



STATE OF NEW YORK DEPARTMENT OF MOTOR VEHICLES

6 EMPIRE STATE PLAZA, ALBANY, NY 12228

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December 8, 2006

Mr. George Bliss
N.Y.C. Pedicab Owners Association
73 Morton Street
New York, N.Y. 10014

Dear Mr. Bliss:

This is in response to your inquiry regarding 3-wheeled motorized bicycles that are being operated in New York City as "pedicabs" or "tricycle taxis." Specifically, you have asked which types of 3-wheeled motorized bicycles may be lawfully operated on public highways. You have indicated that many of these motorized bicycles have electric motors of 250 watts.

As we discussed, the state laws and regulations applicable to a particular bicycle depend upon the nature of the particular vehicle. I can however, provide you with the following general information that I hope will be of use to you.

Motorized bicycles can be thought of as possibly falling within one of four basic vehicle categories.

Category # 1: Limited Use Vehicles (LUVs).

In very simple terms, a limited use vehicle is an automobile or a motorcycle that has a maximum speed of 40 mph or less (VTL 125). Generally, it is unlawful to operate any limited use vehicle on a public highway unless it has been registered in accordance with the statutory provisions governing the registration of LUVs, which are set forth in VTL Article 48-a (VTL §§ Sections 2260 - 2267). So if a motorized bicycle is a LUV, then it must be registered in order to be lawfully operated on the public highways of New York State.

LUVs fall within one of two basic categories: limited use motorcycles (LUMs) and limited use automobiles.

A "limited use motorcycle" is a LUV having only 2 or 3 wheels, with a seat or saddle for the operator (VTL 121-b). LUMs are divided into 3 classes: A Class A LUM has a maximum performance speed of more than 30, but not more than 40, mph; a class B LUM has a maximum performance speed of more than 20 but not more than 30 mph; and a Class C LUM has a maximum performance speed of not more than 20 mph (VTL 121-b). Please note, registration of

a Class C LUM only permits operation of the vehicle on a public highway in the right-hand lane available for traffic or upon a usable shoulder on the right [provided however, that these limits do not apply when the operator is preparing to make a left turn at an intersection or into or from a private road or driveway (VTL § 2262)].

In addition to the pertinent statutory provisions pertaining to LUVs and LUMs, LUMs are further regulated by DMV's regulations (15 NYCRR Part 102, copy enclosed). These regulations require that before DMV will register a LUM, the vehicle must be certified by the manufacturer, in accordance with Part 102, to ensure that the vehicle meets certain speed and safety standards.

So as a practical matter then, there are two generally kinds of LUVs: those which DMV will register and which therefore may be operated on public highways; and LUVs which do not comply with statutory and regulatory standards which DMV will not register and which therefore may not be lawfully operated upon a public highway. In order for a particular 3-wheeled motorized bicycle to qualify as a LUM that may be registered by DMV, the vehicle would have to be certified by the manufacturer in accord with Part 102. If a particular 3-wheeled motorized bicycle falls within the statutory definition of a LUM and meets the requirements, including safety and certification requirements, of 15 NYCRR Part 102, then it may be registered, and if it is registered then it may be operated on a public highway in accordance with the VTL. Conversely, if a particular motorized bicycle is a LUM but does not meet both the requirements of Part 102, then it is a non-registerable LUM. In the event that it does not meet the statutory definition of a LUM, then it is simply a non-registerable motor vehicle.

Category # 2: Motor-Assisted Vehicles (MAVs)

Excluded from the definition of LUV are "motor-assisted vehicles." A MAV is a vehicle that is primarily designed to be propelled by human power (such as a traditional, non-motorized bicycle) to which a motor has been added (VTL § 2268; 15 NYCRR 102.9). More specifically, DMV has construed the definition of MAV to mean a vehicle that is primarily designed to be propelled by human power to which a motor has been added later (after manufacture) that will only provide assistance (i.e., power) when the operator is pedaling (i.e., when the operator stops pedaling, then the power-assistance stops).

