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HOUSE DRH10014-MLF-1B (09/08)

Short Title: Autocycle Definition and Regulation.

(Public)

Sponsors: Representative Torbett.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO DEFINE AND REGULATE AUTOCYCLES.

3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** G.S. 20-4.01(27) reads as rewritten:

5 "**§ 20-4.01. Definitions.**

6 Unless the context requires otherwise, the following definitions apply throughout this
7 Chapter to the defined words and phrases and their cognates:

8 ...

9 (27) Passenger Vehicles. –

10 a. Autocycle. – A three-wheeled motorcycle that has a steering wheel,
11 pedals, seat safety belts for each occupant, antilock brakes, air bag
12 protection, completely enclosed seating that does not require the
13 operator to straddle or sit astride, and is otherwise manufactured to
14 comply with federal safety requirements for motorcycles.

15 a-a1. Excursion passenger vehicles. – Vehicles transporting persons on
16 sight-seeing or travel tours.

17 ...

18 d. Motorcycles. – Vehicles having a saddle for the use of the rider and
19 designed to travel on not more than three wheels in contact with the
20 ground, including ~~motor scooters~~ autocycles, motor scooters, and
21 motor-driven bicycles, but excluding tractors and utility vehicles
22 equipped with an additional form of device designed to transport
23 property, three-wheeled vehicles while being used by
24 law-enforcement agencies and mopeds as defined in subdivision d1
25 of this subsection.

26"

27 **SECTION 2.** G.S. 20-7 reads as rewritten:

28 "**§ 20-7. Issuance and renewal of drivers licenses.**

29 ...

30 (a2) Motorcycle Learner's Permit. – The following persons are eligible for a motorcycle
31 learner's permit:

32 (1) A person who is at least 16 years old but less than 18 years old and has a full
33 provisional license issued by the Division.

34 (2) A person who is at least 18 years old and has a license issued by the
35 Division.



To obtain a motorcycle learner's permit, an applicant shall pass a vision test, a road sign test, and a knowledge test specified by the Division. An applicant who is less than 18 years old shall successfully complete the North Carolina Motorcycle Safety Education Program Basic Rider Course or any course approved by the Commissioner consistent with the instruction provided through the Motorcycle Safety Instruction Program established under G.S. 115D-72. A motorcycle learner's permit expires twelve months after it is issued and may be renewed for one additional six-month period. The holder of a motorcycle learner's permit may not drive a motorcycle with a passenger. The fee for a motorcycle learner's permit is the amount set in G.S. 20-7(l) for a learner's permit.

(a3) Autocycles. – For purposes of this section, the term "motorcycle" shall not include autocycles. To drive an autocycle, a person shall have a regular drivers license.

(c) Tests. – To demonstrate physical and mental ability, a person must pass an examination. The examination may include road tests, vision tests, oral tests, and, in the case of literate applicants, written tests, as the Division may require. The tests must ensure that an applicant recognizes the handicapped international symbol of access, as defined in G.S. 20-37.5. The Division may not require a person who applies to renew a license that has not expired to take a written test or a road test unless one or more of the following applies:

- (1) The person has been convicted of a traffic violation since the person's license was last issued.
- (2) The applicant suffers from a mental or physical condition that impairs the person's ability to drive a motor vehicle.

The Division may not require a person who is at least 60 years old to parallel park a motor vehicle as part of a road test. A person shall not use an autocycle to complete a road test under this subsection.

...."

SECTION 3. G.S. 20-37.16(c) reads as rewritten:

"(c) Endorsements. – The endorsements required to drive certain motor vehicles are as follows:

<u>Endorsement</u>	<u>Vehicles That Can Be Driven</u>
H	Vehicles, regardless of size or class, except tank vehicles, when transporting hazardous materials that require the vehicle to be placarded
M	Motorcycles
N	Tank vehicles not carrying hazardous materials
P	Vehicles carrying passengers
S	School bus
T	Double trailers
X	Tank vehicles carrying hazardous materials.

To qualify for any of the above endorsements, an applicant shall pass a knowledge test. To obtain an H or an X endorsement, an applicant must take a test. This requirement applies when a person first obtains an H or an X endorsement and each time a person renews an H or an X endorsement. An applicant who has an H or an X endorsement issued by another state who applies for an H or an X endorsement must take a test unless the person has passed a test that covers the information set out in 49 C.F.R. § 383.121 within the preceding two years. For purposes of this subsection, the term "motorcycle" shall not include autocycles. Autocycles shall be subject to the requirements under this section for motor vehicles."

SECTION 4. G.S. 20-124(d) reads as rewritten:

"(d) Every motorcycle and every motor-driven cycle when operated upon a highway shall be equipped with at least one brake which may be operated by hand or foot. For purposes

1 of this section, the term "motorcycle" shall not include autocycles. Autocycles shall be subject
2 to the requirements under this section for motor vehicles."

3 **SECTION 5.** G.S. 20-125.1(d) reads as rewritten:

4 "(d) Nothing in this section shall apply to motorcycles. For purposes of this section, the
5 term "motorcycle" shall not include autocycles. Autocycles shall be subject to the requirements
6 under this section for motor vehicles."

