

DEPARTMENT OF JUSTICE
HB 186: REGULATING THE OPERATION OF NEW TYPES OF
VEHICLES

BACKGROUND

In the past several years, there has been a proliferation of non-traditional vehicles in Montana and across the nation. These non-standard vehicles range from motorized skateboards, old-fashioned scooters with gasoline or electric motors, miniature motorcycles, commonly referred to as pocket rockets or pocket bikes, and self-balancing electric one-person vehicles, like the "Segway." These vehicles are sold everywhere from big box stores to hardware stores, automotive parts stores and retail pharmacies. These vehicles are relatively inexpensive and heavily marketed to children and young adults. These vehicles are not designed for use on public streets.

Under current Montana law, literally, any of these non-standard vehicles could fit within the definition of a motor vehicle, motorcycle or motor-driven cycle. As a result, consumers, law enforcement and motor vehicle personnel are left to struggle on a day-to-day basis with questions such as:

- Does the vehicle have to be titled and registered in Montana?
- Does the operator of the vehicle have to have a driver's license or special endorsement?
- Do the sellers of such vehicles need a new or used motor vehicle or motorcycle dealers license?
- What additional equipment, if any, is required to make the vehicle "street-legal"?
- Why is a motorized bicycle or mo-ped treated different from a motorized skateboard or scooter?

The lack of clarity in current law has created confusion, inconsistent enforcement and conflict. With HB 186, the Department of Justice proposes to end the uncertainty.

CHANGES

HB 186 proposes a new definition for Montana's vehicle code – "motorized non-standard vehicle."

A vehicle would only fall within the definition proposed on page 1, lines 17 through 23, if the vehicle is

- Is propelled by its own power, using an internal combustion engine or an electric motor;

- Is designed for use in a controlled environment or track and is not designed for use on a public highway, roadway, or street; AND
- Does not display a manufacturer's certification label in accordance with 49 CFR, part 567 (permanently affixed manufacturer's label certifying conformance with all federal motor vehicle safety standards) or have a 17-character vehicle identification number assigned by the manufacturer in accordance with 49 CFR, part 565.

If any one of these three requirements is not met, the vehicle does not fall within the definition. Additionally, the definition specifically excludes several currently defined vehicles from its reach – special mobile equipment, implements of husbandry, quadricycles and motorized wheelchairs for persons with a disability.

HB 186 prohibits the operation of such vehicles on state highways, and unless specifically authorized by county or city or town authorities, on a county road or city street.

AMENDMENTS

The Department is proposing amendments to HB 186 that remove any reference to creation of multiple levels of motorcycle endorsements for driver licensing purposes. Additionally, the department proposes to insert the term "mass-produced" in the definition of "motorized non-standard vehicle" to avoid concerns about application to custom or homemade vehicles. Finally, the Department is correcting the citation to the federal regulations governing vehicle identification numbers on page 1, line 23. Correct title is 49, not 40.