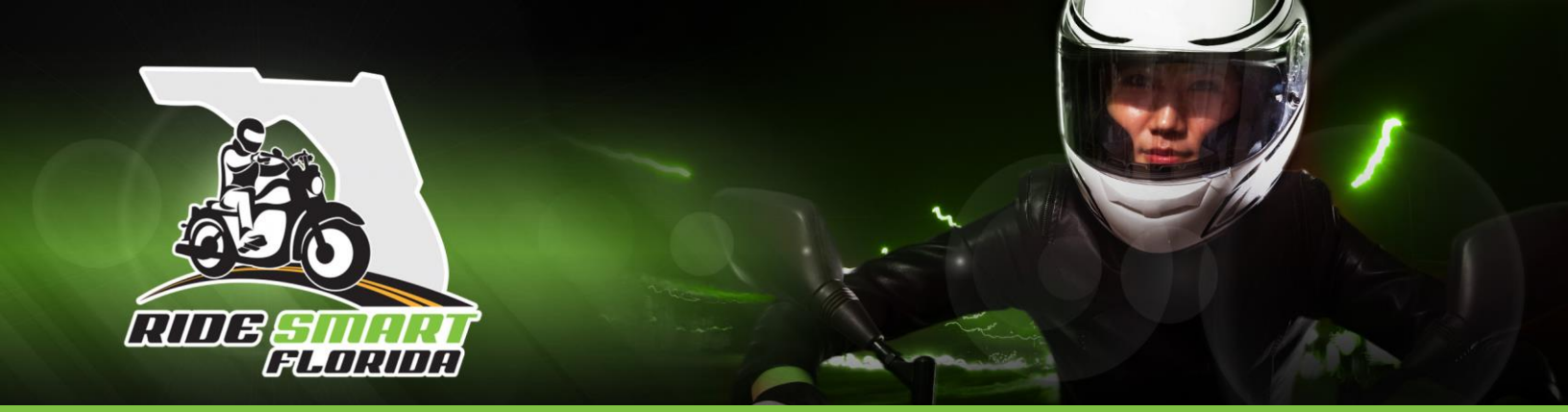

Model Language

Moped and Scooter (50 CC or Less) Classification

Existing Florida Statute

316.003 Definitions. —The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(41) MICROMOBILITY DEVICE. —Any motorized transportation device made available for private use by reservation through an online application, website, or software for point-to-point trips and which is not capable of traveling at a speed greater than 20 miles per hour on level ground. This term includes motorized scooters and bicycles as defined in this chapter.

(44) MOPED. —Any vehicle with pedals to permit propulsion by human power, having a seat or saddle for the use of the rider and designed to travel on not more than three wheels, with a motor rated not in excess of 2 brake horsepower and not capable of propelling the vehicle at a speed greater than 30 miles per hour on level ground and with a power-drive system that functions directly or automatically without clutching or shifting gears by the operator after the drive system is engaged. If an internal combustion engine is used, the displacement may not exceed 50 cubic centimeters. The term does not include an electric bicycle.

(47) MOTORCYCLE.—Any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground. The term includes an autocycle, but does not include a tractor, a moped, an electric bicycle, or any vehicle in which the operator is enclosed by a cabin unless it meets the requirements set forth by the National Highway Traffic Safety Administration for a motorcycle.

(48) MOTORIZED SCOOTER. —Any vehicle or micromobility device that is powered by a motor with or without a seat or saddle for the use of the rider, which is designed to travel on not more than three wheels, and which is not capable of propelling the vehicle at a speed greater than 20 miles per hour on level ground. The term does not include an electric bicycle.

316.211 Equipment for motorcycle and moped riders. —

(1) A person may not operate or ride upon a motorcycle unless the person is properly wearing protective headgear securely fastened upon his or her head which complies with Federal Motorcycle

Vehicle Safety Standard 218 promulgated by the United States Department of Transportation. The Department of Highway Safety and Motor Vehicles shall adopt this standard by agency rule.

(2) A person may not operate a motorcycle unless the person is wearing an eye protective device over his or her eyes of a type approved by the department.

(3)(a) This section does not apply to persons riding within an enclosed cab or to any person 16 years of age or older who is operating or riding upon a motorcycle powered by a motor with a displacement of 50 cubic centimeters or less or is rated not in excess of 2 brake horsepower and which is not capable of propelling such motorcycle at a speed greater than 30 miles per hour on level ground.

(b) Notwithstanding subsection (1), a person over 21 years of age may operate or ride upon a motorcycle without wearing protective headgear securely fastened upon his or her head if such person is covered by an insurance policy providing for at least $10,000 in medical benefits for injuries incurred as a result of a crash while operating or riding on a motorcycle.

(4) A person under 16 years of age may not operate or ride upon a moped unless the person is properly wearing protective headgear securely fastened upon his or her head which complies with Federal Motorcycle Vehicle Safety Standard 218 promulgated by the United States Department of Transportation.

(5) The department shall make available a list of protective headgear approved in this section, and the list shall be provided on request.

(6) Each motorcycle registered to a person under 21 years of age must display a license plate that is unique in design and color.

(7) A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

322.01 Definitions. —As used in this chapter:

(26) “Motorcycle” means a motor vehicle powered by a motor with a displacement of more than 50 cubic centimeters, having a seat or saddle for the use of the rider, and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor, tri-vehicle, or moped.

