

MORE THAN A Toy

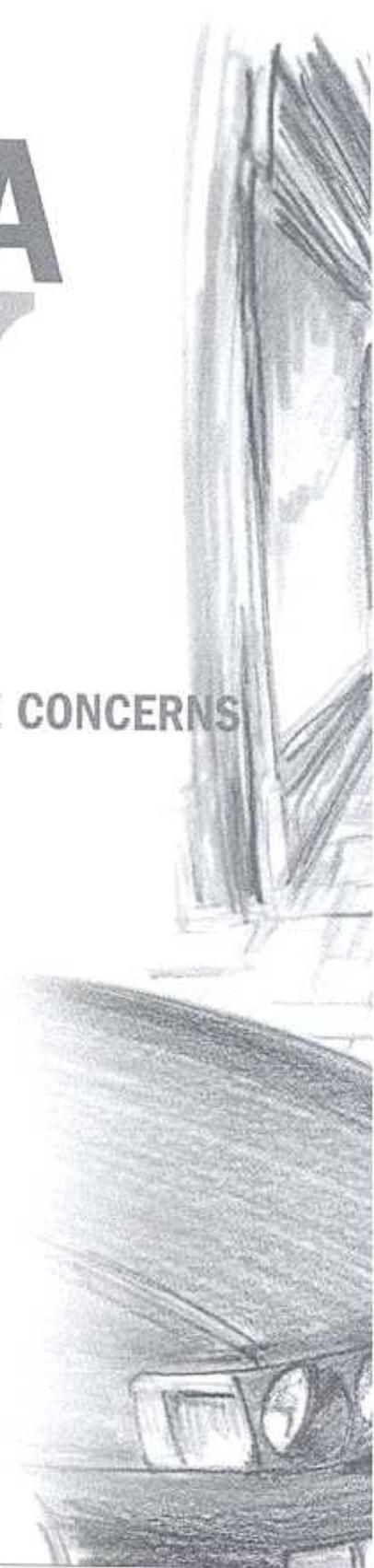
NONTRADITIONAL VEHICLES IGNITE CONCERNS

For some consumers, the brightly colored, pint-sized motorcycles seem a perfectly proportioned match for their kids.

For others, particularly in urban areas, motorized scooters or battery-powered Segways provide nimble alternatives for getting a few blocks or across town—an enviable tradeoff to stop-and-go car traffic and hefty parking costs. In a retirement community, a modified golf cart can serve as a low-cost second vehicle for local trips.

But these increasing forms of nontraditional vehicles are raising more and more questions among motor vehicle administrators. For example, exactly where, in vehicle registration codes, do you categorize a hovercraft—a real-life question faced by one state?

Take a closer look at today's licensing, registration and safety regulations, and it quickly becomes clear that these growing numbers of nontraditional vehicles do not readily belong on the same roads as passenger vehicles, motorcycles and 18-wheeled commercial trucks. However, many jurisdictions are still navigating the impact of the issue and pursuing appropriate regulations to keep everyone safe on public roads and sidewalks. And all of these questions come as many vehicles are directly marketed and used by teenagers and others too young for traditional driver's licenses—and perhaps without driver education and helmets or other protective gear.





► **SPEED READ**

- Alternative vehicles generate controversy
- Motorized scooters start a trend
- Wisconsin law goes proactive
- States pass EPAMD laws
- Lawmakers look for new interpretations of motor vehicle definitions

PHIL ENGSTLE

“In some cases, you have very young children Scott MacGregor. Add in that these youths have knowledge of traffic laws, and “you have the



Segways have become a popular form of transportation for commuting to work.

“In some of these cases, it’s a life-or-death decision,” said Scott MacGregor, assistant chief of the California Highway Patrol (CHP). When responding to a crash involving a youth on a nontraditional vehicle, he said his officers should not hear parents saying they didn’t understand the safety concerns.

