

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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HOUSE BILL 238

Short Title: Require License for Moped. (Public)

Sponsors: Representatives Goodwin; M. Alexander, England, Insko, Killian, McGee,
 Neumann, Spear, and Tillis.

Referred to: Transportation, if favorable, Finance.

February 23, 2009

A BILL TO BE ENTITLED
AN ACT TO REQUIRE A DRIVERS LICENSE TO OPERATE A MOPED.
The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-7(a) reads as rewritten:

"(a) License Required. – To drive a motor vehicle or moped, as defined in G.S. 105-164.3, on a highway, a person must be licensed by the Division under this Article or Article 2C of this Chapter to drive the vehicle and must carry the license while driving the vehicle. The Division issues regular drivers licenses under this Article and issues commercial drivers licenses under Article 2C.

A license authorizes the holder of the license to drive any vehicle included in the class of the license and any vehicle included in a lesser class of license, except a vehicle for which an endorsement is required. To drive a vehicle for which an endorsement is required, a person must obtain both a license and an endorsement for the vehicle. A regular drivers license is considered a lesser class of license than its commercial counterpart.

The classes of regular drivers licenses and the motor vehicles that can be driven with each class of license are:

- (1) Class A. – A Class A license authorizes the holder to drive any of the following:
 - a. A Class A motor vehicle that is exempt under G.S. 20-37.16 from the commercial drivers license requirements.
 - b. A Class A motor vehicle that has a combined GVWR of less than 26,001 pounds and includes as part of the combination a towed unit that has a GVWR of at least 10,001 pounds.
- (2) Class B. – A Class B license authorizes the holder to drive any Class B motor vehicle that is exempt under G.S. 20-37.16 from the commercial drivers license requirements.
- (3) Class C. – A Class C license authorizes the holder to drive any of the following:
 - a. A Class C motor vehicle that is not a commercial motor vehicle.
 - b. When operated by a volunteer member of a fire department, a rescue squad, or an emergency medical service (EMS) in the performance of duty, a Class A or Class B fire-fighting, rescue, or EMS motor vehicle or a combination of these vehicles.
 - c. A combination of noncommercial motor vehicles that have a GVWR of more than 10,000 pounds but less than 26,001 pounds. This



1 sub-subdivision does not apply to a Class C license holder less than
2 18 years of age.

3 d. A moped as defined in G.S. 105-164.3.

4 The Commissioner may assign a unique motor vehicle to a class that is different from the
5 class in which it would otherwise belong.

6 A person holding a commercial drivers license issued by another jurisdiction must apply for
7 a transfer and obtain a North Carolina issued commercial drivers license within 30 days of
8 becoming a resident. Any other new resident of North Carolina who has a drivers license issued
9 by another jurisdiction must obtain a license from the Division within 60 days after becoming a
10 resident."

11 **SECTION 2.** G.S. 20-7 is amended by adding a new subsection to read:

12 "(a3) Mopeds. – To drive a moped, a person shall have a limited provisional license, a full
13 provisional license, or a regular drivers license."

14 **SECTION 3.** G.S. 20-7(a1) reads as rewritten:

15 "(a1) ~~Motorcycles and Mopeds.~~ Motorcycles.– To drive a motorcycle, a person shall
16 have:

- 17 (1) A full provisional license with a motorcycle learner's permit;
- 18 (2) A regular drivers license with a motorcycle learner's permit; or
- 19 (3) Either:
 - 20 a. A full provisional license; or
 - 21 b. A regular drivers license, with a motorcycle endorsement.

22 Subsection (a2) of this section sets forth the requirements for a motorcycle learner's permit.

23 To obtain a motorcycle endorsement, a person shall demonstrate competence to drive a
24 motorcycle by:

- 25 (1) Passing a road test;
- 26 (2) Passing a written or oral test concerning motorcycles; and
- 27 (3) Paying the fee for a motorcycle endorsement.

28 ~~Neither a drivers license nor a motorcycle endorsement is required to drive a moped."~~

29 **SECTION 4.** G.S. 20-8 reads as rewritten:

30 "**§ 20-8. Persons exempt from license.**

31 The following are exempt from license hereunder:

- 32 (1) Any person while operating a motor vehicle the property of and in the
33 service of the armed forces of the United States. This shall not be construed
34 to exempt any operators of the United States Civilian Conservation Corps
35 motor vehicles;
- 36 (2) Any person while driving or operating any road machine, farm tractor, or
37 implement of husbandry temporarily operated or moved on a highway;
- 38 (3) A nonresident who is at least 16 years of age who has in his immediate
39 possession a valid driver's license issued to him in his home state or country
40 if the nonresident is operating a motor vehicle in this State in accordance
41 with the license restrictions and vehicle classifications that would be
42 applicable to him under the laws and regulations of his home state or country
43 if he were driving in his home state or country. This exemption specifically
44 applies to nonresident military spouses, regardless of their employment
45 status, who are temporarily residing in North Carolina due to the active duty
46 military orders of a spouse.
- 47 (4) to (6) Repealed by Session Laws 1979, c. 667, s. 13.
- 48 ~~(7) Any person who is at least 16 years of age and while operating a moped."~~

49 **SECTION 5.** G.S. 20-10.1 reads as rewritten:

50 "**§ 20-10.1. Mopeds.**

1 (a) Unlawful Operation. – It shall be unlawful for any person who is under the age of
2 16 years to operate a ~~moped-moped~~, as defined in ~~G.S. 105-164.3~~G.S. 105-164.3, upon any
3 highway or public vehicular area of this State.

4 (b) License Required. – It shall be unlawful for any person who is 16 years of age or
5 older to operate a moped, as defined in G.S. 105-164.3, upon any public street or highway of
6 this State without being licensed as a driver pursuant to G.S. 20-7."

7 **SECTION 6.** This act becomes effective December 1, 2009, and applies to
8 offenses committed on or after that date.