Limitations of Existing Florida Statute

Existing language in sections 316.003, 316.211, and 322.01 provides vague and contradictory definitions of motorcycles, mopeds, and motorized scooters, despite these vehicles sharing similar qualities. In addition to posing enforcement challenges stemming from these unclear definitions, the distinction is based on the engine size of the vehicles, rather than the actual safety issues associated with riding in an unenclosed motorized vehicle. Under the current definitions, moped and seated motorized scooter riders may operate on Florida roadways without any specialized training. Riders under age 21 may also operate mopeds/scooters without a compliant helmet. As such, the current definitions hold motorcyclists to a higher safety standard, despite mopeds and scooters (50cc or less) facing the same dangers and driving conditions encountered on public roadways.

Proposed Model Legislative Language

Note: New language is underlined and deleted language is shown by a ~~strikethrough.~~

316.003 Definitions —The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

~~(44) MOPED. — Any vehicle with pedals to permit propulsion by human power, having a seat or saddle for the use of the rider and designed to travel on not more than three wheels, with a motor rated not in excess of 2 brake horsepower and not capable of propelling the vehicle at a speed greater than 30 miles per hour on level ground and with a power-drive system that functions directly or automatically without clutching or shifting gears by the operator after the drive system is engaged. If an internal combustion engine is used, the displacement may not exceed 50 cubic centimeters. The term does not include an electric bicycle.~~

(47) MOTORCYCLE —Any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground. The term includes an autocycle, but does not include a tractor, ~~a moped,~~ an electric bicycle, or any vehicle in which the operator is enclosed by a cabin unless it meets the requirements set forth by the National Highway Traffic Safety Administration for a motorcycle.

316.211 Equipment for motorcycle ~~and moped~~ riders. —

(1) A person may not operate or ride upon a motorcycle unless the person is properly wearing protective headgear securely fastened upon his or her head which complies with Federal Motorcycle Vehicle Safety Standard 218 promulgated by the United States Department of Transportation. The Department of Highway Safety and Motor Vehicles shall adopt this standard by agency rule.

(2) A person may not operate a motorcycle unless the person is wearing an eye-protective device over his or her eyes of a type approved by the department.

(3)(a) This section does not apply to persons riding within an enclosed cab. ~~or to any person 16 years of age or older who is operating or riding upon a motorcycle powered by a motor with a displacement of 50 cubic centimeters or less or is rated not in excess of 2 brake horsepower and which is not capable of propelling such motorcycle at a speed greater than 30 miles per hour on level ground.~~

(b) Notwithstanding subsection (1), a person over 21 years of age may operate or ride upon a motorcycle without wearing protective headgear securely fastened upon his or her head if such person is covered by an insurance policy providing for at least $10,000 in medical benefits for injuries incurred as a result of a crash while operating or riding on a motorcycle.

~~(4) A person under 16 years of age may not operate or ride upon a moped unless the person is properly wearing protective headgear securely fastened upon his or her head which complies with Federal Motorcycle Vehicle Safety Standard 218 promulgated by the United States Department of Transportation.~~

~~(5) The department shall make available a list of protective headgear approved in this section, and the list shall be provided on request.~~

~~(6)~~ (4) Each motorcycle registered to a person under 21 years of age must display a license plate that is unique in design and color.

~~(7)~~ (5) A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

322.01 Definitions. —As used in this chapter:

(27) "Motorcycle" means ~~a motor vehicle powered by a motor with a displacement of more than 50 cubic centimeters, having a seat or saddle for the use of the rider, and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor, or tri-vehicle, or moped.~~ any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground. The term includes an autocycle, but does not include a tractor, an electric bicycle, or any vehicle in which the operator is enclosed by a cabin unless it meets the requirements set forth by the National Highway Traffic Safety Administration for a motorcycle.

Rationale for Model Language Adjustment

To operate on Florida's public roadways, motorcycle riders are required to complete formal training to obtain a motorcycle endorsement on their license. Also, per Florida Statute 316.211, motorcycle riders ages 16–21 are required to wear a helmet. Current statutes make an exception to both requirements for mopeds and scooters based on engine size (50cc or less) and speed (max 30 mph). Unlike motorcycles, anyone can ride a moped or a scooter in Florida with no prior training and with no helmet, even if the operator is under 21.

In recent years, Florida has observed significant growth in the number of moped/scooter (50cc or less) users. These vehicles have been widely adopted as a primary means of transportation, especially around college campuses and beach communities due to their low cost and parking flexibility. Mopeds and scooters face similar dangers and driving conditions encountered by motorcycle operators, regardless of engine size, yet they are not governed by the same protective statutes. Further, scooters (50 cc or less) often look identical to vehicles with larger engine sizes (125cc), making laws based on engine size difficult to enforce.

Consistent public policy regarding endorsements, mandatory training, and helmets for motorcycles, mopeds, and scooters is necessary to reduce crashes and fatalities. As such, all operators of two or three-wheeled motorized vehicles licensed for street use, including mopeds and scooters, should have an endorsement, receive mandatory training, and adhere to helmet laws that currently govern motorcycles. We propose amending Florida Statutes 316.003(41), 316.211(3)(a), and 322.01(26) by eliminating the moped/scooter exception that is based on size and speed. This adjustment would apply to Florida resident operators only; moped and scooters rented by tourists would be excluded.

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