



STATE OF KANSAS

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CURT T. SCHNEIDER
Attorney General

January 15, 1976

ATTORNEY GENERAL OPINION NO. 76- 17

James W. Stevens, Director
Kansas Highway Safety
Coordinating Office
Room 1110 - 535 Kansas Avenue
Topeka, Kansas 66603

Re: Automobiles and Other Motor Vehicles--Rules of
the Road--Equipment of Vehicles--Regulation

Synopsis: A motorized vehicle equipped with a 5 HP or less
motor is treated as a motorcycle under Chapter 8,
Article 1, and as a motor driven cycle under
Chapter 8, Article 14 of the Kansas Statutes
Annotated.

* * *

Dear Mr. Stevens:

Your letter of December 10, 1975, specifically asks the question whether a "moped", a motorized vehicle equipped with a 5 HP or less motor, is considered a bicycle or a motorcycle under Kansas Statutes Annotated. Under Chapter 8, Article 1, specifically K.S.A. 1975 Supp. 8-126 and K.S.A. 1974 Supp. 8-127 a "moped" is treated as a motorcycle. In essence, anyone who wishes to use a "moped" on any highway in Kansas must register said vehicle and obtain a tag. The vehicle is then classed as a motorcycle under the Motor Vehicle Registration laws of the State of Kansas. Chapter 40, Article 31, Kansas Automobile Injury Reparations Act, also requires liability insurance to meet the statutory requirements of the Act when said vehicle is used upon the highways or upon property open to use of the public.

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Under Chapter 8, Article 14, Automobiles and Other Vehicles, Kansas 1974 Supp. 8-1438, a motorcycle is defined as "every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor." K.S.A. 1974 Supp. 8-1439 defines motor driven cycle as "every motor cycle including every motor scooter, with a motor which produces, not to exceed 5 brake HP, and every bicycle with motor attached." K.S.A. 1974 Supp. 8-1405 defines bicycle as "every device propelled by human power which any person may ride having two tandem wheels either of which is more than 14 inches in diameter." Chapter 8, Article 18, concerning equipment on motorcycles and motor driven cycles expressly states the equipment required on a motorcycle and every motor driven cycle.

It is evident by comparing the definitions and treatment of motorcycles and motor driven cycles that a "moped" is not considered a bicycle or a motorcycle under Chapter 8, Article 14 through Article 18.

In conclusion, the Kansas Statutes Annotated defines a "moped" as a motorcycle as to registration and the Kansas Automobile Injury Reparations Act, but considers a "moped" a motor driven cycle under Chapter 8, Article 15 through 18.

Very truly yours,



CURT T. SCHNEIDER
Attorney General

CTS:RRS:bv