



Current Articles 2010 - May

Motorized Scooters, toys and others – An Update

As summer approaches more parents will be giving these motorized vehicles to their children. The Highway Traffic Act has been amended and has listed the types of these vehicles that require a driver's license, minimum age to operate and a helmet.

The first category is for **Limited Speed Motorcycles**. Subject to the requirements that denote it to be a Limited Speed Motorcycle, the driver must hold a restricted class M license for these motorcycles and mopeds (Class M2 with L Condition or M with L Condition or a valid motorcycle licence.) The vehicle **must be insured**, registered and have a valid LSM license plate and the operator must wear an approved motorcycle helmet. The L Condition limits the license to operate such vehicles providing they do not go faster than 32 km. /hr. As a license is required the driver would have to be at least 16 years of age.

Motor-Assisted Bicycles- (Mopeds) may no longer be permitted to be operated by someone with a driver's license. New Moped drivers will be required to take a road test... A new restricted class M license for limited –speed motorcycle (LSM) which allows the holder to operate limited speed motorcycles and mopeds only. The Moped must be **insured** and registered and have a valid license plate.

Motor Tricycles require a special M license which restricts to operate motor tricycles only. **Electric Bicycles can be operated by driver's age 16 and older and on the roads.** There are several requirements to have the vehicle to conform to the Act. There are also regulations regarding **Low-Speed Vehicles**.

Personal Mobility Devices (Motorized Wheelchairs) and Bicycles can be operated on the roads. **Segways** can be operated on the roads by someone 14 years of age or older with a disability, Canada Post employees and police officers and subject to the regulations.

Pocket Bikes and **Electric and Motorized Scooters (Go-peds)** cannot be operated on the roads. The latter refers to those low, silver scooters that have become very popular.

Municipalities may have by-laws regulating the use of motorized vehicles on the side-walks. In Burlington, other than that for wheel chairs, you cannot operate a motorized vehicle on the side walk except to cross the sidewalk to get to the road. When discussing the silver scooters with a dealer and the inability to operate it on the road or sidewalk, he assured me that a child will be happy to use it on his driveway only! How long will that last?

My real concern was with regard to two advertisements in local papers. Both of these were selling the Limited Speed Motorcycles. In the advertisement one stated – **No Insurance required** and the other stated –**No Plates, No License, No Insurance Needed**. This prompted me to arrange a meeting with Sergeant Ophoven of the Halton Police – Traffic Control who confirmed to me that these Limited Speed Motorcycles must be operated by a driver with an M license with the L limitation, be insured and operator to wear a helmet. This incorrect advertising may encourage parents to purchase these "toy" for their children and may face fines for driving without insurance (minimum \$5,000.), no insurance coverage available and perhaps by-law infraction if on the sidewalks.

Also while researching this information a broker called from Mississauga as one of his clients who lost his license for 1 year for Impaired Driving was encouraged by one of these dealers to purchase a Limited Speed Motorcycle as he does not need a license or insurance! Now if he gets stopped by the police he could face the \$5,000 fine for no insurance and be charged with Driving While Under Suspension. The latter could increase his suspension period and may also have a severe effect on his auto premium when he re-applies for insurance!

Certain Insurers have amended their Homeowners policies to give liability coverage for certain motorized vehicles. Next month, I will try and obtain these amendments from major insurers. If any of Insurer Personnel or Field Representatives can send to me any changes in this regard that their company has approved in the last few years, it would be helpful and greatly appreciated.

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