

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 1122 (Senator Klausmeier)
Judicial Proceedings

Mopeds and Motor Scooters - Failure to Carry Required Security - Penalty

This bill reduces the maximum penalty from \$500 to \$50 for a violation of the requirement that a driver of a moped or motor scooter carry evidence of required security (generally, vehicle insurance) while operating the vehicle.

Fiscal Summary

State Effect: General fund revenues are minimally affected due to the bill's penalty provision, as discussed below. Enforcement can be handled with existing resources.

Local Effect: Enforcement can be handled with existing resources. Revenues are not affected.

Small Business Effect: None.

Analysis

Current Law: Mopeds and motor scooters are specifically excluded from the definition of "motor vehicle" under the Transportation Article, but they are more broadly encompassed within the definition of "vehicle." A "vehicle" is defined as a device in, on, or by which an individual or property is or might be transported or towed on a highway. A "moped" is a bicycle with pedals and either two or three wheels (one of which is at least 14 inches in diameter) and which is assisted by a motor of at most 1.5 horsepower or 50 cubic centimeters capacity if the motor is an internal combustion engine. A "motor scooter" is a nonpedal vehicle that has an operator's seat and two wheels, one of which is 10 inches or more in diameter. A motor scooter has a step-through chassis, a motor with a maximum rating of 2.7 horsepower or a maximum capacity of 50 cc piston displacement,

and an automatic transmission. A motor scooter does not include an off-road vehicle, a motorcycle, or an all-terrain vehicle. A motor scooter may not be operated at a speed in excess of 30 miles per hour.

Thus, mopeds and motor scooters are not subject to all the same requirements as other vehicles, and they are subject to separate rules of the road, which are generally similar to those applicable to bicycles.

The Motor Vehicle Administration (MVA) may not issue or transfer the registration of a *motor* vehicle unless the owner or prospective owner of the vehicle provides satisfactory evidence to MVA that the required security (generally, insurance) is in effect. Because mopeds and motor scooters are not registered, this requirement does not apply to them. Even so, pursuant to Chapters 210 and 211 of 2012, mopeds and motor scooters must now be titled and are subject to the security provisions that also apply to motor vehicles that must be registered.

Chapters 210 and 211 of 2012 also established the requirement for the operator of a moped or motor scooter to carry *proof* of insurance while operating the vehicle. A person that violates this law is guilty of a misdemeanor and subject to a maximum fine of \$500. The prepayment penalty established by the District Court for this offense is \$290. There is no comparable requirement that *proof* of insurance be carried by the driver of a motor vehicle while operating the vehicle.

The security required must provide at least the payment of claims:

- for bodily injury or death arising from an accident of up to \$30,000 for any one person and up to \$60,000 for any two or more persons;
- for property of others damaged or destroyed in an accident of up to \$15,000;
- unless waived, for personal injury protection of \$2,500 per person; and
- for uninsured motorist coverage (unless waived, the amount equals the amount of liability coverage provided under the policy; if waived, the amount equals the minimum required insurance for liability coverage).

Background: According to the District Court in fiscal 2015, 227 citations were issued for failure to carry evidence of the required security when operating a moped or motor scooter. Of that total, 121 went to trial, 19 were prepaid, and 87 remained open.

State Revenues: The number of people subject to the penalty under the bill is expected to continue to be minimal. Depending on whether relatively few people continue to prepay the penalty or, due to the lower penalty, most choose to prepay the penalty instead of opting to go to trial, general fund revenues either decrease minimally or increase minimally.

For illustrative purposes only and assuming the prepayment penalty is reduced from \$290 to \$50, if only 19 citations continue to be prepaid, fiscal 2017 revenues decrease by \$3,420 (accounting for the bill's October 1, 2016 effective date) and by \$4,560 annually thereafter; conversely, if all 227 citations are prepaid, fiscal 2017 revenues increase by \$4,380 (accounting for the bill's October 1, 2016 effective date) and by \$5,840 annually thereafter.

Additional Information

Prior Introductions: None.

Cross File: HB 1518 (Delegate Beidle) - Rules and Executive Nominations.

Information Source(s): Department of Legislative Services

Fiscal Note History: First Reader - March 16, 2016
min/kdm

Analysis by: Michelle Davis

Direct Inquiries to:
(410) 946-5510
(301) 970-5510