



STEVE CLARK
ATTORNEY GENERAL

STATE OF ARKANSAS
OFFICE OF THE ATTORNEY GENERAL
JUSTICE BUILDING, LITTLE ROCK 72201
June 25, 1985

(501) 371-2007

OPINION NO. 85-157

Honorable John Dawson
State Representative
P.O. Box 336
Camden, AR 71701

Dear Representative Dawson:

This letter is written in response to your request for an opinion regarding Act 972 of 1985. Your question is whether Section 1(c) of this Act mandates or requires that a "motorized bicycle" have pedals.

Section 1(c) of Act 972 of 1985, compiled at Ark. Stat. Ann. §75-701(c), addresses this issue. Act 972 does not contain an emergency clause and thus does not go into effect until June 28, 1985. Section 701(c) currently reads as follows:

"Motorized bicycle" shall mean every bicycle with fully operative pedals for propulsion by human power, an automatic transmission, and a motor with a cylinder capacity not exceeding 50 cubic centimeters, which provides no more than 2.0 brake horsepower, and is capable of propelling the bicycle at a maximum designed speed of no more than 30 miles per hour on level ground.

On June 28 subsection (c) of 75-701 will read as follows:

"Motorized bicycle" shall mean every bicycle with an automatic transmission, and a motor which does not displace in excess of 50 cubic centimeters.

Under the first definition, for a device to be a motorized bicycle it must have fully operative pedals. Act 972 eliminated that requirement. Under the new definition of "motorized bicycle", any device which has an automatic transmission and a motor that does not displace in excess of 50 cubic centimeters will be classified as a motorized bicycle. The elimination of the requirement of the fully operative pedals indicates an intent on the part of the legislature for that not to be a requirement. Therefore, it is my opinion that a device can be classified as a "motorized bicycle" even though it does not have pedals.

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The foregoing opinion, which I hereby approve, was
prepared by Assistant Attorney General Randel Miller.

Sincerely,



STEVE CLARK
Attorney General

SC/RM/pw