

(I) IF THE VEHICLE HAS TWO WHEELS, WITH BOTH WHEELS IN TANDEM; OR

(II) IF THE VEHICLE HAS THREE WHEELS, WITH ONE FRONT WHEEL AND WITH TWO REAR WHEELS THAT ARE SPACED EQUIDISTANT FROM THE CENTER OF THE VEHICLE.

REVISOR'S NOTE: This section presently appears as Art. 66 1/2, §1-104 (a).

Item (1) (ii) of this section - the source for which was enacted by Ch. 406, Acts of 1976, to describe what is commonly referred to as a motor-assisted bicycle or "moped" - is revised to avoid certain potential inconsistencies and gaps between its provisions and those of present Art. 66 1/2, §1-150, which - as amended by the same 1976 Act and set forth in §11-136 of this subtitle - defines "motorcycle".

The present description of a "moped" requires that the vehicle have a motor rated at "less than one brake horsepower" and a motor capacity of "less than 50 cubic centimeters piston displacement" (emphasis added). On the other hand, §11-136 of this subtitle defines "motorcycle" as a vehicle with a motor rated at "more than one brake horsepower" or with a motor capacity of "more than 50 cubic centimeters piston displacement" (emphasis added). Thus, a vehicle with exactly one brake horsepower and exactly 50 cubic centimeters piston displacement would not be covered by either of the definitions; to avoid this gap and clarify that this vehicle would be a "moped", the phrases in this section are corrected to read "one brake horsepower or less" and "50 cubic centimeters ... or less", respectively.

The present description of a "moped" also is inconsistent with §11-136 in that it words the motor capacity and rating requirements in the disjunctive, as follows: "... a motor that has a capacity of ... 50 cubic centimeters piston displacement {or less} or rated ... one brake horsepower {or less}" (emphasis added); this suggests, for example, that a vehicle would qualify as a "moped" if its motor had a rating of one brake horsepower or less even if the motor's piston displacement capacity exceeded 50 cubic centimeters. This is inconsistent with the definition of "motorcycle", which - also worded in the disjunctive - covers a vehicle with a motor "with a rating of more than one brake horsepower or a capacity of more than 50 cubic centimeters piston