

AGENDA REQUEST FORM

FOR: COUNCIL MEETING OF December 16, 2014

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FROM:

CITY COUNCIL MEMBER Alan Long

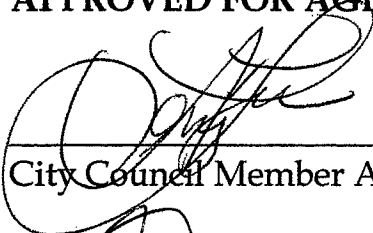
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ORDINANCE OR RESOLUTION TITLE AND SUBJECT:


AN ORDINANCE TO AMEND THE FAYETTEVILLE CODE BY ENACTING §  
71.016 INSURANCE REQUIREMENTS FOR MOTORIZED BICYCLES,  
MOTOR SCOOTERS AND MOPEDS

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APPROVED FOR AGENDA:

  
\_\_\_\_\_  
City Council Member Alan Long

12-05-2014  
Date

  
\_\_\_\_\_  
Assistant City Attorney Blake Pennington  
(as to form)

12/5/14  
Date

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND THE FAYETTEVILLE CODE BY ENACTING  
§ 71.016 INSURANCE REQUIREMENTS FOR MOTORIZED BICYCLES,  
MOTOR SCOOTERS AND MOPEDS

**WHEREAS**, the City of Fayetteville has seen a rapid increase in the number of gasoline powered motorized bicycles, as defined by Ark. Code Ann. § 27-20-101, which are also commonly known as motor scooters or mopeds, operating on the public streets of Fayetteville and, despite the increased risk of injury to their operators and others on or near the roads, there is no uniform requirement in the State of Arkansas regarding insurance for these vehicles; and

**WHEREAS**, the City of Fayetteville seeks to be proactive in promoting the public health and welfare of all persons who operate motorized bicycles, which are becoming more prevalent in the City, and other vehicles which operate upon the City's public roadways; and

**WHEREAS**, the City of Fayetteville also has a vested interest in protecting and promoting the public health and welfare of pedestrians, cyclists and all others in the general vicinity of the public streets on which motor scooters and mopeds are operating; and

**WHEREAS**, this ordinance regulates only gasoline powered motor scooters and mopeds, and does not in any way regulate or restrict the operation of bicycles or other forms of transportation that are operated by manual, battery or electric power.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:**

Section 1. That the City Council of the City of Fayetteville, Arkansas enacts § 71.016 Insurance Requirements for Motorized Bicycles, Motor Scooters and Mopeds as shown below:

**“§ 71.016 Insurance Requirements for Motorized Bicycles, Motor Scooters and Mopeds**

- (A) **Definition.** A motorized bicycle means every bicycle with an automatic transmission and a gasoline powered motor which does not displace in excess of fifty cubic centimeters (50 cc) as defined by Arkansas Code Annotated § 27-20-101, *et seq.*, which includes but is not limited to those vehicles commonly known as motor scooters and mopeds.
- (B) **Required Insurance.** Any motorized bicycle, motor scooter or moped operated upon the public roadways within the corporate limits of the City of Fayetteville is required to have a policy of liability insurance with a limit of not less than \$25,000.00 for injury to or destruction of property of others.
- (C) **Enforcement.** When the operator of any motor bicycle, motor scooter or moped is detained during a traffic stop or is involved in a motor vehicle accident and fails to provide proof of the insurance required in paragraph (B) when requested by a law enforcement officer, the operator shall be deemed to be in violation of this section.”

**PASSED** and **APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**APPROVED:**

**ATTEST:**

By: \_\_\_\_\_  
**LIONELD JORDAN, Mayor**

By: \_\_\_\_\_  
**SONDRA E. SMITH, City Clerk/Treasurer**

**From:** [Alderman, Alan Long](#)  
**To:** [Pennington, Blake](#); [Smith, Sondra](#)  
**Subject:** Required: State Minimum Liability Insurance coverage for gasoline, engine powered Mopeds and Scooters under 50 cc's  
**Date:** Friday, October 10, 2014 4:53:08 PM

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Kit,

Please draft an ordinance requiring all of the above mentioned means of transportation to require the state mandated liability insurance that is required of all other means of automobile insurance.

With the recent increase in the number of gasoline, engine powered Mopeds and Scooters in Fayetteville, I feel that they should be insured, especially when they are being operated on public streets. The reason for this legislation is that if a scooter driver was to cause an accident, deemed to be "at fault", and caused harm to someone or someone's personal property, the person that was not at fault would not have the ability to file against the insurance of the person who was at fault-the scooter driver in this case. This would create an inequitable situation where the driver who was not at fault would potentially need to file an insurance claim against their own uninsured motorist coverage in order to repair or seek reparation for the damages caused by an uninsured scooter or moped.

