years;

48 (2) Is at least 20 years of age;

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(3) Is occupying a seat beside the driver; and

(4) Is licensed to operate the class vehicle operated by the permittee.

The accompanying operator must adhere to all restrictions applied to the license when functioning as the permittee's accompanying operator. A person who meets the conditions of subparagraphs (2), (3) and (4) whose license was canceled or suspended for physical, mental or emotional reasons within the immediately preceding 2 consecutive years may act as an accompanying operator pursuant to this paragraph with the approval of the Secretary of State.

**Sec. 18. 29-A MRSA §1304, sub-§2.** as amended by PL 1999, c. 470, §19, is further amended to read:

**2. Motorcycle and moped.** The following provisions apply to instruction permits for the operation of motorcycles, ~~motor-driven-eyeles~~ or mopeds.

A. A person must be at least 16 years of age to apply for a motorcycle, ~~motor-driven-eyele~~ or moped instruction permit.

B. An applicant must pass a vision test and a knowledge test related specifically to the safe operation of a motorcycle, ~~motor-driven-eyele~~ or moped.

C. An applicant for a motorcycle permit must complete a motorcycle driver education program as required by section 1352.

D. An instruction permit is valid for one year.

E. Failure to complete the driving test within 2 years from issue date requires reexamination for the instruction permit. In the case of a motorcycle ~~or motor-driven-eyele~~ learner's permit, failure to complete the driving test within one year from issue date of the permit requires another completion of the motorcycle driver education course required by section 1352 before a subsequent permit is issued.

G. An instruction permit allows the holder to operate a motorcycle, ~~motor-driven-eyele~~ or moped only during daylight hours. That permit does not allow the holder to carry a passenger.

2 H. The fee for a motorcycle, ~~motor-driven-eyele~~ or moped  
instruction permit and the first road test is \$10. The fee  
4 for a subsequent examination is \$5.

6 **Sec. 19. 29-A MRSA §1352, sub-§1**, as affected by PL 1995, c.  
65, Pt. A, §153; amended by Pt. B, §14; and affected by Pt. C,  
8 §15, is further amended to read:

10 **1. Motorcycle driver education required.** Notwithstanding  
any other provision of law, a motorcycle ~~ex-motor-driven-eyele~~  
12 instruction permit, license or endorsement may not be issued to a  
14 person, unless that person presents a certificate of successful  
16 completion of a motorcycle driver education program and  
18 examination approved by the Secretary of State, except as  
provided in this subsection. If a person is hearing-impaired and  
20 a course is not readily available to that person, the Secretary  
of State may arrange for that person to complete a motorcycle  
driver education program using an electronic communications  
system. The program must meet the requirements of this section.

22 **Sec. 20. 29-A MRSA §1352, sub-§2, ¶A**, as enacted by PL 1993,  
c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

24 A. A motorcycle driver education program must consist of an  
26 8-hour block of instruction directly related to the actual  
operation of motorcycles and ~~motor-driven-eyes~~,  
28 emphasizing safety measures designed to ensure greater  
awareness of careful and skillful operation of motorcycles  
and ~~motor-driven-eyeles~~.

30 **Sec. 21. 29-A MRSA §1902, sub-§2, ¶C**, as enacted by PL 1993,  
32 c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

34 C. A motorcycle ~~ex-motor-driven-eyele~~, within 30 feet, from  
a speed of 20 miles per hour.

36 **Sec. 22. 29-A MRSA §1902, sub-§3**, as enacted by PL 1993, c.  
38 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

40 **3. Parking brakes.** A vehicle, except a 2-wheel motorcycle  
~~ex-2-wheel-motor-driven-eyele~~, must be equipped with parking  
42 brakes adequate to hold the vehicle on any grade on which it is  
operated, under all conditions of loading, on a surface free from  
44 snow, ice or loose material. Parking brakes:

46 A. Must be capable of being applied by the driver's  
muscular effort, spring action or equivalent means;



2 B. May be operated with assistance of the service brakes or  
4 other source of power, provided that failure of the service  
6 brake actuation system or other power assisting mechanism  
does not prevent the parking brakes from being applied;

8 C. Must be designed so that, once applied, they remain  
10 applied with the required effectiveness despite leakage or  
exhaustion of any source of energy;

12 D. May share the same brake drums, brake shoes and lining  
14 assemblies, brake shoe anchors and mechanical brake shoe  
assemblies used for service brakes; and

16 E. If the means of applying the parking and service brakes  
18 are connected, must be constructed so that failure of one  
part does not leave the vehicle without operative brakes.

20 **Sec. 23. 29-A MRSA §1904, sub-§4. ¶B,** as enacted by PL 2003,  
22 c. 452, Pt. Q, §21 and affected by Pt. X, §2, is amended to read:

24 B. A motorcycle ~~ex-motor-driven-eyele~~ must have one mounted  
headlight.

26 **Sec. 24. 29-A MRSA §1904, sub-§6,** as enacted by PL 1993, c.  
28 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

30 **6. Motorcycle.** A motorcycle ~~ex-motor-driven-eyele~~ that  
32 does not have an adequate beam for headlights is restricted to  
daytime operation.

34 **Sec. 25. 29-A MRSA §1913, sub-§3,** as enacted by PL 1993, c.  
36 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

38 **3. Motorcycles.** A motorcycle ~~ex-motor-driven-eyele~~ must be  
40 equipped with a rear view mirror mounted and adjusted to afford  
the operator a clear, reflected view of the highway in the rear  
for a distance of at least 200 feet.

42 **Sec. 26. 29-A MRSA §2052, sub-§5, ¶B,** as enacted by PL 2003,  
44 c. 452, Pt. Q, §31 and affected by Pt. X, §2, is amended to read:

46 B. Bicycles or other nonmotorized traffic, scooters, or  
motorized bicycles or tricycles, ~~ex-motor-driven-eyeles~~.

