

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

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**SENATE BILL 318**

Short Title: Mopeds/License, Registration & Financial Resp. (Public)

Sponsors: Senators Apodaca; and Jones.

Referred to: Judiciary I.

February 26, 2009

A BILL TO BE ENTITLED

AN ACT TO REQUIRE MOPEDS TO BE REGISTERED WITH THE DIVISION OF MOTOR VEHICLES, TO REQUIRE A DRIVERS LICENSE TO OPERATE A MOPED ON PUBLIC STREETS AND HIGHWAYS, AND TO RESTRICT OPERATION OF MOPEDS ON PUBLIC STREETS AND HIGHWAYS TO THOSE STREETS AND HIGHWAYS WITH POSTED SPEED LIMITS OF FORTY MILES PER HOUR OR LESS.

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

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

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

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

**SECTION 2.** G.S. 20-7(a1) reads as rewritten:

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

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

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

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

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

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

**SECTION 3.** G.S. 20-7 is amended by adding a new subsection to read:

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

**SECTION 4.** G.S. 20-8(7) is repealed.

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

"§ 20-10.1. **Mopeds.**

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

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

(c) Registration. – Mopeds shall be registered with the Division in the same manner as any other motor vehicle. The owner shall pay the same fees and be issued the same type of registration card and plate issued for a motorcycle.

(d) Financial Responsibility. – It shall be unlawful to operate a moped on a public street or highway or public vehicular area without having in full force and effect financial responsibility as required by the provisions of Articles 9 and 13 of this Chapter. The Division shall treat a moped the same as any other motor vehicle for the purposes of compliance with Articles 9 and 13 of this Chapter."

**SECTION 6.** G.S. 20-51(9) is repealed.

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