7 **SECTION 6.** G.S. 20-129(c) reads as rewritten:

8 "(c) Headlamps on Motorcycles. – Every motorcycle shall be equipped with at least one
9 and not more than two headlamps which shall comply with the requirements and limitations set
10 forth in G.S. 20-131 or 20-132. The headlamps on a motorcycle shall be lighted at all times
11 while the motorcycle is in operation on highways or public vehicular areas. For purposes of this
12 section, the term "motorcycle" shall not include autocycles. Autocycles shall be subject to the
13 requirements under this section for motor vehicles."

14 **SECTION 7.** G.S. 20-130(a) reads as rewritten:

15 "(a) Spot Lamps. – Any motor vehicle may be equipped with not to exceed two spot
16 lamps, except that a motorcycle shall not be equipped with more than one spot lamp, and every
17 lighted spot lamp shall be so aimed and used upon approaching another vehicle that no part of
18 the beam will be directed to the left of the center of the highway nor more than 100 feet ahead
19 of the vehicle. No spot lamps shall be used on the rear of any vehicle. For purposes of this
20 section, the term "motorcycle" shall not include autocycles. Autocycles shall be subject to the
21 requirements under this section for motor vehicles."

22 **SECTION 8.** G.S. 20-131(a) reads as rewritten:

23 "(a) The headlamps of motor vehicles shall be so constructed, arranged, and adjusted
24 that, except as provided in subsection (c) of this section, they will at all times mentioned in
25 G.S. 20-129, and under normal atmospheric conditions and on a level road, produce a driving
26 light sufficient to render clearly discernible a person 200 feet ahead, but any person operating a
27 motor vehicle upon the highways, when meeting another vehicle, shall so control the lights of
28 the vehicle operated by him by shifting, depressing, deflecting, tilting, or dimming the
29 headlight beams in such manner as shall not project a glaring or dazzling light to persons within
30 a distance of 500 feet in front of such headlamp. Every new motor vehicle, other than a
31 motorcycle or motor-driven cycle, registered in this State after January 1, 1956, which has
32 multiple-beam road-lighting equipment shall be equipped with a beam indicator, which shall be
33 lighted whenever the uppermost distribution of light from the headlamps is in use, and shall not
34 otherwise be lighted. Said indicator shall be so designed and located that when lighted it will be
35 readily visible without glare to the driver of the vehicle so equipped. For purposes of this
36 section, the term "motorcycle" shall not include autocycles. Autocycles shall be subject to the
37 requirements under this section for motor vehicles."

38 **SECTION 9.** G.S. 20-135.2 is amended by adding a new subsection to read:

39 "(d) For purposes of this section, the term "motorcycle" shall not include autocycles.
40 Every autocycle registered in this State shall be equipped with at least one set of seat safety
41 belts for the front seat of the autocycle. The seat safety belt shall meet the same construction,
42 design, and strength requirements under this section for seat safety belts in motor vehicles."

43 **SECTION 10.** G.S. 20-135.3 reads as rewritten:

44 **"§ 20-135.3. Seat belt anchorages for rear seats of motor vehicles.**

45 (a) Every new motor vehicle registered in this State and manufactured, assembled or
46 sold after July 1, 1966, shall be equipped with sufficient anchorage units at the attachment
47 points for attaching at least two sets of seat safety belts for the rear seat of the motor vehicle.
48 Such anchorage units at the attachment points shall be of such construction, ~~design~~design, and
49 strength to support a loop load strength of not less than 5,000 pounds for each belt.

50 (b) The provisions of this section shall apply to passenger vehicles of nine-passenger
51 capacity or less, except motorcycles.

1 (c) For purposes of this section, the term "motorcycle" shall not include autocycles.
2 Every autocycle registered in this State shall be equipped with sufficient anchorage units at the
3 attachment points for attaching at least one set of seat safety belts for the rear of the autocycle.
4 The anchorage unit shall meet the same construction, design, and strength requirements under
5 this section for anchorage units in motor vehicles."

6 **SECTION 11.** G.S. 20-140.4(a) reads as rewritten:

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

9 (1) When the number of persons upon or within such motorcycle or moped,
10 including the operator, shall exceed the number of persons which it was
11 designed to carry.

12 (2) Unless the operator and all passengers thereon wear on their heads, with a
13 retention strap properly secured, safety helmets of a type that complies with
14 Federal Motor Vehicle Safety Standard (FMVSS) 218. This subdivision
15 shall not apply to an operator of an autocycle or any passengers within an
16 autocycle."

17 **SECTION 12.** G.S. 20-146.1(b) reads as rewritten:

18 (b) Motorcycles shall not be operated more than two abreast in a single lane. For
19 purposes of this subsection, the term "motorcycle" shall not include autocycles. Autocycles
20 shall not be operated more than one abreast in a single lane."

21 **SECTION 13.** G.S. 20-127(c)(1) reads as rewritten:

22 (c) Tinting Exceptions. – The window tinting restrictions in subsection (b) of this
23 section apply without exception to the windshield of a vehicle. The window tinting restrictions
24 in subdivisions (b)(1) and (b)(2) of this section do not apply to any of the following vehicle
25 windows:

26 (1) A window of an excursion passenger vehicle, as defined in
27 ~~G.S. 20-4.01(27)~~ a.G.S. 20-4.01(27).

28 "

29 **SECTION 14.** This act becomes effective October 1, 2015. Prosecutions for
30 offenses committed before the effective date of this act are not abated or affected by this act,
31 and the statutes that would be applicable but for this act remain applicable to those
32 prosecutions.