So if a 3-wheeled bicycle is manufactured for retail sale without a motor, and a motor is later attached to it, and the motor only provides power-assistance when the operator is pedaling, then the vehicle is a MAV and is not registerable as a LUV and may not be operated on the public highways of the state. (If the motor provides power even when the operator is not pedaling, and thus can be propelled even in the absence of pedaling, then the vehicle may be a LUM as described above, but would probably not be a qualified LUM that may be registered . . . it would probably be an unregistrable LUM).

Category # 3: Motor-Assisted Bicycles (Bicycles Manufactured As Motor-Assisted)

VTL § 102 defines a "bicycle" in pertinent part as every 2 or 3-wheeled device upon which a person or persons may ride, propelled by human power through a belt, a chain or gears, with such

wheels in a tandem or tricycle. Bicycles are not motor vehicles as defined in VTL § 125, and there is no registration requirement.

If a 3-wheeled bicycle is manufactured as a "motorized bicycle" (i.e., a 3-wheeled bicycle manufactured and sold with a motor) then DMV will consider it to be a bicycle within the meaning of VTL § 102 if the bicycle must be continually powered by human/muscular power in order to be propelled. In other words, if the motorized bicycle is an "electric-assist" bicycle that provides motorized assistance pedaling and it cannot be operated solely by motor power, then DMV deems the vehicle a bicycle that may be operated upon public highways without registration.

Category # 4: Motor-Propelled Bicycles (Bicycles Manufactured As Capable of Propulsion Using Only Motor Power).

If a 3-wheeled bicycle is manufactured as a "motorized bicycle" (i.e., a 3-wheeled bicycle manufactured and sold with a motor) then DMV will not consider it to be a bicycle within the meaning of VTL § 102 if the bicycle can be propelled solely by motor power. In other words, if the motorized bicycle is an "electric-propel" bicycle that can be operated without pedaling by the operator, then the vehicle falls within the definition of a motor vehicle as defined in VTL § 125, and it must be registered in order to be lawfully operated upon the public highways.

Such a motor-propelled bicycle is a limited use motorcycle provided that it meets the statutory definition of a LUM. As indicated above, if a LUM meets the requirements of Part 102 of DMV's regulations, then it may be registered and operated in accordance with the VTL. If the LUM does not meet the regulatory standards, then it is a non-registerable LUM (such a motor vehicle may also be referred to as a non-registerable motor vehicle). And if the motor-propelled bicycle falls outside of the definition of a LUM, then it would simply be an unregistrable motor vehicle.

I hope that this information is of use, and that I have been of some assistance to you.

Sincerely,

Dinah M. Crossway

Dinah M. Crossway
Assistant Counsel

Encl.

DMC/cs

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Part 102
Limited Use Vehicles
 (Statutory authority: VTL Sections 215, 2270)

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102.1 Introduction. Article 48-A of the Vehicle and Traffic Law provides for the control and use of motor vehicles which would be subject to registration under subdivision (6) of section 401 or 410 of the Vehicle and Traffic Law (passenger automobiles and motorcycles, respectively), but which have a maximum speed capability of not more than 40 miles per hour. Article 48-A of the Vehicle and Traffic Law provides that all of the provisions of the Vehicle and Traffic Law apply to such vehicles, which are called limited use vehicles, unless such law or regulations promulgated thereunder provide otherwise. That article and this Part specify those provisions of the Vehicle and Traffic Law which do not apply, or have been altered or modified in their application to limited use vehicles. Any provision of the Vehicle and Traffic Law which is not made inapplicable or is not modified or altered by such article or this Part is applicable to a limited use vehicle as if such limited use vehicle was a passenger automobile or a motorcycle registered pursuant to subdivision (6) of section 401 or section 410 of the Vehicle and Traffic Law respectively.

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102.2 Registration and titling. (a) General. A limited use automobile is required to be titled in accordance with the provisions of article 46 of the Vehicle and Traffic Law and Part 20 of this Title. A limited use motorcycle is exempt from such titling requirements. In order to be operated on a public highway in this State, a limited use vehicle must be registered with the Department of Motor Vehicles.