AGREEING ON SAFETY FIRST

In general, jurisdictions across the United States and Canada largely agree that nontraditional vehicles, including pocket bikes, scooters and even skateboards, fail to meet the necessary criteria to operate on their public roads. At the basic level, these vehicles do not meet safety standards for brakes, tire size and other equipment requirements. These vehicles also may not comply with local emissions standards.

For many jurisdictions, the simple fact that these vehicles do not pass those requirements means that they aren’t eligible to be registered for legal operation on public roadways. Some have authorized restricted use of specialty vehicles on designated roads with low speed limits. And for many, since the vehicles can’t be registered for legal street use, there is no need to stipulate driver licensing requirements.

The ever-changing mix of these vehicles—whether called nontraditional, unconventional or alternative—is generating headlines as jurisdictions determine how their residents can enjoy their purchase.

According to the Associated Press, as of Aug. 1, it was



going as fast as 70 miles per hour," said CHP's no driver or safety training and limited makings of a true disaster."

"perfectly legal for a child too young to get a driver's license to drive his 30-pound motorized scooter alongside 3,000-pound cars on streets throughout the state."

Calling them "impish" bikes, the *Honolulu Advertiser* in August noted that "pocket bikes are prohibited on public streets and sidewalks and in public parks."

And *USA Today* last spring reported bans in Phoenix and Tucson. In La Porte, Texas, motorized scooters are restricted to daylight hours and to streets with posted speed limits of less than 30 mph "after two boys lost control of their scooter and were struck and injured by a car."

Officials on the other side of the world face the same issues. In June, Australia launched a national investigation into the safety of "miniature replica" motorcycles.

Motor vehicle administrators point to safety statistics. In 2003, minibikes contributed to 2,345 emergency room visits, according to the Consumer Product Safety Commission. And the World Against Toys Causing Harm ranked pocket bikes among the "10 Worst Toys of 2004."

EXPLOSION IN ALTERNATIVE VEHICLES

On one hand, these vehicles are providing new and often cost-effective resources for individuals. Electric power for certain vehicles contributes to a healthier air quality, and smaller physical sizes also allow drivers to navigate busy or limited-access streets.

"There are a lot of nontraditional vehicles, if you think about it," said John Hilliard, deputy commissioner for Operations

with the New York State Department of Motor Vehicles.

Just recently, his department was given a demonstration of a car powered by fuel cells—not traditional gasoline—and eligible for state registration. In several states, low-speed electric vehicles, similar to golf carts with additional safety equipment, are eligible to navigate low-speed or private community roads by licensed drivers. And mopeds are legal on many streets.

The issue today is how to manage two- and three-wheeled power devices marketed as toys.

In California, officials are trying to forecast the continued evolution of nontraditional vehicles, in part to ensure a one-size-fits-all enforcement approach. "There is no lack of ingenuity on the part of the industry and the manufacturers in coming up with new vehicles," CHP's MacGregor said. "If you endorse one of these, do you know what it is and are there rules and legislation to govern it?"

Common reports show that some consumers try to register their pocket bikes as conventional motorcycles.

STARTING WITH MOTORIZED SCOOTERS

In the late 1990s, the popular holiday gift for youths was a motorized scooter.

In California, with some 600 police agencies within state borders, there was uncertainty about whether enforcement guidelines were needed. Questions came up about age restrictions, license requirements and helmet use, noted CHP's MacGregor. The debate also recognized the

Study Shows Limited Helmet Use

In more than 10,000 emergency room injuries resulting from motorized scooter incidents over one year, only four out of 10 victims were wearing protecting helmets, according to a June 2005 study from the U.S. Consumer Product Safety Commission (CPSC). The study reviewed incidents from July 2003 through June 2004.

The CPSC also noted that few victims were wearing other safety gear, such as knee and elbow pads. About two-thirds of all injuries occurred in children under age 15.

CPSC Chairman Hal Stratton said that because seven out of 10 incidents were behavior or environment-

related, following local laws and CPSC safety guidelines can play a strong role in protecting children.

"The good news," he said in a statement, "is that parents can help significantly reduce deaths and injuries to children by taking simple safety precautions such as making sure their kids wear helmets, ride only on smooth surfaces and avoid riding at night."

