

Scooters

To: All Officers
From: Captain Scott E Harris
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A question has arisen concerning how to handle these new motorized scooters that have been popping up recently. The following information was taken from the North Carolina Highway Patrol newsletter and written by Joe Dugdale.

First, we must determine whether or not they are vehicles. In North Carolina, a "vehicle" is defined as: *"Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power..."* GS 20-4.01(49) There are certain exceptions to this definition which have the effect of including bicycles and excluding certain mobility impairment devices. Motorized scooters are not self-propelled and are not included within any exception to the definition of vehicle. Therefore, they are vehicles for every purpose pursuant to Chapter 20 of the General Statutes.

The next step is to determine if they are motor vehicles pursuant to North Carolina law. The term *"motor vehicle"* is defined as *"Every vehicle which is self-propelled and every vehicle designed to run upon the highways which is pulled by a self-propelled vehicle."* GS 20-4.01(23) Scooters equipped with either a gasoline powered engine or electric motor are self-propelled and, therefore, are motor vehicles for the purposes of North Carolina law.

There are both gasoline powered and electric powered scooters on the market now. I am not aware of that any are capable of exceeding 20 miles per hour on a level surface or that have external shifting devices. Therefore, they are considered mopeds as defined in GS 105-164.3(22) which states a moped is: *"A vehicle that has two or three wheels, no external shifting device, and a motor that does not exceed 50 cubic centimeters piston displacement and cannot propel the vehicle at a speed greater than 20 miles per hour on a level surface."* They may, therefore, be operated on a street, highway or public vehicular area without a license but only by an operator who is not less than 16 years of age and who is wearing a protective helmet.

The electric powered scooters are not mopeds because they have no piston displacement. Accordingly, these motor vehicles may be operated on a public vehicular area but not on a street or highway unless the operator is properly licensed. Also, if the electric powered scooters are operated on a street or highway they are required to be registered with the Division of Motor Vehicles (GS 20-50; 20-52). However, these vehicles are not properly equipped with the required safety devices and, therefore, may not be registered.

In summary, a gas powered scooter should be treated as if it was a moped and all the same laws should be applied. It is unlawful to operate an electric powered scooter on a street or highway.