(b) Registration categories. (1) Limited use automobile. A motor vehicle with a maximum performance speed of not more than 40 miles per hour which would be subject to registration pursuant to subdivision (6) of section 401 of the Vehicle and Traffic Law (passenger automobile) must be registered as a limited use automobile in order to be operated on any public highway in this State.

(2) Class A limited use motorcycle. A motor vehicle with a maximum performance speed of more than 30 but not more than 40 miles per hour which would be subject to registration pursuant to section 410 of the Vehicle and Traffic Law (motorcycle) must be registered as a class A limited use motorcycle in order to be operated on any public highway of this State.

(3) Class B limited use motorcycle. A motor vehicle with a maximum performance speed of more than 20, but not more than 30 miles per hour which would be subject to registration pursuant to section 410 of the Vehicle and Traffic Law (motorcycle) must be registered as a class B limited use motorcycle in order to be operated on any public highway in this State. Such registration shall only permit the operation of such a vehicle on a public highway in the right-hand lane available for traffic or upon a usable shoulder on the right side of the highway. The limitation with respect to operation in the right-hand lane or upon a usable shoulder shall not apply when preparing for a left turn at an intersection or into or from a private road or driveway.

(4) Class C limited use motorcycle. A motor vehicle with a maximum performance speed of not more than 20 miles per hour which would be subject to registration pursuant to section 410 of the Vehicle and Traffic Law (motorcycle) must be registered as a class C limited use motorcycle in order to be operated on any public highway in this State. Such registration shall only permit the operation of such a vehicle on a public highway in the right-hand lane available for traffic or upon a usable shoulder on the right side of the highway. The limitation with respect to operation in the right-hand lane or upon a usable shoulder shall not apply when preparing for a left turn at an intersection or into or from a private road or driveway.

(c) Procedures. (1) All requirements of the Vehicle and Traffic Law, the regulations of the Commissioner of Motor Vehicles and procedures established thereunder with respect to the registration and titling of passenger automobiles and the registration of motorcycles shall apply to the registration and titling of limited use automobiles and the registration of limited use motorcycles respectively, except as otherwise provided in this Part. These requirements and procedures include, among other things: registration application procedures; required proof of ownership; sales tax procedures; insurance, inspection and equipment requirements; and display of number plates.

(2) A dealer shall not be required to submit an application for registration of a limited use motorcycle which he has sold. The application for registration may be made by the applicant himself.

(3) An application for registration of a class C limited use motorcycle with a maximum performance speed of not more than 17 miles per hour which was sold prior to October 1, 1977 by a person engaged in the business of selling such vehicles who was not registered as a dealer at the time of such sale, may be supported by a completed statement of sale made on a form prescribed or furnished by the commissioner. Such statement shall contain the name and address of the seller, the name and address of the purchaser, the date of sale, a complete description of the vehicle, including the vehicle identification number, the maximum performance speed at the time of the sale, the dealer's sales tax number and a statement that the proper sales tax was or was not paid. The form shall have a printed statement that false statements made therein are punishable pursuant to section 210.45 of the Penal Law. The form must be signed by the seller and the purchaser. If the seller was registered at the time of sale as a dealer, he may issue an MV-50 supported by a manufacturer's statement of origin or he may use the above form.

(4) An office supervisor may, in his discretion, waive any specific requirement as to required proof of ownership in an appropriate situation and may in lieu thereof accept an affidavit or affidavits from the purchaser and/or any other parties he may deem necessary. (Examples, an affidavit or affidavits may be accepted when a limited use motorcycle was purchased out-of-state and such State did not require ownership documents upon sale, or, in a situation in which the selling dealer is no longer in business.)

(5) If a limited use motorcycle registration application is supported by documents which indicate a maximum performance speed other than that certified by the manufacturer for that model or sub-model, the limited use motorcycle will be registered in accordance with the next highest maximum performance speed certified by the manufacturer.

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102.3 Inspection and insurance. (a) Inspection. The provisions of article 5 of the Vehicle and Traffic Law relating to the periodic inspection of motor vehicles, and regulations promulgated thereunder apply to limited use

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vehicles except that class B and class C limited use motorcycles are not subject to such provisions of the Vehicle and Traffic Law and regulations promulgated thereunder.

