

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 212

H. P. 174

House of Representatives, February 1, 1977

Referred to Committee on Transportation. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. McMahon of Kennebunk.

Cosponsor: Mr. Goodwin of South Berwick.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

**AN ACT to Recognize Mopeds as being in a Different Classification than
Motorcycles.**

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

Sec. 1. 29 MRSA § 1, sub-§ 4, as amended by PL 1971, c. 575, § 1, is further amended to read:

4. **Motorcycle.** "Motorcycle" shall mean every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than 3 wheels in contact with the ground, but excluding a tractor, a parking control vehicle and a moped.

Sec. 2. 29 MRSA § 1, sub-§ 5 is repealed and the following enacted in its place:

5. **Moped.** "Moped" shall mean a bicycle with fully operative pedals for propulsion by human power, an automatic transmission and a motor with a cylinder capacity not exceeding 50 cubic centimeters, which produces no more than 2 brake horsepower and is capable of propelling the bicycle at a maximum design speed of no more than 30 miles per hour on level ground.

Sec. 3. 29 MRSA § 1, sub-§ 7, as last amended by PL 1969, c. 414, § 2, is further amended to read:

7. **Motor vehicle.** "Motor vehicle" shall mean any self-propelled vehicle not operated exclusively on tracks, including motorcycles, but not including snowmobiles, as defined in Title 12, section 1971, and mopeds.

Sec. 4. 29 MRSA § 1, sub-§ 20, as last amended by PL 1969, c. 414, § 3, is further amended to read:

20. Vehicle. "Vehicle" shall include all kinds of conveyances on ways for persons and for property, except those propelled or drawn by human power or used exclusively on tracks or snowmobiles, as defined in Title 12, section 1971, and mopeds.

Sec. 5. 29 MRSA § 249-B is enacted to read:

§ 249-B. Mopeds

The annual fee for the registration of mopeds shall be \$3. The Secretary of State may adopt and promulgate necessary rules and regulations to provide for the collection of the registration fee for mopeds by a retail dealer when a moped is sold by him.

Sec. 6. 29 MRSA § 357, as enacted by PL 1973, c. 529, § 1, is amended to read:

§ 357. Motorcycle dealer; fee

Motorcycle registration plates and license shall be issued to those persons, who qualify under this subchapter, whose primary business is the selling of new and used motorcycles ~~or motor driven cycles~~.

Every manufacturer or dealer in motorcycles ~~or motor driven cycles~~ shall annually pay a fee of \$10 for a registration certificate to handle, demonstrate, sell and exchange motorcycles ~~or motor driven cycles~~. Upon payment of \$5 per plate, plates shall be issued, the number to be determined by the Secretary of State, who is authorized to prescribe reasonable limitations on the use of such plates. Extra registration plates shall be furnished to replace lost or mutilated plates for \$1 each.

Sec. 7. 29 MRSA § 381, last ¶, as last amended by PL 1971, c. 360, § 22, is further amended to read:

In the case of a motorcycle ~~or motor driven cycle~~, no number plate shall be attached to the front of said motorcycle ~~or motor driven cycle~~.

Sec. 8. 29 MRSA § 531, sub-§ 1, as enacted by PL 1973, c. 587, § 2, is amended to read:

1. Class 1. Any motor vehicle or combination of vehicles, including "Class 2 or 3," except school bus ~~or motorcycle or motor driven cycle~~;

Sec. 9. 29 MRSA § 531, sub-§ 2, as last repealed and replaced by PL 1975, c. 623, § 44-B, is amended to read:

2. Class 2. Any single unit vehicle of over 18,000 pounds registered weight or any such vehicle towing another of 8,000 pounds g.v.w. or less, any bus carrying passengers, including "Class 3," except school bus ~~or motorcycle or motor driven cycle~~;

Sec. 10. 29 MRSA § 531, sub-§ 3, as last repealed and replaced by PL 1975, c. 623, § 44-B, is amended to read:

3. **Class 3.** Any motor vehicle or combination of vehicles not exceeding registered weight of 18,000 pounds or any registered farm motor truck bearing the letter F, except school bus or motorcycle ~~or motor driven cycle~~;

Sec. 11. 29 MRSA § 531, sub-§ 4, 1st sentence, as enacted by PL 1973, c. 587, § 2, is amended to read:

School buses, motorcycles ~~or motor driven cycles~~ shall not be given a separate class but their use shall be provided for by special endorsement on their operator's license.