According to CPSC reports, 29 of 49 deaths attributed to powered scooters between October 1998 and November 2004 were the result of an accident with a motor vehicle.



ATVs are popular year-round for fishing and other sporting interests.

value of electric vehicles to preserve air quality.

California now permits motorized scooters on roads with posted speed limits of 25 mph or less. On roads with higher speed limits, drivers must use the Class 2 bike lane, but the scooters are not permitted on sidewalks. California's law evolved to where drivers now must be 16 and licensed—a deterrent for individuals wanting an alternative transportation source if their licenses were suspended. In the last year, the new hot product became the pocket bike, a compact motorcycle that stands about 2 feet tall and can reach speeds of 60 mph—or faster with easy-to-make modifications. The bikes sell for as little as \$200 at mass market retailers.

"There was a perception that if a scooter was okay, then a pocket bike would be too. It very clearly is not," MacGregor said. "In some cases, you have very young children going as fast as 70 miles per hour." Add in that these youths have no driver or safety training and limited knowledge of traffic laws, and "you have the makings of a true disaster."

Citing safety concerns, New York agreed that the pocket bikes would not be regulated for street use. "How do you put them on the road with an 80,000-pound tractor trailer? You don't. You can't," Hilliard said. "There's no question who wins that confrontation."

Individuals caught using pocket bikes on public roads face charges of driving uninsured, unlicensed or unregistered.

THE LATEST CRAZE

Pocket bikes were never designed to share the highways with traditional vehicle traffic, according to motor vehicle administrators from coast to coast. Originally imported from Italy and other European nations, these bikes were designed and built for off-track competition. Top models can cost \$7,000 or more.

"In Québec, these vehicles are always considered off-road vehicles," said Daniel MacDuff, senior analyst for reg-

"True transportation licensing and titling," Raynald Marchand.

istration with the Society of Automobile Insurance of Québec (SAIQ). "They are not allowed on the public roads. The buyers think they will be able to use these on public roads, and they can't... They are toys. We consider them as toys."

In Canada, these bikes must be registered as restricted-use motorcycles for off-highway use—and their design and structure makes them incompatible with mass vehicle traffic on the roads.

"Of course, drivers don't see them—or expect them," said Raynald Marchand, manager of Traffic Safety and Training with the Canada Safety Council.

Drivers who take them on the road run the risk of a \$5,000 fine for driving without insurance. Drivers cannot get insurance because the vehicles cannot be registered, he noted.

People need to "think before they buy, but the price is low enough. Then they go home and don't know what to do with [these bikes], so then they start riding in the street," Marchand added.

True transportation alternatives—not toys—require proper licensing and titling, he reinforced.

ONE STATE'S PROACTIVE APPROACH

In the late 1990s, Wisconsin officials were witnessing an increasing number of motorized scooters, powered by either gas or electric battery with the ability to go up to 20 mph. Local police and safety officials were unsure of how—and whether—they should be regulated for use on public roads.

"Nobody knew what to do with them," said Paul Nilsen, assistant general counsel with the Wisconsin Department of Transportation. "We decided to go proactive."

Representatives from town associations, prosecutors and police groups across the state came together to analyze the issue. The group determined that the scooters were not street legal, largely because they could not be registered since they did not meet federal safety standards.

"To us, it just remains a safety issue," Nilsen said. "We don't know how they are manufactured...and we stick to our interpretation."

As other nontraditional vehicles have appeared in the state, that position has remained the same: Vehicles that fail to meet safety standards will not be registered. Wisconsin law also prohibits state officials from registering vehicles made for off-road use. "We didn't want to start changing the law to add every evolving vehicle type," Nilsen said.

Questions about whether riders met licensing require-

alternatives—not toys—require proper said the Canada Safety Council's

ments, including age restrictions, became irrelevant because those vehicles were not legal on public roads. "So, for example, you've got a 14-year-old riding a pocket bike," Nilsen said. "The issue is not where he's riding it, but what he's in violation of."