(b) Insurance. (1) The provisions of articles 6, 7 and 8 of the Vehicle and Traffic Law relating to insurance shall be applicable to limited use vehicles, except that the provisions of article 6 (the Motor Vehicle Financial Security Act) shall not apply to class C limited use motorcycles.

(2) Any limited use vehicle, including a class C limited use motorcycle, which will be rented to others will be required to submit proof of insurance upon registration and will be required to be continuously insured in accordance with section 370 of the Vehicle and Traffic Law.

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102.4 Equipment. (a) Vehicular equipment. (1) A limited use automobile is required to be equipped in the same manner as a motor vehicle registered pursuant to subdivision (6) of section 401 of the Vehicle and Traffic Law (passenger automobile).

(2) A class A limited use motorcycle is required to be equipped in the same manner as a motor vehicle registered pursuant to section 410 of the Vehicle and Traffic Law (motorcycle).

(3) A class B and class C limited use motorcycle is required to be equipped in the same manner as a motor vehicle registered pursuant to section 410 of the Vehicle and Traffic Law (motorcycle), except that with respect to lighting equipment, such a vehicle shall not be required to meet the requirements for a vehicle registered pursuant to section 410 of the Vehicle and Traffic Law provided that such vehicle meets the lighting requirements for such vehicles as set forth in Federal standard 49 CFR 571.108.

(b) Rider equipment. The requirements of section 381 of the Vehicle and Traffic Law with respect to protective helmets, goggles and face shields shall apply to a person riding upon a class A or class B limited use motorcycle. Such requirements shall not apply to a person riding upon a class C limited use motorcycle.

(c) Lights-on requirement. The requirements of subdivision (1) of section 381 of the Vehicle and Traffic Law relating to the display of lighted lamps whenever a motorcycle is operated on the public highways of this State, including daylight hours, applies to the operation of limited use motorcycles.

(d) Seat or saddle height. A two-wheeled limited use motorcycle must have a seat or saddle height at least 25 inches (63.5 centimeters) above the ground. A three-wheeled limited use motorcycle must have a seat or saddle height at least 20 inches (50.8 centimeters) above the ground. If the seat or saddle is adjustable, the measurement shall be made with the seat or saddle in its lowest position.

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102.5 Sale and repair of limited use vehicles. (a) Any person engaged in the business of selling limited use vehicles is required to be registered as a dealer in accordance with section 415 of the Vehicle and Traffic Law, and is subject to Part 78 of this Title relating to dealers and transporters. A limited use vehicle shall be considered a motor vehicle in all respects in determining whether registration as a dealer is required.

(b) A person who is registered as a dealer pursuant to section 415 of the Vehicle and Traffic Law, if he wishes to engage in the business of selling limited use vehicles, may apply for the issuance of appropriate limited use vehicle dealer plates. A limited use vehicle may be operated on the public highway with dealer plates only when dealer plates appropriate for the specific type of limited use vehicle being demonstrated are properly affixed to such vehicle.

(c) A manufacturer of limited use vehicles, as defined in paragraph (2) of subdivision (a) of section 102.8 of this Part, who is also a limited use vehicle dealer and who is named as manufacturer or first assignee on the manufacturer's statement of origin, shall not be required to use a certificate of sale (form MV-50) in transferring the ownership of a vehicle described on such manufacturer's statement of origin to another registered dealer. The transfer of ownership may be made on the next assignment on the manufacturer's statement of origin. A

vehicle so transferred shall not be required to be entered in the dealer's book of registry, but a record of acquisition and transfer must be maintained. A transfer of ownership to any person, other than a registered dealer, shall be made on a certificate of sale (form MV-50) and shall be supported by the manufacturer's statement of origin.

(d) The provisions of article 12-A of the Vehicle and Traffic Law and Part 82 of this Title, relating to motor vehicle repair shops, apply to any person engaged in the business of repairing or diagnosing limited use automobile malfunctions for compensation. The provisions of article 12-A of the Vehicle and Traffic Law and Part 82 of this Title do not apply to any person engaged in the business of repairing or diagnosing limited use motorcycle malfunctions for compensation.

