

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 135
PROPOSED COMMITTEE SUBSTITUTE S135-PCS55325-SU-8

Short Title: Operation of Mopeds.

(Public)

Sponsors:

Referred to:

February 12, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE MOPEDS TO BE REGISTERED WITH THE DIVISION OF
3 MOTOR VEHICLES AND TO HAVE IN FULL FORCE AND EFFECT A POLICY OF
4 FINANCIAL RESPONSIBILITY.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 20-10.1 reads as rewritten:

7 "§ 20-10.1. Mopeds.

8 (a) General Provisions. – It shall be unlawful for any person who is under the age of 16
9 years to operate a ~~moped as moped~~, as defined in ~~G.S. 105-164.3~~ G.S. 105-164.3, upon any
10 highway or public vehicular area of this State.

11 (b) Passengers. – It shall be unlawful to have any passengers on a moped.

12 (c) Registration. – Mopeds shall be registered with the Division in the same manner as
13 any other motor vehicle. The owner shall pay the same fees and be issued the same type of
14 registration card and plate issued for a motorcycle. In order to be registered with the Division
15 and operated upon a highway or public vehicular area, a moped must meet the following
16 requirements:

17 (1) The moped has a vehicle identification number, as required under
18 G.S. 20-52(a)(2).

19 (2) The moped was designed and manufactured for use on public highways.

20 (d) Financial Responsibility. – It shall be unlawful to operate a moped on a public street
21 or highway or public vehicular area without having in full force and effect financial
22 responsibility as required by the provisions of Articles 9A and 13 of this Chapter. The Division
23 shall treat a moped the same as any other motor vehicle for the purposes of compliance with
24 Articles 9A and 13 of this Chapter."

25 SECTION 2. G.S. 20-51(9) is repealed.

26 SECTION 3. G.S. 20-140.4 reads as rewritten:

27 "§ 20-140.4. Special provisions for motorcycles and mopeds.

28 (a) No person shall operate a motorcycle or moped upon a highway or public vehicular
29 area:

30 (1) When the number of persons upon ~~such motorcycle or moped~~, a motorcycle,
31 including the operator, shall exceed the number of persons which it was
32 designed to carry.



1 (2) Unless the operator and all passengers thereon wear on their heads, with a
2 retention strap properly secured, safety helmets of a type that complies with
3 Federal Motor Vehicle Safety Standard (FMVSS) 218.

4 (b) Violation of any provision of this section shall not be considered negligence per se
5 or contributory negligence per se in any civil action.

6 (c) Any person convicted of violating this section shall have committed an infraction
7 and shall be fined according to G.S. 20-135.2A(e) and (f)."

8 **SECTION 4.** This act becomes effective December 1, 2009, and applies to
9 offenses committed on or after that date.