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HOUSE DRH70021-MH-18 (01/11)

Short Title: Operation of Mopeds.

(Public)

Sponsors: Representative Shepard.

Referred to:

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
9 ~~16~~17 years and has not completed the graduated drivers license process to operate a ~~moped~~ as
10 defined in G.S. 105-164.3 moped upon any 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. The owner shall pay
13 the same fees and be issued the same type of registration card and plate issued for a motorcycle.
14 In order to be registered with the Division and operated upon a highway or public vehicular
15 area, a moped must meet the following requirements:

16 (1) The moped has a manufacturer's certificate of origin.

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

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

23 **SECTION 2.(a)** G.S. 20-51(9) is repealed.

24 **SECTION 2.(b)** G.S. 20-76 is amended by adding a new subsection to read:

25 "(c) Whenever the applicant for the registration of a moped is unable to present a
26 manufacturer's certificate of origin for the moped, the applicant must submit an affidavit stating
27 why the applicant does not have the manufacturer's certificate of origin and attesting that the
28 applicant is entitled to the registration. Upon receipt of the application and accompanying
29 affidavit, the Division shall issue the applicant the registration card and plate. The Division
30 may not require the applicant to post a bond as required under subsection (b) of this section. A
31 person damaged by issuance of the registration card does not have a right of action against the
32 Division."

33 **SECTION 3.** G.S. 20-183.2(a1) and (b) read as rewritten:

34 "(a1) Safety Inspection Exceptions. – The following vehicles shall not be subject to a
35 safety inspection pursuant to this Article:



- 1 (1) Historic vehicles, as defined in G.S. 20-79.4(b)(63).
2 (2) Buses titled to a local board of education and subject to the school bus
3 inspection requirements specified by the State Board of Education and
4 G.S. 115C-248.

5 (3) Mopeds.

6 (b) Emissions. – A motor vehicle is subject to an emissions inspection in accordance
7 with this Part if it meets all of the following requirements:

8 ...

- 9 (2) It is not a trailer whose gross weight is less than 4,000 pounds, a house
10 trailer, ~~or a motorcycle~~ a motorcycle, or a moped."

11 **SECTION 4.** G.S. 20-140.4 reads as rewritten:

12 **"§ 20-140.4. Special provisions for motorcycles and mopeds.**

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

- 15 (1) When the number of persons upon such ~~motorcycle or moped~~ motorcycle,
16 including the operator, shall exceed the number of persons which it was
17 designed to carry. It is unlawful for the operator of a moped to carry
18 passengers, as provided under G.S. 20-10.1.

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

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

24 (c) Any person convicted of violating this section shall have committed an infraction
25 and shall pay a penalty of twenty-five dollars and fifty cents (\$25.50) plus the following court
26 costs: the General Court of Justice fee provided for in G.S. 7A-304(a)(4), the telephone
27 facilities fee provided for in G.S. 7A-304(a)(2a), and the law enforcement training and
28 certification fee provided for in G.S. 7A-304(a)(3b). Conviction of an infraction under this
29 section has no other consequence.

30 (d) No drivers license points or insurance surcharge shall be assessed on account of
31 violation of this section."

32 **SECTION 5.(a)** G.S. 58-36-3 reads as rewritten:

33 **"§ 58-36-3. Limitation of scope; motorcycle and moped endorsements allowed;
34 Department of Insurance report.**

35 (a) The Bureau has no jurisdiction over:

- 36 (1) Excess workers' compensation insurance for employers qualifying as
37 self-insurers as provided in Article 47 of this Chapter or Article 5 of Chapter
38 97 of the General Statutes.

- 39 (2) Farm buildings, farm dwellings, and their appurtenant structures; farm
40 personal property or other coverages written in connection with farm real or
41 personal property.

- 42 (3) Travel or camper trailers designed to be pulled by private passenger motor
43 vehicles, unless insured under policies covering nonfleet private passenger
44 motor vehicles.

- 45 (4) Mechanical breakdown insurance covering nonfleet private passenger motor
46 vehicles and other incidental coverages written in connection with this
47 insurance, including emergency road service assistance, trip interruption
48 reimbursement, rental car reimbursement, and tire coverage.

- 49 (5) Residential real and personal property insured in multiple line insurance
50 policies covering business activities as the primary insurable interest; and
51 marine, general liability, burglary and theft, glass, and animal collision

1 insurance, except when such coverages are written as an integral part of a
2 multiple line insurance policy for which there is an indivisible premium.

