

**APPENDIX A (Rule 94)
 PETITION**

TO THE LEGISLATIVE ASSEMBLY OF MANITOBA:
 The background to this petition is as follows:

1. Background

Manitoba’s Highway Traffic Act (HTA) contains out-dated and in some instances very dangerous laws concerning moped-class vehicles. The Act was originally designed to regulate power-assisted bicycles. Small engine moped-class scooters have filled today’s affordable transportation niche, replacing the traditional moped with a modern equivalent. Other provinces have already amended their moped-related legislation. Our organization believes that Manitoba should amend the Highway Traffic Act to reflect the modern moped-class motorcycle and remove unsafe aspects of the Act.

1.1. The Definition of Moped is Out of Date and Problematic

The HTA defines a moped using two primary characteristics: (1) engine size less than 50 cubic centimeters; and (2) to not be capable of reaching speeds in excess of 50 km/hr. In Manitoba, the insurance classification system used by Manitoba Public Insurance references this definition. This definition of moped has three problematic aspects to it:

1.1.1 The top speed of a vehicle is affected by many factors; height, weight, and stature of the rider as well as wind and road conditions. Current legislation creates a scenario where a vehicle which qualifies as a moped for a heavier/taller rider becomes a motorcycle for a light weight/short rider.

1.1.2 Commuter routes and key bridges within Winnipeg and other cities now have a speed of at least 60 km/hr and in some cases as high as 80 km/hr. A vehicle which is only capable of 50 km/hr is ineffective and unsafe for commuting in this environment.

The top-speed characteristic of 50 km/hr was established based on older moped engine technology and at a time when urban speed limits on major routes was restricted to 50km/hr. Clearly the 50 km/hr limit is out-dated as evidenced by a brief survey of major commuter routes within the City of Winnipeg.

Primary Commuter Artery	Posted Speed Limit(s)
Main Street	60 km/hr
McPhillips Ave / Route 90	60 – 70 km/hr
Henderson Hwy	60 km/hr
Portage Ave	60 km/hr
Grant Ave / Roblin Blvd	60 – 80 km/hr
Pembina Highway	60 km/hr
Marion, Lagimodier, St. Mary’s Road, St. Annes Road, Fermor Ave	60 – 80 km/hr
Regent Ave	60 km/hr

Crossing bridges within the City of Winnipeg requires travel on higher speed roadways. Below are some examples of bridges which are on or near critical arteries where few if any reasonable routes other than crossing the bridge exist. Only a few bridges have a posted limit of 50 km/hr.

Bridge	Posted Limit
Main Street	60 km/hr
Mid-Town Bridge	50 km/hr
Moray Street	70 km/hr
Kenaston Bridge	70 km/hr
Bishop Grandin	80 km/hr
Chief Peguis	70 km/hr
Maryland	50 km/hr
Regent Overpass	60 km/hr
Louise Bridge	50 km/hr

1.1.3 Manufacturers are not required to provide a statement of top-speed in order to qualify a vehicle for import and sale in provincial jurisdictions. This makes the top speed specification of a vehicle subject to interpretation by dealerships or the registered owners which do not make such assessments consistently or with any established protocol. The sale of used bikes is extremely problematic since no certified dealer is involved.

1.2. The HTA Requires Mopeds Be Driven Against the Curb – A Dangerous Practice

Currently, the Highway Traffic Act requires (Section 111) that mopeds be ridden against the curb, similar to a bicycle, under certain conditions. This is a remarkable example of how out of date the HTA has become. Riding against the curb is a dangerous, unsafe, and contradicts all motorcycle safety curriculum in Canada. This section of the Act also contradicts MPI/DDVL safety guidelines contained within the Manitoba Motorcycle Safety Handbook.

1.3. The HTA Allows Infants To Be Transported on Mopeds – A Dangerous Practice

Infants are allowed to be carried on a moped in Manitoba under the current Highway Traffic Act (Section 184) provided they are secured in a proper carrying seat. Carrying an infant on a moped is not safe in the opinion of our organization regardless of seating equipment. The Highway Traffic Act should not permit this type of use.

2. We petition the Legislative Assembly of Manitoba to amend the Highway Traffic Act as follows:

2.1. 1. Amend the definition of moped under the Highway Traffic Act to:

- Set the top speed to 70km/hr, harmonizing it with Transport Canada's Definition;
- Add "automatic transmission" to the defining characteristics;
- Add a maximum dry weight of 95 kilograms to the definition.

2.2. Remove Section 184 which permits the carrying of infants on a moped.

2.3. Remove Section 111 which requires mopeds to ride against the curb or on the shoulder of a roadway under certain conditions.

2.4. Amend Section 184(6) to allow carrying of passengers on mopeds provided that (1) the moped is equipped by the original manufacturer to carry a passenger and (2) the driver of the moped has a valid and unrestricted Class 6 Motorcycle License.

2.5. Apply any and all restrictions which are part of the Graduated Class 5 licensing system to mopeds.

2.6. Require that Vehicle Safety Certifications be required for registration of mopeds upon sale/transfer of ownership similar to the process required for motorcycles and other vehicle classes.