



# ABATE of SC Legislative Notice



## Immediate Release: Moped Definition Bill H 3440

Contacts: Dennis Welborn, State Legislative Coordinator  
(803) 360-3573 [welborndmd@aol.com](mailto:welborndmd@aol.com)

Contacts: Chad Fuller, Public Relations  
(803) 920-2881 [chad@motorcyclelawgroup.com](mailto:chad@motorcyclelawgroup.com)

ABATE of South Carolina last year, found that many mopeds were being ticketed for no motorcycle registration, no motorcycle insurance and no motorcycle operator's license due to traveling over the current speeds in the moped definitions listed below. ABATE of Lexington member Bill Fuller worked with the legislative staff of the House Public Works committee to clear up the current three definitions of mopeds to one definition which will prevent mopeds from being able to be classified as motorcycles.

### Current moped classification:

**SECTION 56-1-1710:** *Meaning of "moped". For purposes of this article, "moped" means a cycle with pedals to permit propulsion by human power or without pedals and with a motor of not more than fifty cubic centimeters which produces not to exceed two brake horsepower and which is not capable of propelling the vehicle at a speed in excess of thirty miles an hour on level ground. If an internal combustion engine is used, the moped must have a power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged.*

**SECTION 56-3-20(29):** *Moped" means every cycle with pedals to permit propulsion by human power and with a motor of not more than fifty cubic centimeters which produces not to exceed one and one-half brake horsepower and which is not capable of propelling the vehicle at a speed in excess of twenty-five miles per hour on level ground. If an internal combustion engine is used, the moped must have a power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged.*

**SECTION 56-5-165.** *Moped, defined. Notwithstanding the provisions of Section 56-5-160, every cycle with pedals to permit propulsion by human power or without pedals and with a motor of not more than fifty cubic centimeters which produces not to exceed two brake horsepower and which is not capable of propelling the vehicle at a speed in excess of thirty miles an hour on level ground is a moped. If an internal combustion engine is used, the moped must have a power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged.*

To put our position clearly, ABATE of South Carolina's Legislative Coordinator Dennis Welborn stated during a recent meeting, "ABATE of South Carolina's only interest in the moped bill H3440 is to, once and for all, set a definition of what a moped is, and to make certain the definition clearly separates mopeds from motorcycles. We are not expecting any amendments that would affect motorcycles to be added to this bill, but none the less, we will be following the bill closely. If any amendments are added we will take appropriate action."

### Proposed moped classification in H 3440

**SECTION 56-1-10 (26)** *'Moped' means a cycle, defined as a motor vehicle, with or without pedals, to permit propulsion by human power, that travels on not more than three wheels in contact with the ground whether powered by gasoline, electricity, alternative fuel, or a hybrid combination thereof. Based on the engine or fuel source, the moped must be equipped not to exceed the following limitations: a motor less than fifty cubic centimeters; or designed to have an input of less than 1500 watts. If an internal combustion engine is used, the moped must have a power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged.*

ABATE is a state motorcyclists rights organization dedicated to defending the rights of all motorcyclists. ABATE also encourages all motorcyclists to register to vote and become active in the political process. ABATE encourages motorcyclists to voluntarily obtain motorcycle rider training.