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102.6 Licensing. (a) Section 2266 of the Vehicle and Traffic Law provides for the licensing of operators of limited use vehicles. Parts 1, 3 and 4 of this Title set forth, among other things, the specific requirements and procedures applicable to the operation of limited use vehicles by class DJ and class MJ licensees (Part 1), licensees generally (Part 3) and the holders of learners' permits (Part 4), and those regulations together with the provisions of article 19 and section 2266 of the Vehicle and Traffic Law govern the operation of limited use vehicles with respect to licensing. (Amended 2/19/91)

(b) The following paragraphs of this subdivision are intended as a summary of the most pertinent provisions of Parts 1, 3 and 4 of this Title as they apply to the operation of limited use vehicles:

(1) A class DJ, D, E, C, B or A license is needed to operate a limited use automobile. (Amended 2/19/91)

(2) A class M or class MJ license is necessary to operate a class A limited use motorcycle. (Amended 2/19/91)

(3) A class MJ, M, DJ, D, E, C, B or A license is necessary to operate a class B or class C limited use motorcycle. (Amended 2/19/91)

(4) A class DJ or class MJ licensee operating a limited use motorcycle is subject to all restrictions applicable to class DJ or class MJ licensees except that operation between the hours of 5 a.m. and 9 p.m. in New York City and Nassau County is permitted. (Amended 2/19/91)

(5) A learner's permit for a class MJ, M, DJ, D, E, C, B or A license is necessary for a learner to operate a class B or class C limited use motorcycle. A learner's permit for a class MJ or class M license is necessary for a learner to operate a class A limited use motorcycle. (Amended 2/19/91)

(6) A learner's permit for a class DJ, D, E, C, B or A license is necessary for a learner to operate a limited use automobile. (Amended 2/19/91)

(7) Class D, DJ, M, and MJ licenses may be limited to the operation of certain classes of vehicles based upon the road test which was taken at the time the license was obtained. Any license which is so limited may only be used to operate the type of vehicle contained in the limitation. However, the holder of a class M or class MJ license or learner's permit which is limited to the operation of a class A limited use motorcycle may also operate a class B or class C limited use motorcycle. (Amended 2/19/91)

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102.7 Restrictions on the use of limited use vehicles. (a) A limited use vehicle may not be operated on any controlled-access highway other than a bridge or tunnel or other portion of such highway on which signs are in place permitting operation.

(b) A limited use vehicle may not be operated on any highway that has been posted to exclude or prohibit such vehicles, or in violation of any prohibition or limitation or use for which appropriate notice has been given.

(c) Except when preparing for a left turn at an intersection or into or from a private driveway, a class B or class C limited use motorcycle may only be operated in the right-hand lane available for traffic or upon a usable shoulder on the right side of the highway.

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102.8 Manufacturer's responsibility and certification. (a) Definitions:

- (1) **Producer.** An entity which actually fabricates or makes limited use vehicles.
- (2) **Manufacturer.** A producer of limited use vehicles, or a distributor, importer, subsidiary of the producer or similar entity designated by the producer and approved by the commissioner as the agent of the producer and approved by the commissioner as the agent of the producer for the purpose of complying with the requirements of this Part.
- (3) **Manufacturer's statement of origin.** A document issued by a manufacturer, the form and content of which is approved by the commissioner, which identifies a specific limited use vehicle, including the maximum performance and identifying year, and which is used by the manufacturer to initially transfer that limited use vehicle.
- (4) **Model.** The name under which a series of limited use vehicles is advertised and sold. A model may contain a number of sub-models, and a model may or may not be different than a trade name.
- (5) **Sub-model.** If a model is manufactured with different maximum performance speeds, limited use vehicles in each different maximum performance speed category shall be a sub-model. Each maximum performance speed creates a different sub-model which must be certified separately.