Sec. 12. 29 MRSA § 531, ¶ 4, sub-§ 5, is enacted to read:

5. **Mopeds.** Mopeds may be operated by any person possessing a valid operator's license of any class. Mopeds may not be operated upon interstate highways or upon any way upon which a bicycle may not be operated.

Sec. 13. 29 MRSA § 531, 5th ¶, as repealed and replaced by PL 1973, c. 738, § 4, is amended to read:

Persons holding a valid license to operate motor vehicles on December 31, 1973, and provided that such licenses are not restricted to the operation of motorcycles ~~or motor driven cycles~~ only, may during the term of the license apply to the Secretary of State to have such licenses endorsed "Class 1" or "Class 2" without payment of additional fee and without examination as follows.

Sec. 14. 29 MRSA § 532, 2nd sentence, as last amended by PL 1971, c. 360, § 23, is further amended to read:

The Secretary of State may, in his discretion, after applicant has successfully passed all parts of an examination other than the driving test, issue to the applicant an instruction permit which shall entitle the applicant, while having such permit in his immediate possession, to drive a motor vehicle upon the public highways for a period of one year when accompanied by a licensed operator who has at least one year of driving experience and is at least 18 years of age and who is occupying a seat beside the driver, except in the event the permittee is operating a motorcycle ~~or motor driven cycle~~.

Sec. 15. 29 MRSA § 532, 2nd ¶, as last amended by PL 1973, c. 273, is further amended to read:

Any person, who is at least 16 years of age may make application to the Secretary of State for a motorcycle ~~or motor driven cycle~~ learner's permit to operate a motorcycle ~~or motor driven cycle~~, provided the requirements of section 583 have been met. The Secretary of State shall require that before the motorcycle ~~or motor driven cycle~~ learner's permit is issued any applicant shall have passed a knowledge test relating specifically to the safe operation of a motorcycle ~~or motor driven cycle~~ and a vision test. The knowledge test shall be in addition to the basic test of rules of the road and sign recognition required of all drivers applying for an original State of Maine operator's license.

Sec. 16. 29 MRSA § 532, 3rd ¶, 1st sentence, as last amended by PL 1971, c. 360, § 25, is further amended to read:

The motorcycle ~~or motor driven cycle~~ learner's permit, when issued, will be valid for a period of 120 days.

Sec. 17. 29 MRSA § 532, 4th ¶, as amended by PL 1975, c. 589, § 19, is further amended to read:

The fee for said motorcycle ~~or motor driven cycle~~ learner's permit shall be \$5 which shall include the first road test. The fee for all subsequent examinations shall be \$3.

Sec. 18. 29 MRSA § 532, last ¶, as enacted by PL 1975, c. 731, § 35, is amended to read:

No person to whom an instruction permit has been issued shall operate a motorcycle ~~or motor driven cycle~~ other than during daylight hours or carry any passenger on a motorcycle ~~or motor driven cycle~~ unless such passenger is the holder of a valid license to operate a motorcycle.

Sec. 19. 29 MRSA § 544, as amended by PL 1971, c. 360, § 28, is further amended to read:

§ 544. Special license for motorcycles

The Secretary of State shall prepare suitable blanks for applicants for a license to operate motorcycles ~~or motor driven cycles~~ and he shall issue licenses to competent persons to operate motorcycles ~~or motor driven cycles~~, subject to the same general requirements with respect to a license to operate a motor vehicle.