3 (6) Insurance against theft of or physical damage to motorcycles, as defined in
4 G.S. 20-4.01(27)d.

5 (7) Personal excess liability or personal "umbrella" insurance.

6 (8) Liability insurance and theft or physical damage insurance on mopeds as
7 defined in G.S. 105-164.3.

8 (b) Member companies writing motorcycle liability insurance under this Article and
9 writing insurance against theft of or physical damage to motorcycles under Article 40 of this
10 Chapter may incorporate motorcycle theft and physical damage coverage as an endorsement to
11 the liability policy issued under this Article. Member companies writing moped liability or theft
12 and physical damage insurance under Article 40 of this Chapter may incorporate such
13 insurance as an endorsement to liability and physical damage policies issued under this Article.

14 (c) Beginning on February 1, 2003, and annually thereafter, the Department of
15 Insurance shall report to the President Pro Tempore of the Senate and the Speaker of the House
16 of Representatives on the effectiveness of S.L. 2001-389 in assuring the provision of insurance
17 coverage to motorcyclists at fair and economical rates."

18 **SECTION 5.(b)** G.S. 58-37-1(6) reads as rewritten:

19 **"§ 58-37-1. Definitions.**

20 As used in this Article:

21 ...

22 (6) "Motor vehicle" means every self-propelled vehicle that is designed for use
23 upon a highway, including trailers and semitrailers designed for use with
24 such vehicles (except traction engines, road rollers, farm tractors, tractor
25 cranes, power shovels, and well drillers). "Motor vehicle" also means a
26 motorcycle, as defined in G.S. 20-4.01(27)d. The term does not mean a
27 moped as defined in G.S. 105-164.3. Notwithstanding any other provisions
28 of this Article, liability insurance on a moped is not eligible for cession to
29 the Facility.

30"

31 **SECTION 5.(c)** G.S. 58-40-10 reads as rewritten:

32 **"§ 58-40-10. Other definitions.**

33 As used in this Article and in Articles 36 and 37 of this Chapter:

34 (1) "Private passenger motor vehicle" means:

35 a. A motor vehicle of the private passenger or station wagon type that is
36 owned or hired under a long-term contract by the policy named
37 insured and that is neither used as a public or livery conveyance for
38 passengers nor rented to others without a driver; or

39 b. A motor vehicle that is a pickup truck or van that is owned by an
40 individual or by husband and wife or individuals who are residents of
41 the same household if it:

42 1. Has a gross vehicle weight as specified by the manufacturer
43 of less than 10,000 pounds; and

44 2. Is not used for the delivery or transportation of goods or
45 materials unless such use is (i) incidental to the insured's
46 business of installing, maintaining, or repairing furnishings or
47 equipment, or (ii) for farming or ranching.

48 Such vehicles owned by a family farm copartnership or a family farm
49 corporation shall be considered owned by an individual for the
50 purposes of this section; or

1 c. A motorcycle, motorized scooter or other similar motorized vehicle
 2 not used for commercial purposes. A moped as defined in
 3 G.S. 105-164.3 is not considered a motorcycle, motorized scooter, or
 4 other similar motorized vehicle.

5 (2) "Nonfleet" motor vehicle means a motor vehicle not eligible for
 6 classification as a fleet vehicle for the reason that the motor vehicle is one of
 7 four or fewer motor vehicles hired under a long-term contract or owned by
 8 the insured named in the policy."

9 **SECTION 5.(d)** G.S. 58-40-15(9) reads as rewritten:

10 **"§ 58-40-15. Scope of application.**

11 The provisions of this Article shall apply to all insurance on risks or on operations in this
 12 State, except:

13 ...
 14 (9) For private passenger (nonfleet) motor vehicle liability insurance,
 15 automobile medical payments insurance, uninsured motorists' coverage and
 16 other insurance coverages written in connection with the sale of such
 17 liability insurance; except this Article applies to motor vehicle liability
 18 insurance, automobile medical payments insurance, uninsured motorists'
 19 coverage, and theft of or physical damage insurance on mopeds as defined in
 20 G.S. 105-164.3.

21"

22 **SECTION 6.** This act becomes effective July 1, 2013, and applies to offenses
 23 committed on or after that date.