Example:

Klubnik Motors located in Lalala Republic creates Zippy limited using motorcycles which are imported into New York by Moiety Importing Corp. Moiety modifies Zippy limited use motorcycles so that some have a maximum performance speed of 29 mph, some have a maximum performance speed of 24 mph and some have a maximum performance speed of 19 mph. Moiety creates the statements of origin. Moiety advertises all Zippy limited use motorcycles as Vizzies. Klubnik Motors designated Moiety Importing Corp. as its agent for complying with New York laws and regulations.

Klubnik Motors is the producer. Moiety Importing Corp. is the manufacturer. Zippy is the trade name. Vizzie is the model. Zippy Vizzie with maximum performance speed of 29 mph is one sub-model. Zippy Vizzie with maximum performance speed of 24 mph is a second sub-model. Zippy Vizzie with maximum performance speed of 19 mph is a third sub-model.

- (5) **Time of manufacture.** The time at which the maximum performance speed of a limited use vehicle is established by the manufacturer.
 - (7) **Trade name.** The name used by the producer to identify its limited use vehicles, regardless of model.
 - (8) **Identifying year.** The calendar year used by the manufacturer to designate the year classification of the limited use vehicle. Such year may be the time of manufacture or it may be the time at which the manufacturer's statement of origin is issued.
- (b) **Certification.** (1) No limited use vehicle will be registered (or titled, if required) unless a certification of the maximum performance speed of that model (or sub-model, if applicable) limited use vehicle has been filed with the commissioner by the manufacturer and approved by the commissioner. The type of registration issued to a limited use vehicle shall be established by the commissioner based upon a certification submitted and approved for the model (or sub-model, if applicable) limited use vehicle.
- (2) A manufacturer's certification may be based upon tests conducted with a production line vehicle

either by the manufacturer or an independent testing laboratory. The commissioner may require additional testing by a third party approved by the commissioner in any case in which the manufacturer's certification is based upon tests conducted by the manufacturer, or for the purpose of confirming the validity of a prior certification. All expenses of testing shall be borne by the manufacturer.

(3) Certification submitted by the manufacturer shall contain the following information: name and address of the producer (and manufacturer, if different than the producer); the trade name, model (and sub-model, if applicable), identifying years covered by the certification; the unladen weight of the vehicle, the brake horsepower and displacement of the engine or motor, a description and explanation of the vehicle identification numbers to be assigned by the manufacturer to units of the model (or sub-model, if applicable) tested, including the location of such number on the frame; and a description (name and model number) of all equipment on such vehicle which is required for such vehicle to be in compliance with the requirements of the Vehicle and Traffic Law and this Part. The certification must also contain a statement that the vehicle tested meets all requirements of the Vehicle and Traffic Law and this Part, and with respect to limited use motorcycles, a statement that the seat or saddle for the operator is at least 25 inches above the ground. If the seat or saddle is adjustable, that certification shall apply to the seat or saddle in its lowest position.

(4) The certification shall contain a full description of the test procedures used and shall state the maximum speed attained within one quarter mile from a standing start and the average speed of the vehicle for the next ensuing mile. The certification must contain a statement that the vehicle tested is representative of vehicles of that model (or sub-model, if applicable) as manufactured for sale in this State. In addition, a completed sample of the manufacturer's statement of origin to be used for the model (or sub-model, if applicable), must be submitted for approval with the certification. The certification shall be signed by the person who conducted the test who must vouch for its accuracy.

(5) The certification should be submitted to the Bureau of Technical Assessment, Division of Vehicle Safety, Department of Motor Vehicles, Empire State Plaza, Albany, New York 12228.

(c) Required testing for certification. The test required for certification may be performed either by means of a road test or by means of suitable testing equipment which will simulate road test conditions. The following procedures shall be used:

- (1) The test shall be conducted on a hard, dry surface having a skid number (hardness) of 50 or less and a zero percent grade with a wind velocity of no more than five miles per hour.
- (2) When testing the vehicle it shall be equipped as required for sale in this State, and the head lamps and tail lamps shall be lit throughout the test.
- (3) The vehicle shall be tested under a load of 150 pounds, not including equipment, in or on the operator's position, and with the engine operating at maximum output.

