



COLUMBIA POLICE DEPARTMENT

"Policing Excellence through Community Partnerships"

Traffic Safety Unit
Sergeant D. M. Miller

1 Justice Square Columbia South Carolina 29201



Briefing Notes

June 18, 2015

Purpose:

The purpose of this briefing note is to address the concerns made by Mr. Jim Wertman regarding the operation of mopeds and the enforcement of those laws.

Background:

The current South Carolina code of laws defines a moped, motor-driven cycle (Scooter), and a motorcycle. There are also laws regarding the operation, licensing, and insuring of a moped, motor-driven cycle (Scooter), and motorcycle. The Columbia Police Department does enforce the current laws regarding these modes of transportation.

Current Situation:

A moped is defined by South Carolina Law by code section 56-5-165 Moped. "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". A moped is currently not required to be licensed with the SCDMV nor is it required to have insurance. The operator of a moped must have either a valid driver's license, moped license, or motorcycle license. Operators/drivers that have had their license (class D & M) suspended for a period of six months or less are not required to obtain a moped license.

By definition a moped can travel at the speed of 30 MPH. By South Carolina Law 56-5-1555: A moped cannot travel over 25 MPH. Most, but not all of the laws relating to

mopeds can be found in South Carolina code of laws, Article 30, "Moped Regulations", 56-5-3710 to 56-5-3750.

The speed limit for a "motor-driven cycle" (Scooter) is governed by South Carolina code of law 56-5- 1550. "No person shall operate any motor-driven cycle at any time mentioned in Section 56-5-4450 at a speed greater than thirty-five miles per hour unless such motor-driven cycle is equipped with head lamps which are adequate to reveal a person or vehicle at a distance of three hundred feet ahead". Motor-driven cycles are required to be licensed and must be insured. The operator must have a motorcycle license.

Plan of Action:

Provide Mr. Jim Wertman the information regarding mopeds and motor-driven cycles to assist him with his customers. Attached is a guide used by law enforcement to help identify the differences between a moped, motor-driven cycle, and motorcycle. This can be provided to Mr. J. Wertman.

Officers of the Columbia Police Department enforce the traffic laws based on the most current laws. If there are any changes to the laws regarding mopeds, scooters, or motorcycles officers of the Department will enforce these laws accordingly.

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Quick Reference Guide

| | MOPED | SCOOTER | MOTOR CYCLE |
|---------------------------------|--|--|--|
| ENGINE | 50 CC or Less | +50 CC | + 50 CC |
| TRANSMISSION | Single Speed | Single or Multi Gear | Single or Multi Gear |
| MAX SPEED By Definition | 30 MPH | NO LIMIT | NO LIMIT |
| MAX SPEED By Law | 25 MPH | Posted Limit | Posted Limit |
| VEHICLE LICENSE | "MOPED" Tag | Motorcycle Tag | Motorcycle Tag |
| OPERATOR LICENSE | CLASS G,D,M | CLASS M | CLASS M |
| NUMBER OF PASSENGERS | Additional person if designed & equipped | Additional person if designed & equipped | Additional person if designed & equipped |
| LIABILITY Insurance Req. | NO | YES | YES |
| HELMET Required | NO | YES UNDER 21 | YES UNDER 21 |