

By Mr. Scaccia of Boston, petition of Angelo M. Scaccia relative to further regulating motorized bicycles and motorized tricycles. Public Safety.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Eight.

AN ACT FURTHER REGULATING MOTORIZED BICYCLES AND MOTORIZED TRICYCLES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 1 of Chapter 90 of the General Laws is
2 hereby amended by inserting after the definition of "Mobile
3 construction crane" the following definition: —

4 "Moped" a pedal bicycle or a pedal tricycle which has a helper
5 motor rated no more than 2.0 brake horsepower, a cylinder
6 capacity not exceeding fifty cubic centimeters, an automatic
7 transmission, and which is capable of a maximum design speed
8 of not more than thirty miles per hour, or a pedal bicycle or pedal
9 tricycle with a motor or driving wheel attached which when
10 activated makes direct contact with and furnishes power directly
11 to a wheel of such vehicle and is incapable of propelling the vehicle
12 in excess of thirty miles per hour.

1 SECTION 2. Said section 1 of said chapter 90 is hereby further
2 amended by striking out the definition of "Motor Cycle" as most
3 recently amended by section 1 of chapter 261 of the Acts of 1976
4 and inserting in place thereof the following definition: — "Motor
5 Cycle", any motor vehicle having a seat or saddle for the use of
6 the rider and designed to travel on not more than three wheels
7 in contact with the ground, except a tractor or a motor vehicle
8 designed for the carrying of golf clubs and not more than four
9 persons, an industrial three-wheel truck, a motor vehicle on which
10 the operator and passenger ride within an enclosed cab, or a
11 moped.

1 SECTION 3. Said Section 1 of said Chapter 90 is hereby
2 further amended by striking out the definition of “Motorized
3 Bicycle”.

1 SECTION 4. The definition of “Motor vehicles” in said section
2 1 of said chapter 90 is hereby amended by striking out the sentence
3 as inserted by section 3 of said chapter 261 and inserting in place
4 thereof the following sentence: — the definition of “motor
5 vehicles” shall not include moped.

1 SECTION 5. Said chapter 90 is hereby further amended by
2 striking out Section 1B to 1D, inclusive, and inserting in place
3 thereof the following three sections: —

4 Section 1B. (1) a moped shall not be operated on any way, as
5 defined in section one within the commonwealth by any person
6 under sixteen years of age, nor at a speed in excess of thirty miles
7 per hour.

8 (2) A moped shall not be operated on any way by any person
9 not having in his possession a valid operator’s license, or a
10 learner’s permit.

11 (3) Every person operating a moped upon a way, shall have the
12 right to all public ways, except limited access or express highways
13 where signs specifically prohibiting bicycles have been posted.
14 mopeds may be operated on bicycle lanes that are adjacent to any
15 way, but shall be excluded from off-street recreational bicycle
16 paths.

17 (4) Except as provided in this section, or in section five, no
18 person, after the fifth day of purchase or acquisition of a moped
19 shall operate or allow to be operated upon any way said moped,
20 unless it has displayed on the rear, a current plate or decal issued
21 by the Registrar to the owner thereof. During such five day period,
22 the operator shall carry an original copy of a bill of sale clearly
23 indicating the date of purchase or acquisition.

24 (5) Non-resident owners who have registered their mopeds in
25 compliance with the registration and licensing laws of the state,
26 province the mopeds are appropriately identified in accordance
27 with the laws of the state of residence, need not display a decal
28 or plate issued by the Registrar.

29 (6) A person operating a moped shall ride only upon the
30 permanent or regular seat attached thereto, and such operator
31 shall not carry any other person nor shall any other person ride
32 on a moped unless said moped is designed to carry more than one
33 person, in which event, a passenger may ride upon the permanent
34 and regular seat if designed for two persons, or upon another seat
35 firmly attached to the moped at the rear of the operator.

36 (7) An operator of a moped shall at all times, except when
37 signalling pursuant to clause (10) keep both hands upon the
38 handlebars and shall not carry any pack, bundle or article which
39 prevents him from keeping both hands on the handlebars.

40 (8) No person shall operate a moped nor shall any person ride
41 in a position that will interfere with the operation or control of
42 the moped or the view of the operator.

43 (9) The operator of any moped shall signal, by either hand, or
44 by a mechanical or electrical device, his intention to stop or turn.

45 (10) All mopeds shall be entitled to full use of a lane and no
46 motor vehicle shall be driven in such manner as to intentionally
47 deprive any moped of the full use of the lane.

48 (11) The operator of a moped shall not overtake and pass a
49 motor vehicle in the same lane occupied by such vehicle.

50 (12) No person shall operate a moped between lanes of traffic
51 or between adjacent lines or rows of vehicles.

52 (13) Mopeds shall not be operated more than two abreast in
53 a single lane.

54 (14) Paragraphs (11), (12), (13) shall not apply to police officers
55 in the performance of their official duties.

56 (15) No person riding upon a moped shall attach themselves
57 or the moped to any vehicle being operated on a way.

58 (16) No moped shall be operated upon a way with handlebars
59 more than fifteen inches in height above that portion of the seat
60 occupied by the operator.

61 (17) No person shall operate a moped upon any way while under
62 the influence of intoxicating liquor or a controlled substance as
63 defined in section 1 of chapter 94C, or the vapors of glue.

64 (18) Every moped that is upon a way during the period from
65 one-half hour after sunset to one-half hour before sunrise shall
66 display one lighted headlamp in front and one red light on the
67 rear.

68 (19) No person having control or charge of a moped shall allow
69 such vehicle to stand in any way without shutting off the engine,
70 locking and removing the key from the locking device.

71 (20) The operator of a moped shall report, in writing within
72 five days, any accident involving either personal injury or property
73 damage in excess of \$100.00 or both, to the Registrar, on a form
74 approved by him and send a copy thereof to the police department
75 having jurisdiction over the place on the way where such accident
76 occurred.

77 (21) Any person operating a moped shall, when requested by
78 a police officer, give his name and address, and name and address
79 of the vehicle owner, produce his license or learner's permit for
80 inspection by such officer, and allow the officer to inspect the
81 equipment of such mopeds. Any officer authorized to make arrests
82 may arrest without a warrant and keep in custody for not more
83 than twenty-four hours, unless Sunday intervenes, any person
84 who, while operating a moped upon any way, shall refuse, when
85 requested by such officer, to give such information or produce
86 his license or learner's permit for inspection.

87 (22) A person convicted of a violation of any provision of
88 section 1B or 1C shall be punished by a fine of no more than
89 twenty-five dollars.

90 Section 1C. mopeds shall comply with all applicable federal
91 motor vehicle safety standards. All equipment required by said
92 standards shall be maintained in proper working order.

93 Section 1D. Application for a plate or decal shall be made by
94 the owner of a moped upon the acquisition of such vehicle to the
95 registrar, on a prescribed form accompanied by the fee established
96 by the commissioner of administration and finance. Any plate or
97 decal, issued by the registrar for a moped, shall be valid for a
98 period of two years or until the ownership of said vehicle is
99 transferred, whichever is shorter.

1 SECTION 6. Section 8B of said chapter 90, as most recently
2 amended by section 5 of chapter 261 of the acts of 1976, is hereby
3 further amended by striking out in line 16, the words "motorized
4 bicycles" and inserting in place thereof the words: — moped.