(d) Vehicle identification number. The vehicle identification number assigned to a limited use motor vehicle must be unique for each limited use vehicle and must be embossed or engraved upon the frame of each limited use motorcycle and affixed to a limited use automobile in accordance with Federal standards. The vehicle identification number may not consist of more than 13 characters.

(e) Establishment of maximum performance speed. If the certification submitted by the manufacturer is acceptable to the commissioner, the maximum performance speed of the model (or sub-model, if applicable) so certified will be based upon the average speed of the model (or sub-model, if applicable) tested for the one mile distance after the one-quarter mile acceleration distance. However, the commissioner reserves the right to determine a different maximum performance speed, if warranted by the test report submitted.

(f) Alternate certification of certain limited use vehicles. If an application for registration of a limited use vehicle for which no certification has been approved by the commissioner is made and there is no manufacturer who can provide such certification (examples, manufacturer out of business, homemade vehicle, model no longer manufactured and records not available), the Bureau of Technical Assessment may prescribe and accept alternate methods of approval and certification of maximum performance speed.

(g) Once a certification has been approved, that certification shall apply to all vehicles of the same model (or sub-model, if applicable) manufactured thereafter unless there are changes in the technical specifications or performance standards. Upon any such change, the manufacturer shall submit a new certification. However, the commissioner may, from time to time request a confirmation of the certification for models, (or sub-models, if applicable) manufactured after the identifying years specified in the approved certification. Upon such a request for confirmation, the manufacturer must submit a new certification or confirmation of the continuance of the prior certification.

(h) Verification of specific vehicles. A manufacturer must be able to certify to the commissioner or to the owner of a limited use vehicle the maximum performance speed of any limited use vehicle upon submission of the vehicle identification number or other appropriate number. A manufacturer must honor a request for such information promptly upon receipt of such request.

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102.9 Vehicles manufactured without a motor to which a motor is later attached. Section 2268 of the Vehicle and Traffic Law, in effect, prohibits the operation on public highways of this State of a vehicle which is primarily designed to be propelled by human power and to which a motor is attached. In accordance with section 2268 of the Vehicle and Traffic Law, the commissioner determines that any vehicle which is manufactured for retail sale without a motor, and to which a motor is attached is a motor-assisted vehicle and may not legally be operated upon the public highways of this State.

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102.10 Low Speed Vehicles. (a) A low speed vehicle is defined by Vehicle and Traffic Law Section 121-f as a limited use automobile which has a maximum performance speed of greater than twenty miles an hour, but not greater than twenty-five miles an hour, and which complies with the safety standards established in federal regulation 49 C.F.R. 571.500.

No person shall operate a low speed vehicle on any public highway with a speed limit in excess of 35 miles per hour; a low speed vehicle may cross a public highway with a speed limit in excess of 35 miles per hour where such highway intersects with a highway with a speed limit of 35 miles per hour or less. In the interest of public safety, a local authority or the Department of Transportation may prohibit low speed vehicles from designated highways.

(b) Equipment. (1) Low speed vehicles are required to be equipped in the same manner as a motor vehicle registered pursuant to Vehicle and Traffic Law Section 401(6) (passenger automobile), provided, however, that low speed vehicles are not required to have the following equipment:

- Bumpers (required by Vehicle and Traffic Law § 375 (48));
- Padded Equipment (required by Part 55 of this Title);
- Parking Lamps; and
- Odometers are required, but need not be Tamper Resistant (as required by Part 60 of this Title). (Amended 12/18/02)

(2) Mufflers and exhaust systems are required equipment on low speed vehicles, unless a low speed vehicle is powered solely by electric power.

(3)(i) Headlamps shall be approved for highway use in New York State pursuant to one of the following standards and appropriately marked to show compliance:

(a) standards established in federal regulation 49 C.F.R. 571.108 "Table III Required Motor Vehicle Lighting Equipment" and "Table IV Location of Required Equipment";

(b) standards established in federal regulation 49 C.F.R. 571.108 "Figure 32 - Motorcycle

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and Motor-Driven Cycle Headlamp Photometric Requirements." Two lamps are required, one on each side of the vehicle centerline, as far apart as practicable, and at a height of not less than 22, nor more than 54 inches from the ground. This headlamp system need only comply with a low beam function; or

(c) standards established in section 6.8.1 "Head Lamps" of SAE standard J2358 for Low Speed Vehicles.