48 **Sec. 27. 29-A MRSA §2062, last ¶,** as enacted by PL 1993, c.  
683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

2           **Sec. 28. 29-A MRSA §2063, sub-§1**, as repealed and replaced by  
PL 2001, c. 667, Pt. C, §17, is amended to read:

4  
6           **1. Definitions.** For the purpose of this section, "bicycle"  
includes a motorized bicycle or a motorized tricycle, ~~"scooter"~~  
8           ~~includes a motorized scooter~~ and "toy vehicle" includes, but is  
not limited to, skateboards, rollerskates, wagons, sleds and  
coasters.

10           **Sec. 29. 29-A MRSA §2063, sub-§6**, as repealed and replaced by  
12           PL 2001, c. 667, Pt. C, §17, is amended to read:

14           **6. Speed.** A motorized bicycle ~~or motorized scooter~~ may not  
be operated in excess of 20 miles per hour.

16           **Sec. 30. 29-A MRSA §2074, sub-§1, ¶¶D and E**, as enacted by PL  
18           1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to  
read:

20           D. Forty-five miles per hour on all other public ways  
22           unless otherwise posted; and

24           E. On ways with a higher maximum speed limit, 45 miles per  
hour for a school bus transporting pupils to and from  
26           school. At all other times, a school bus may not exceed 55  
miles per hour, ~~and~~.

28           **Sec. 31. 29-A MRSA §2074, sub-§1, ¶F**, as enacted by PL 1993,  
30           c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

32           **Sec. 32. 29-A MRSA §2080**, as amended by PL 1995, c. 584, Pt.  
B, §10, is further amended to read:

34           **§2080. Operation of all-terrain and off-road vehicles**

36           Notwithstanding any other provision of law, whenever an  
38           all-terrain vehicle or off-road vehicle is operated on a way, ~~it~~  
~~is the vehicle and operator are~~ subject to all provisions of this  
40           Title, except chapters 5, 7, 13 and 15. Whenever an all-terrain  
vehicle or off-road vehicle is operated on a way, the operator is  
42           not subject to the provisions of chapter 11, except when ~~the~~ an  
all-terrain vehicle is registered for highway use.

44           **Sec. 33. 29-A MRSA §2083, sub-§§1, 2 and 4**, as enacted by PL  
46           1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to  
read:

48           **1. Requirement.** The following persons must wear protective  
50           headgear:

- 2 A. If under 15 years of age, a passenger on a motorcycle,  
3 ~~motor-driven-eyele~~ or in an attached side car;  
4  
5 B. If under 15 years of age, an operator of an off-road  
6 motorcycle ~~or-motor-driven-eyele~~;  
7  
8 C. An operator of a motorcycle ~~or--motor-driven--eyele~~,  
9 operating under a learner's permit or within one year of  
10 successfully completing a driving test; and  
11  
12 D. A passenger of an operator required to wear headgear.

13 **2. Compliance.** An operator of a motorcycle ~~or-motor-driven~~  
14 ~~eyele~~, parent or guardian may not allow a passenger under the age  
15 of 15 years to ride in violation of this section.  
16

17 **4. Public program.** In furtherance of reasonable  
18 protective public policy, the Department of Public Safety, Bureau  
19 of Highway Safety must develop and implement a public information  
20 and education program designed to encourage helmet utilization by  
21 all motorcycle, ~~motor-driven-eyele~~ and moped riders.  
22

23 **Sec. 34. 29-A MRS §2091** is enacted to read:

24 **§2091. Operation of off-road vehicles**

25 **1. Operation prohibited.** Unless the specific type of  
26 off-road vehicle is authorized to be operated on a public way by  
27 this or any other Title, an off-road vehicle may not be operated  
28 on a public way or parking area.

29 **2. Violation.** A person who operates an off-road vehicle in  
30 violation of subsection 1 commits a traffic infraction.  
31

32 **Emergency clause.** In view of the emergency cited in the  
33 preamble, this Act takes effect when approved.  
34

35 **SUMMARY**

36 This bill amends current law regarding 2-wheeled and  
37 3-wheeled vehicles and off-road vehicles. The bill:  
38

39 1. Amends the definition of "moped" by establishing  
40 criteria for wheel number and size and electric-powered motors;  
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42 2. Repeals the definition of "motorcycle" and replaces it  
43 with a definition that establishes criteria for wheels and  
44 electric-powered motors;  
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- 2           3. Repeals the definition of "motor-driven cycles";
- 4           4. Amends the definition of "motorized scooter" by  
6 establishing criteria for wheel number and size and  
electric-powered motors;
- 8           5. Establishes a definition of "off-road vehicle."  
10 Off-road vehicles, because of their size, shape, design and  
configuration, may not be operated on a public way unless  
12 operation is authorized by statute;
- 14           6. Amends the definition of "scooter" by excluding scooters  
that are powered by motors;
- 16           7. Enacts a provision that off-road vehicles may not be  
18 registered under the Maine Revised Statutes, Title 29-A;
- 20           8. Removes references in Title 29-A to motor-driven cycles;
- 22           9. Eliminates the requirement that businesses that sell  
motor-driven cycles be licensed as motor vehicle dealers;
- 24           10. Removes a reference to motorized scooter under vehicles  
26 that are regulated as bicycles or toy vehicles;
- 28           11. Establishes a provision to treat off-road vehicles  
operated on ways the same as all-terrain vehicles operated on  
30 ways; and
- 32           12. Establishes a provision to make it a traffic infraction  
to operate an off-road vehicle on a public way or parking area.