Parents can be held liable for their children's actions when pocket bikes, motorized scooters or other street-illegal vehicles hit the public roadways. Citations could be issued for unregistered operation and operating without a license, which together carry fines of nearly \$350.

"These are not motor vehicles," Nilsen said. "No one can ride motor vehicles without a valid license."

THE SEGWAY STORY

For two years before their revolutionary product hit the market, leaders with Segway were proactively working with state governments to ensure that the personal transportation device could be used legally. Corporate leaders, according to Matt Dailida, Segway's director of Regulatory Affairs, made a strategic decision to get the device regulated under the Consumer Product Safety Act.

They knew that its design, which included a lack of seatbelts, would never allow the Segway to comply with federal motor vehicle standards. And if it had to be redesigned to meet those standards, "the Segway would not look anything like it does," Dailida said.

While the Segway would represent a radical new transportation alternative, company officials didn't see a need for a radical new infrastructure on which it would operate. "It could work within the infrastructure that was already there," said Dailida, noting a particular emphasis on making it legal for the device to operate primarily on bike paths or sidewalks.

However, other motorized vehicles were also emerging, and state and local officials were weighing how to regulate their device as a serious product. Segway officials advocated for a categorization unique to their innovative product technology: EPAMD, an Electric Personal Assistive Mobility Device. An EPAMD is defined as a "self-balancing, nontandem, two-wheeled device that can turn in place, transports only one person, with an electric propulsion system averaging less than 1 horsepower, and travels less than 12.5 mph."

"What concerned us is that we could be captured by these ordinances or legislative requirements... [The Segway] really isn't like anything else," Dailida said. "We knew we were taking a look at turning around 100 years of law."

As of mid-July, 42 states and the District of Columbia

had passed EPAMD laws to regulate use in their jurisdictions—mostly, as Segway officials had lobbied for, on bike paths and sidewalks. As the product debuted in the market, "we wanted the protection of the law behind us," Dailida added. "It actually is working on the sidewalks, and on the bike lanes, and on the bike paths. We knew that what worked in one [jurisdiction] might not work in another."

OTHER NONTRADITIONAL APPROACHES

Québec's registered vehicles include 200,000 snowmobiles, for which drivers must have a registration plate and pay an annual fee. When traveling on private paths or property, a driver doesn't need a license.

"But if you cross a road or use a road ... then at that



moment, you need a driver's license," said MacDuff, of the SAIQ.

Similar requirements are in place for all-terrain vehicles (ATVs), popular year-round for fishing and other sporting interests. Nearly 300,000 ATVs are registered in Québec, and these vehicles can be adapted with skis on the front wheels and oversized traction on back wheels for snow use. As with conventional snowmobiles, "as soon as you get on the road, you need a driver's license," he said.

At the other end of the spectrum, city sidewalks do not include motorized vehicles used by the elderly or by individuals with disabilities—with no designs on using them for highway transport. These limited-use and low-speed mobility scooters are generally permitted on the

sidewalks, if they are impeding traffic. However, "anything with a motor is pretty much frowned upon by being on the sidewalk," Marchand said.

FEDERAL GUIDELINES PROPOSED

In June, the *Federal Register* proposed new interpretations of motor vehicle definitions, with a goal of clarifying whether designated two- and three-wheeled vehicles, such as pocket bikes and motorized scooters, meet safety requirements.

"Physical characteristics previously relied upon by the National Highway Traffic Safety Administration [NHTSA] are no longer reliable determinants of whether a two- or three-

wheeled vehicle is a 'motor vehicle,'" the proposal said. "Additionally, the vehicles that were the subject of past agency interpretations are no longer representative of the two- and three-wheeled vehicles on the market today." The proposal also noted continued changes in vehicle design and manufacturing.

MacGregor welcomes additional information. He notes that California often sees the latest innovations—both toys and true vehicle technology—first, before the trends take off to other areas of the country.

"You want to be able to forecast what's coming down the pike," MacGregor said. ▢

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