

## MEMORANDUM

DATE: September 10, 2008

TO: 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 an August 20, 2008 News Journal advertisement in which motorized scooters are being advertised as “street legal”, “no motorcycle license”, and “no insurance”. As background, the same retailer advertised the motorized scooters as street legal”, “no license”, “no insurance”, and “no registration” in the July 20, 2008 News Journal. SCPD followed up with the Division of Motor Vehicles resulting in the attached August 19, 2008 letter. As know, the Council also forwarded the August 20<sup>th</sup> ad to the DMV which indicated that the revised ad could still be perceived as misleading but was approved by the AG’s office. SCPD has the following supplemental observations.

As the Council’s earlier analysis noted, 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. “Motor vehicles” which are required to be registered must be insured. Title 21 Del.C. §2118. Under a 2007 amendment to the Code (S.B. No. 17), codified at Title 21 Del.C. §2113A, even “street legal” low speed vehicles must be insured. The contrary representation in the ad ostensibly violates Delaware law.

There are obvious ramifications to persons driving motorized scooters on Delaware roads with no insurance. If a rider is injured, there would be no PIP coverage for remedial medical care. If the rider causes personal or property damage to others, there is no insurance to cover such losses.

Thank you for your consideration.

cc: Mr. Joseph R. Biden, III, Attorney General  
Mr. Matthew P. Denn, Insurance Commissioner  
Mr. Gene Reed, Department of Insurance  
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 9-08