I have inquired with local insurance agencies and they are able to insure scooters and mopeds that are under 50 cc's.

Kind Regards,

Alan Long  
City of Fayetteville  
City Council Member: Ward 4, position 2  
[longward4@gmail.com](mailto:longward4@gmail.com)

*\*Contents may be confidential and legally privileged, and are intended only for the recipient(s) named above, and those on a need-to-know basis. Nothing herein is intended to be a binding signature.*

**From:** Reynolds, Mike  
**To:** [AJ Gary \(Aj.Gary@cityofconway.org\)](mailto:AJ.Gary@cityofconway.org)  
**Cc:** "[Camie Boggess](mailto:camie@boggessconsulting.com)" ([camie@boggessconsulting.com](mailto:camie@boggessconsulting.com)); [Bruce Hawkins \(dbhawkins@suddenlinkmail.com\)](mailto:dbhawkins@suddenlinkmail.com); [Tabor, Greg](mailto:Tabor.Greg)  
**Subject:** License and Insurance Requirements for Motor Scooters  
**Date:** Monday, October 13, 2014 9:40:56 AM  
**Attachments:** [image002.png](#)

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Chief Gary,

Good morning. Last week, I had a meeting with our supervisory staff and discussed the upcoming 2015 legislative session. Staff brought up problems we experience in Fayetteville with unlicensed and uninsured "motorized bicycles" due mainly to the influx of college students owning and operating them throughout our city. As you may know, Arkansas law defines a motorized bicycle as having an engine displacement of less than 50cc, and these vehicles are not required to be licensed or insured. Here are some of the problems we are experiencing:

- Difficult to discern a "motorized bicycle" (under 50cc) from a "motor driven cycle" (50cc to 250cc) based solely on motor displacement.
- Many "motor driven cycles" (50cc to 250cc) are not licensed or insured.
- Many drivers with suspended driving privileges operate "motor bicycles" (under 50cc).
- Many operators are not aware of "motor driven cycle" (50cc to 250cc) and "motorcycle" (more than 250cc) endorsement requirements.
- Many collisions involve "motorized bicycles" (under 50cc) with no insurance.
- Difficult to identify registered owners of stolen "motorized bicycles" (under 50cc).

On Tuesday, October 14<sup>th</sup> an ordinance to amend Fayetteville Code 71.016 Insurance Requirements for Motorized Bicycles, Motor Scooters and Mopeds will be presented to City Council. Here is the language being presented for this ordinance:

*AN ORDINANCE TO AMEND THE FAYETTEVILLE CODE BY ENACTING § 71.016  
INSURANCE REQUIREMENTS FOR MOTORIZED BICYCLES, MOTOR SCOOTERS AND  
MOPEDS*

*WHEREAS, the City of Fayetteville has seen a rapid increase in the number of low power motorized bicycles, as defined by Ark. Code Ann. § 27-20-101, which are commonly known as motor scooters or mopeds, operating on the public streets of Fayetteville but there is no uniform requirement in the State of Arkansas regarding insurance for these vehicles; and*

*WHEREAS, the City of Fayetteville seeks to promote the public health and welfare of all persons who operate motorized bicycles and other vehicles upon the public roadways in the City.*

*NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF  
FAYETTEVILLE, ARKANSAS:*

Section 1. That the City Council of the City of Fayetteville, Arkansas enacts § 71.016 Insurance Requirements for Motorized Bicycles, Motor Scooters and Mopeds as shown below:  
"§ 71.016 Insurance Requirements for Motorized Bicycles, Motor Scooters and Mopeds

(A) Definition. A motorized bicycle means every bicycle with an automatic transmission and a gasoline powered motor which does not displace in excess of fifty cubic centimeters (50 cc) as defined by Arkansas Code Annotated § 27-20-101, et seq., which includes but is not limited to those vehicles commonly known as motor scooters and mopeds.

(B) Required Insurance. Any motorized bicycle, motor scooter or moped operated upon the public roadways within the corporate limits of the City of Fayetteville is required to have a policy of liability insurance with a limit of not less than \$25,000.00 for injury to or destruction of property of others.

I anticipate this ordinance will pass and address some of our local problems associated with uninsured accidents; however, we really don't have a local avenue to fix the registered owner issues. Also, I would believe this is a problem other areas in Arkansas are experiencing?

On a side note, a law requiring licensing and insurance of motor scooters would generate an additional revenue stream.  
I would like to propose adding an amendment to 27-20-101 to our AACP 2015 Legislative Packet, requiring registration and insurance for "motorized bicycles". Thanks for the consideration.

Take care,  
Mike

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