

Sheriff



Larry Ashley, Okaloosa County Sheriff

1250 Eglin Parkway • Shalimar, Florida 32579-1234
Phone: (850) 651-7410 • Email: sheriff@sheriff-okaloosa.org

August 29, 2011

OCSO 2nd response to Media Inquiry on Motorized Bicycles

Dusty,

Thank you for your inquiry. The reason the gasoline powered bicycle vehicles could not be driven on a roadway is this:

According to DHSMV one of these vehicles cannot and should not be registered properly as a moped. Therefore it falls under the general definition of a motor vehicle.

Motor vehicles must be registered before being ridden upon a roadway.

320.02 Registration required; application for registration; forms.—

(1) Except as otherwise provided in this chapter, every owner or person in charge of a motor vehicle that is operated or driven on the roads of this state shall register the vehicle in this state. The owner or person in charge shall apply to the department or to its authorized agent for registration of each such vehicle on a form prescribed by the department. A registration is not required for any motor vehicle that is not operated on the roads of this state during the registration period.

If it could be registered, it would fall under the category of a moped and must be registered before being ridden upon a roadway.

320.0803 Moped license plates.—

(1) Any other provision of law to the contrary notwithstanding, registration and payment of license taxes in accordance with these requirements and for the purposes stated herein shall in no way be construed as placing any requirements upon mopeds other than the requirements of registration and payment of license taxes.

Failure to register a motor vehicle before driving it upon a roadway is criminal as is driving one upon a roadway without a valid driver's license.



**The Okaloosa County Sheriff's Office is accredited by the
Commission for Florida Law Enforcement Accreditation.**

**"The Okaloosa County Sheriff's Office provides equal access and equal
opportunity in employment and services and does not discriminate"**

Sheriff



Larry Ashley, Okaloosa County Sheriff

1250 Eglin Parkway • Shalimar, Florida 32579-1234
Phone: (850) 651-7410 • Email: sheriff@sheriff-okaloosa.org

This is a quote from Judson M. Chapman, Sr. Asst. Gen. Counsel, FI DHSMV. It is part of what I sent to you last week. He addresses why these vehicles cannot be registered.

"Motorized bicycles that are exempt from the driver license requirements of Ch. 322 (see 322.01(27)) are limited to those powered by electric helper motors per the definition in 316.003(2). Although there was an attempt to expand the 316 definition in the 2011 Legislature, it appears the bill did not pass and the definition remains unchanged. Our office has previously concluded that bicycles powered by gas helper motors are more properly considered to be mopeds. However, **issues regarding the absence of VIN's made such classification impossible** and resulted in the TL-10 language referenced in the web site you sent. Nevertheless, it is important to state that the TL-10 Exhibit F. language is primarily for registration issues and not driver licensing questions. An operator of a gas powered bicycle would still need a driver license under Ch. 322 because it constitutes a self-propelled vehicle. Thus, the information in the website is misleading in that respect. TL-10 also does not address where these type bicycles can be operated, but it would at least be limited to that of a regular bicycle under 316.2065."

The website below also answers questions regarding gasoline powered bike use on roadways.

<http://flbikelaw.org/2011/08/gas-powered-bicycle-kits/#more-810>

The author on the above website is also discussing this issue and the statutes that apply.

I hope this is helpful,

Sgt. Mark J. Raiche

Special Operations Unit
Traffic and Environmental
Okaloosa County Sheriff's Office



The Okaloosa County Sheriff's Office is accredited by the
Commission for Florida Law Enforcement Accreditation.

"The Okaloosa County Sheriff's Office provides equal access and equal opportunity in employment and services and does not discriminate"