



## Driving Mopeds on North Carolina Streets

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**Categories :** [Motor Vehicles](#), [Uncategorized](#)

**Tagged as :** [mopeds](#)

**Date :** August 2, 2012

Every so often, someone asks whether a person must have a driver's license to drive a moped on a public street in this state. The answer is no—provided that the moped satisfies the definition of that term under state law. A moped is defined as “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 30 miles per hour on a level surface.” [G.S. 20-4.01\(27\)d1](#). (incorporating the definition of moped in [G.S. 105-164.3](#)). A person who is at least 16 years old who is outfitted with a safety helmet may lawfully drive a moped on the public roadways in North Carolina without having a driver's license or automobile liability insurance. [G.S. 20-7\(a1\)](#); [20-8\(7\)](#); [20-140.4](#). Thus, despite the fact that mopeds are motorized vehicles, they are treated more like bicycles than automobiles for purposes of the state's motor vehicle laws. See Ben F. Loeb, Jr. and James C. Drennan, *Motor Vehicle Law and The Law of Impaired Driving in North Carolina* 49 (Institute of Government 2000 ed.). Indeed, a moped is not considered a “motor vehicle” under Chapter 20. [G.S. 20-4.01\(23\)](#). As a result, only the rules of the road that apply to all vehicles (such as the laws prohibiting impaired driving, and requiring that [vehicles be driven on the right half of the highway](#), [stop at stop signs](#), and [obey speed limits](#)) govern the operation of mopeds.

Some think the state ought to tighten the rules governing the operation of mopeds. One consideration is financial. As [this news story](#) reflects, if the operator of a moped causes an accident resulting in damage to an insured motor vehicle, the driver of the insured vehicle and his or insurance company may wind up footing the bill. [Another consideration](#) relates to public safety. Some view moped drivers as a more dangerous subset of the driving population at large. Surgeons and researchers at the Carolinas Medical Center in Charlotte published in March 2011 [this study](#) on the influence of alcohol on moped crashes. You can probably guess the findings from the title: MOPEDS: Motorized Objects Propelling Ethanol Drinking Subjects. An analysis of records from the Carolinas Medical Center trauma database revealed a greater association between moped collisions and positive serum ethanol levels (defined as a blood alcohol concentration of 0.05 g/DL) compared with automobile and motorcycle collisions. The study also found higher BACs among the moped group as compared to the motorcycle group. A [follow-up study](#) determined that 29 of the 65 moped operators evaluated by the hospital's trauma service from 2007 to 2009 previously had been convicted of impaired driving. Twenty-five of these drivers had a revoked license at the time they were injured. The later study recommends re-evaluation of impaired driving and licensure laws regarding moped operation, but acknowledges the obvious question of whether legal changes would have any impact. After all, driving a moped on a public street or public vehicular area while impaired already constitutes the crime of driving while impaired, a misdemeanor punishable by up to three years' imprisonment. See [G.S. 20-138.1](#); [G.S. 20-179](#).

Two bills addressing moped operation were introduced in 2011, but neither became law. [Senate Bill 195](#) would have required that moped drivers be at least 17 years old and have completed the graduated driver's license process and that mopeds be registered with DMV and be covered by automobile insurance. The bill also would have prohibited passengers on mopeds. [House Bill 773](#) would have ordered the Joint Legislative Transportation Oversight Committee to study the need for a moped registration program. If enacted, the bill would have directed the committee upon finding moped registration to be desirable public policy to recommend the method of registering mopeds, the process for identifying the mopeds to be registered, the administrative agency responsible for registering mopeds, the need for financial responsibility, the need for safety and emissions inspections along with other related issues. Again, neither bill was enacted, so mopeds continue to be lawfully operated on public streets by drivers who have no license or

insurance.