

1977 S.C. Op. Atty. Gen. 124 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-147, 1977 WL 24489

Office of the Attorney General

State of South Carolina

Opinion No. 77-147

May 11, 1977

\*1 TO: Philip B. Morris  
Executive Director  
South Carolina Safety Council

### QUESTION

In what classification do two wheeled vehicles which have motors attached, achieve speeds in excess of 20 miles per hour and do not have pedals fall?

### STATUTES

Section 46-213, Code of Laws of South Carolina, 1962

Section 46-214, Code of Laws of South Carolina, 1962

Section 46-215, Code of Laws of South Carolina, 1962 (Cum. Supp.)

### DISCUSSION

Section 46-215 was amended in 1973 to include within the definition of 'bicycle', 'pedal' bicycles with helper motors rated less than one brake horsepower which produce only ordinary pedaling speeds up to a maximum of twenty miles per hour.' (emphasis added). The underlined portion of the definition of bicycle emphasizes the requirement that these vehicles be equipped with pedals in order to fall within the classification of bicycle. While pedals are not a requirement of bicycles in general, it is obvious that if the vehicle has a 'helper motor' attached, it must also have pedals.

It would appear from your description of the vehicles under consideration that they would be classified as either 'motor-driven cycles' or 'motorcycles' or both. Section 46-214, defines 'motor-driven cycle,' in part as 'every bicycle with a motor attached.'

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Clearly your vehicle is a 'motor-driven cycle.' The situation is less clear as to whether or not it is also a motorcycle. Generally a motorcycle is a self propelled vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground. See, § 46-213. Under the description you have provided, I am uncertain if the subject vehicle would fall into this definition. Additional information as to whether the vehicle is self propelled and whether it has a saddle would be necessary to make a proper determination.

### CONCLUSION

A two wheeled vehicle which has a motor attached, achieves speed in excess of 20 miles per hour and does not have pedals is not a bicycle, as that term is defined by Section 46-215.

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