(ii) Any headlamp that is not properly marked shall be certified as meeting one of the performance standards set forth in subparagraph (i) of this paragraph. Certification may be accomplished by contacting:

Automotive Manufacturers Equipment Compliance Agency, Inc.
(A.M.E.C.A.)
1101-15th Street, N.W.
Suite 607, Washington, D.C. 20005-5020,
Telephone: (202) 898-0145
Facsimile: (202) 898-0148,

www.ameca.org

P.O. Box 76960
National Capitol Station
Washington, D.C. 20013-6960.

(4) Any other lighting equipment that is not properly marked shall be certified by the Automotive Manufacturers Equipment Compliance Agency, Inc. (A.M.E.C.A.) as meeting the performance standards established in federal regulation 49 C.F.R. 571.108 "Table III Required Motor Vehicle Lighting Equipment" and "Table IV Location of Required Equipment."

(5) Reflex reflectors may be used in lieu of required side marker lamps. Reflex reflectors shall be manufactured in compliance with the safety standards established in federal regulation 49 C.F.R. 571.108 "Table III Required Motor Vehicle Lighting Equipment." Side lighting or reflex reflectors shall be located in compliance with the standards established in federal regulation 49 C.F.R. 571.108 "Table IV Location of Required Equipment."

(c) Disclosure to Low Speed Vehicle Buyer. (1) A vehicle dealer selling a low speed vehicle shall provide a written disclosure to be signed by the buyer at the time of purchase. The disclosure shall include a statement that the low speed vehicle:

- (i) has a maximum speed of greater than 20 miles per hour, but not greater than 25 miles per hour;
- (ii) shall not be operated on a public highway with a speed limit in excess of 35 miles per hour;
- (iii) may be a hazard on the roadways if it impedes traffic;
- (iv) may subject the driver to citations for impeding traffic; and
- (v) may not be equipped with such safety features as bumpers, a padded dashboard, visors and a tamper-resistant odometer.

(2) The vehicle dealer shall give a copy of the signed disclosure to the buyer and keep the original with the business records of vehicle transactions.

(3) To fulfill this requirement, the form VS-1091 (Low Speed Vehicle Disclosure) may be printed and

distributed by the dealership using the following format:

LOW SPEED VEHICLE DISCLOSURE

THE VEHICLE INVOLVED IN THIS TRANSACTION IS CLASSIFIED AS A LOW SPEED VEHICLE. THIS VEHICLE:

- has a maximum speed of greater than 20 miles per hour, but not greater than 25 miles per hour;
- shall not be operated on a public highway with a speed limit in excess of 35 miles per hour;
- may be a hazard on the roadways if it impedes traffic;
- may subject the driver to citations for impeding traffic; and
- may not be equipped with such safety features as bumpers, a padded dashboard, visors and a tamper-resistant odometer.

I have read the above disclosure and acknowledge receipt of a copy of this disclosure.

Buyer's name: _____

Buyer's signature: _____

Date: _____

VIN: _____

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(d) On and after May 1, 2002, prior to the sale of a low speed vehicle, the dealer shall affix a permanent decal provided either by the manufacturer or the Department (form VS-1090) to the underside of the roof near the windshield on the driver side. Such decal shall:

- (1) be approximately 3 inches high by 5 inches wide; and
- (2) contain the disclosure statement information specified in paragraph (1) of subdivision (c) of this section.

(e) The provisions of Article 5 of the Vehicle and Traffic Law relating to the periodic inspection of motor vehicles and regulations promulgated thereunder shall not apply to a low speed vehicle.

(f) A manufacturer's statement of origin, as required by section 102.8 of this Part, must provide that the vehicle is a low speed vehicle, using the abbreviation "LSV", and the maximum performance speed entry.

(g) The verification required by section 102.8(h) of this Part shall also certify that the low speed vehicle complies with the standards established in federal regulation 49 C.F.R. 571.500.

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