

MEMORANDUM

DATE: August 14, 2008

TO: Mr. Joseph R. Biden, III, Attorney General
Ms. Jennifer Cohan, Director, Division of Motor Vehicles

FROM: Daniese McMullin-Powell, Chairperson
State Council for Persons with Disabilities

RE: Motorized Scooter Advertisement

I write on behalf of the State Council for Persons with Disabilities (SCPD) regarding the attached copy of a July 20, 2008 News Journal advertisement (11”X10.5” in original) in which motorized scooters are being advertised as “street legal”, “no license”, “no insurance”, and “no registration” with models ranging from 50cc to 300cc. SCPD questions the accuracy of these statements based on the following.

First, a motorized scooter is a “motor vehicle” under the Delaware Code. Title 21 Del.C. §101(33)(35). “Motor vehicles” must be registered. Title 21 Del.C. §2101-2102. A DMV regulation specifically requires “motor scooters” to have a license plate. See 2 DE Admin Code 2262, Par. 1.5.2.

Second, a driver’s license is required to operate motor vehicles on public streets. Title 21 Del.C. §2701. Other state agencies likewise contemplate “motor bikes” only being operated by persons with a license or permit. See 7 DE Admin Code 9201, Par. 11.2.

Third, motorized scooters are generally prohibited from being operated on public streets. Title 21 Del.C. 4198N(a). Violations are punishable by fines. Title 21 Del.C. §4198N(a)(3).

Fourth, “motor vehicles” which are required to be registered must be insured. Title 21 Del.C. §2118.

The advertisement will ostensibly entice children and adults to purchase and use motorized scooters contrary to State law and regulation. Indeed, if someone has a suspended or revoked license, the scooters provide an invitation to return to driving on the road with no restrictions (e.g. no license, registration, or insurance). SCPD believes the advertisement affirmatively misleads consumers and is a significant safety issue.

SCPD solicits your perspective on the advertisement and Council's analysis. Thank you for your consideration.

cc: Mr. Matthew P. Denn, Insurance Commissioner
Ms. Tricia Roberts, Office of Highway Safety
Mr. Jack Eanes, Division of Motor Vehicles
Governor's Advisory Council for Exceptional Citizens
Developmental Disabilities Council

BIC/scooter ad 8-08