

## **STATE LAWS PERTAINING TO GOPEDS**

Many goped owners and several law enforcement agencies have asked the Secretary of State if operating a goped requires a registration or driver license. While the Secretary of State's opinion has no legal binding, we can nonetheless provide information from the Michigan Vehicle Code which affects operation of gopeds. Because gopeds are a relatively new apparatus, they are not defined or addressed in the Vehicle Code. However, gopeds do fall within the definition of "motor vehicle" in Section 257.33: "Motor Vehicle means every vehicle that is self-propelled, but... does not include industrial equipment such as a forklift, a front-end loader, or other construction equipment that is not subject to registration under this act."

A driver license is required to operate motor vehicles on public roads. In addition, motor vehicles must be registered for use on public roads. Under these requirements, an operator of a goped must have a driver license and the unit must be registered. Narrowing the definition of "motor vehicle", some have asked if gopeds fall within the definition of a moped. A moped is defined in the Vehicle Code as:

*"Moped means a 2- or 3-wheeled vehicle which is equipped with a motor that does not exceed 50 cubic centimeters piston displacement, produces 2.0 brake horsepower or less, and cannot propel the vehicle at a speed greater than 30 miles per hour on a level surface. The power drive system shall not require the operator to shift gears."*

Motorized scooters and skateboards are mopeds if they meet all the criteria in the definition of a moped. To operate a motor vehicle on public roads, Michigan law requires residents to have an operator or chauffeur license. To operate a moped on public roads requires either an operator, chauffeur, or moped license. The minimum age for a moped license is 15. In a legal sense, those who are too young to obtain a license allowing operation of a moped cannot operate gopeds on public roads without risk of citation from law enforcement. Such citation would be posted to their master driving record.

Also in a legal sense, since gopeds meet the definition of a motor vehicle, they must be registered as a motorcycle or moped and meet all equipment requirements before use on public roads. For purposes of this explanation, I will focus on the equipment requirements of a moped, as motorcycle requirements exceed that of mopeds. The Vehicle Code requires all mopeds to have the following equipment in order to be registered:

- 1) At least one headlight mounted 24 inches to 54 inches from ground height (Section 257.685 and 257.702), of the power and type dictated in Sections 257.684, 685, and 702.
- 2) Brakes on both wheels as required by Section 257.705(b).
- 3) A horn audible from a minimum of 200 feet away as required in Section 257.706.
- 4) A tail light as provided in Section 257.686.
- 5) A brake light as provided in Sections 257.697 and 697b.
- 6) A rear view mirror as provided in Section 257.708.
- 7) A muffler as provided in Section 257.707.
- 8) A permanently mounted seat as required in Section 257.658(1).
- 9) Handlebars no higher than 15" from the left point of the undepressed seat to the highest point of the hand grip (Section 257.661a).

Unless a goped has all of the required equipment listed above, the Secretary of State cannot issue a moped registration to the unit. It is left to local units of government to regulate any use of gopeds under their jurisdiction. Several municipalities have passed local ordinances which restrict the use of gopeds to those holding a moped or driver license. The Department of State has suggested to municipalities that if they are concerned about the safe operation of these motorized scooters, regulating their use through a municipal ordinance appears to be a good approach.