



Current Articles 2010 – June

Mopeds, Limited Speed Motorcycles & other devices & the problem

In last month's article I listed the changes in license requirements, age restrictions, insurance requirements and others in relation to the operation of many motorized vehicles. Since my last month's article I have seen several additional advertisements for these devices stating "No license, No Insurance, No Plates. I have also seen a couple of car dealers selling these vehicles and advertising the same. The question is whether these vehicles are "Limited Speed Motorcycles" or "Motor-Assisted Bicycles".

To be a "Motor –Assisted Bicycle (Mopeds) the vehicle must be "fitted with pedals that are operable at all times to propel the bicycle". However, the changes in the Act requires that BOTH of these devices to be operated on a roadway requires the driver to have a class M license with the low speed designation, the vehicle must be insured and the new LSM plate be attached. (This is a new light green plate the size of a motorcycle plate). The driver must wear a helmet.

There are 5 potential problems:

- 1 -driving without a required license
- 2 -operating the device without insurance
- 3 -operating the device on roadways where not permitted
- 4 -operating on a sidewalk where the local bylaws do not permit its operation.
- 5 – minimum age requirement of the operator.

For the first point, if an operator is required to have a valid license to operate the vehicle on the road, failure to have such a license can bring a fine.

The second point has two problems. If the vehicle is operated on the road without a required license the operator or his parents can be fined \$5,000.00. The City of Ottawa posted this notice in their newspaper two years ago! The bigger problem, (and this applies whether the particular device requires insurance or not) is that should an accident occur and there are injuries or damages, the driver of the vehicle or parents can be held personally liable for such damages.

Point three applies to Pocket Bikes and Electric and Motorized Scooters (Go-peds). The new regulations make it quite clear that these vehicles cannot operate on the roads.

Point 4 can vary from one locality to another. In Burlington, the bylaw does not permit ANY motorized vehicle to be operated on the sidewalks except to cross the sidewalk to gain access to the road e.g. backing out your driveway to get to the road.

Point 5 varies with the type of vehicle. Limited Speed Motorcycles require an M license, so age 16 is required. The same applies to Motor-Assisted Bicycles (Mopeds) and Motor Tricycles. Electric Bicycle (e-bikes) requires age 16. Low Speed Vehicles require a license. Personal Mobility Devices (Motorized Wheelchairs) do NOT require a license and can be operated on the sidewalks. Segways can be operated by a driver age 14 or over who has a condition that impairs mobility.

Now back to point 2 –Insurance. The usual exclusion in the Homeowners policy excludes motorized vehicles except snow blowers, garden type tractors, golf carts (may be restricted to the golf course) and motorized wheel chairs having more than two wheels and some insurers have

amended their wordings to cover certain other devices. My article last month suggested that I would welcome input from insurers or their representatives as to any changes from their particular company. To date I have had no response. But thanks to Diane Sloman and Violet Whitehouse I can summarize the changes for 8 insurers being Lombard, GCNA, D of C, Intact, Royal, Economical, Axa and Aviva. My comments are based on the wordings that I have received and may be subject to amendments made by specific bulletins.

For electric toys, electric bicycles, and Segways all but Royal and Aviva will cover the liability. Intact also excludes these and in addition is silent for electric scooters.

Dominion of Canada will cover any motorized device except if the device is licensed, or required to be licensed and/or plated.

It is important that you and your clients know what liability coverage they have (or may not) and that you can give the proper advice regarding the lack of availability of coverage or whether it may be available from another insurer.

I am sure that other insurers will follow with offering coverage either by amending their wording or by endorsement.

Look out for those scooters! They may not be insured. But have a good summer and we will be back in the fall.

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