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HOUSE OF REPRESENTATIVES
147th GENERAL ASSEMBLY

HOUSE BILL NO. 283

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO MOTOR VEHICLES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend §101(31), Title 21 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 (31) "Moped" shall mean a pedal or nonpedal bicycle having 2 tandem wheels, either of which is 10 inches or
4 more in maximum diameter, and having a an internal combustion motor characterized in that the maximum piston
5 displacement is less than 55 cc., ~~rated at no more than 2.7 brake horsepower and that the maximum speed does not exceed~~
6 25 miles per hour. ~~or an electric motor rated between 751 watts and 2,000 watts.~~

7 Section 2. Amend §101(76), Title 21 of the Delaware Code by making deletions as shown by strike through and
8 insertions as shown by underline as follows:

9 (76) "Triped" shall mean a pedal or nonpedal cycle having 3 wheels, either of which is 10 inches or more in
10 maximum diameter, and having a an internal combustion motor characterized in that the maximum piston displacement is
11 less than 55 cc., ~~rated at no more than 2.7 brake horsepower and that the maximum speed does not exceed 25 miles per~~
12 hour. ~~or an electric motor rated between 751 watts and 2,000 watts.~~

13 Section 3. Amend §4198M, Title 21 of the Delaware Code by making deletions as shown by strike through and
14 insertions as shown by underline as follows:

15 § 4198M. Mopeds and tripeds.

16 (a) Mopeds and tripeds shall not be operated upon interstate and limited access highways, even to cross such
17 highways, nor shall they be operated on the right-of-way of an operating railroad, except to cross such railroad, nor shall
18 they be operated on any path set aside for the exclusive use of bicycles unless the helper motor has been turned off.

19 (b) No person shall drive a moped or triped without having been licensed as an operator of a motor vehicle
20 under this title. The licensee shall have such license in the licensee's immediate possession at all times when operating a
21 moped or triped. The licensee does not need a motorcycle endorsement to operate a moped or triped.

22 (c) Regulations applicable to bicycles shall apply whenever a moped or triped is operated upon any public road
23 or upon any path set aside for the exclusive use of bicycles.

24 (d) Mopeds or tripedes shall be registered under regulations which shall be adopted by the Division of Motor
25 Vehicles. The registration and reregistration fee for mopeds or tripedes shall be \$5.00 for a 3-year registration period.
26 Upon registration of a moped or triped, the Division of Motor Vehicles shall issue a decal or a distinctive number plate
27 to be affixed to the moped or triped as indication of registration.

28 (e) Title and vehicle document fees must be paid. Liens can be recorded.

29 (f) A moped license plate will be issued and has to be displayed on the rear of the moped so it is clearly visible.
30 All moped registrations will expire on December 31st. A registration card will be issued in the same manner as other
31 vehicles.

32 (g) Safety inspections. -- Mopeds shall be exempt from Delaware's safety inspection. Division of Motor
33 Vehicles personnel will verify the vehicle identification number on those vehicles titled in another jurisdiction which are
34 being titled in Delaware for the first time. A fee of \$15 shall be charged for Division of Motor Vehicles technicians to
35 perform an offsite vehicle identification number verification.

36 (h) No motor vehicle insurance is required for the operation of a moped or triped.

37 (i) No helmet is required by the operator of a moped or triped unless under 16 years of age.

38 (j) If the moped or triped owner is not a Delaware resident, Delaware will honor the laws of his or her home
39 state regarding the registration of such vehicle. However, the operator of a moped or triped must hold a valid driver
40 license from his or her state of residence.

SYNOPSIS

Certificates of origin for mopeds often lack a horsepower rating and imported mopeds are rated in kW and often converted incorrectly to horsepower. This has led to mopeds being titled inaccurately as motorcycles. The industry standard for moped engine displacement is 49cc. The horsepower rating in the original law is outdated as technology has made all vehicle engines more efficient. This bill would redefine a gasoline powered moped by engine displacement and wheel size only. This bill also adds a definition for electric powered mopeds. Further, if a Delaware visitor who brings a moped or triped is not required to register that moped or triped in their home state, such person will not be required to register that moped or triped in Delaware.

Out-of-state mopeds being titled in Delaware for the first time were required to be presented for Vehicle Identification Number (VIN) verification. Due to the fact that mopeds are restricted on the roads they can travel and have a limited top speed, getting a moped to DMV was often not possible or very dangerous. This bill waives inspection and allows the owner to request an offsite VIN verification from DMV. This is similar to the current low speed vehicle legislation.