A license to operate a motor vehicle shall not authorize the licensee to operate a motorcycle ~~or motor driven cycle~~, unless the license shall so specify. Licensees to operate a motor vehicle may on application be granted a license to operate a motorcycle ~~or motor driven cycle~~ without paying an additional fee.

Sec. 20. 29 MRSA § 583, 3rd ¶, 1st sentence, as repealed and replaced by PL 1975, c. 770, § 149, is amended to read:

After September 1, 1975, no motorcycle ~~or motor driven cycle~~ learner's permit or permission or restriction to operate a motorcycle ~~or motor driven cycle~~ shall be issued to any person under 17 years of age, unless such person shall present a certificate of successful completion of a motorcycle driver education course and examination given by the public secondary schools and academies receiving tuition students as described in Title 20, section 1291; or certificate of successful completion of a driver education course and examination given by some person or persons licensed by the Secretary of State.

Sec. 21. 29 MRSA § 832, 1st ¶, as last amended by PL 1973, c. 788, § 129, is further amended by adding at the end the following new sentence:

Mopeds shall not be considered for the purposes of this section.

Sec. 22. 29 MRSA § 960, as last amended by PL 1971, c. 360, § 31, is further amended to read:

§ 960. Riding on motorcycles

A person operating a motorcycle ~~or motor driven cycle~~ shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle ~~or motor driven cycle~~, unless such vehicle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for 2 persons, or upon another seat firmly attached to the rear or side of the operator, and provided with foot rests or in a sidecar attached to the motorcycle ~~or motor driven cycle~~.

Sec. 23. 29 MRSA § 999, as amended by PL 1973, c. 650, is further amended to read:

§ 999. Motorcycles

In addition to the requirements of this chapter, motorcycles ~~and motor driven cycles~~ shall be operated on the highway with a lighted headlamp on when in motion and in such manner that no more than 2 such vehicles shall be operated abreast within the same lane of operation.

No person shall operate on the highway any motorcycle ~~or motor driven cycle~~ equipped with handlebars that are more than 15 inches in height above the uppermost portion of the seat when depressed by the weight of the operator.

Sec. 24. 29 MRSA § 1367-A, as enacted by PL 1969, c. 58, § 3, is amended to read:

§ 1367-A. Mirrors for motorcycles

A motorcycle ~~or motor driven cycle~~ shall be equipped with a rear view mirror so mounted and adjusted as to afford the operator a clear, reflected view of the highway in the rear of the vehicle for a distance of at least 200 feet.

Sec. 25. 29 MRSA § 1373, as last amended by PL 1973, c. 222, § 7, is further amended to read:

§ 1373. Protective headgear for motorcycle riders

Every person operating a motorcycle ~~or motor driven cycle~~, or riding as a passenger on a motorcycle ~~or motor driven cycle~~ or in a sidecar attached to a motorcycle, ~~or motor driven cycle~~ shall wear protective headgear conforming with such minimum standards of construction and performance as the Commission of Transportation may prescribe.

Sec. 26. 29 MRSA § 2122, 1st 2 sentences, as last amended by PL 1971, c. 69, §§ 1 and 2, are further amended to read:

The Chief of State Police shall require twice each year that every vehicle registered in this State, except motorcycles ~~and motor driven cycles~~, be inspected at an official inspection station, duly appointed and certified as such

by the Chief of the State Police, to determine the proper adjustment and sufficiency of the following required equipment: Brakes, lights, safety seat belts on 1966 and subsequent models, running gear, wheels, tires, horns, glazing, mechanical windshield wipers, rear view mirrors, reflectors, exhaust system and body components. Motorcycles and ~~motor driven cycles~~ shall be inspected once annually.

Sec. 27. 29 MRSA § 2362, sub-§ 7, as repealed and replaced by PL 1975, c. 745, § 17, is amended to read:

7. Any motorcycle ~~or motor driven cycle~~, as defined in section 1, subsections 4 and 5, with an engine displacement of less than 300 cubic centimeters.

STATEMENT OF FACT

The purpose of this bill is to recognize mopeds as being in a different classification from motorcycles.