

Power Bicycles, Mopeds, Motorcycles, Mobility Aids, Off-Highway Vehicles and Prohibited Miniature Vehicles

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Important common definitions that may be applicable to more than one of the vehicles listed below

1. **Cycle** – “cycle” means a bicycle, power bicycle, motor cycle or moped (*Traffic Safety Act, Section 1*)
2. **Motor cycle** – “motor cycle” means a motor vehicle, other than a moped, that is mounted on 2 or 3 wheels and includes those motor vehicles known in the automotive trade as motor cycles and scooters. (*Traffic Safety Act, Section 1*)
3. **Motor vehicle** – “motor vehicle” means (i) a vehicle propelled by any power other than muscular power, or (ii) a moped, but does not include a bicycle, power bicycle, an aircraft, an implement of husbandry or a motor vehicle that runs only on rails (*Traffic Safety Act, Section 1*)
4. **Vehicle** – “vehicle”, other than in Part 6, means a device in, on or by which a person or thing may be transported or drawn on a highway and includes a combination of vehicles but does not include a mobility aid. (*Traffic Safety Act, Section 1*)
5. **Highway** – “highway” means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway or other place or any part of any of them, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage or parking of vehicles and includes
 - (i) a sidewalk, including a boulevard adjacent to the sidewalk
 - (ii) if a ditch lies adjacent to and parallel with the roadway, the ditch, and
 - (iii) if a highway right of way is contained between fences or between a fence and one side of the roadway, all the land between the fences, or all the land between the fence and the edge of the roadway, as the case may bebut does not include a place declared by regulation not to be a highway.
(*Traffic Safety Act, Section 1*)

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This document has no legal status – it is intended to be a reference guide only to direct readers to the appropriate Alberta legislation.

Web-link for traffic legislation: [http://www.infratrans.gov.ab.ca/Policies %26 Legislation/Legislation/index.htm](http://www.infratrans.gov.ab.ca/Policies_%26_Legislation/Legislation/index.htm)

Power Bicycles



Defined: USE OF HIGHWAY AND RULES OF THE ROAD REGULATION

1(o): “power bicycle” means a vehicle that

- (i) may be propelled
 - (a) by human muscular power
 - (b) by mechanical power, or
 - (c) partly by human muscular power and partly by mechanical power
- (ii) is fitted with pedals that are continually operable to propel it,
- (iii) has a motor that produces not more than 750 watts and that is driven by electricity or has an engine with a displacement of not more than 50 cubic centimetres
- (iv) does not have a hand-operated or foot-operated clutch or gearbox driven by the motor that transfers power to the driven wheel
- (v) does not have sufficient power to enable it to attain a speed greater than 35 kilometres per hour on level ground within a distance of 2 kilometres from a standing start, and
- (vi) weighs not more than 35 kilograms

Operator’s licence required:	No (<i>Traffic Safety Act, Section 51(a)</i>) states licence required for ‘motor vehicle’. Definition of motor vehicle in <i>Traffic Safety Act, Section 1</i> , excludes power bicycles.)
Minimum age to operate:	12 Years with parental/guardian written consent (<i>Operator Licensing and Vehicle Control Regulation, Section 9(1)</i>). Parental consent in form approved by Registrar or holds valid licence, <i>Section 9(2)</i>)
Registration required:	No (<i>Traffic Safety Act, Section 52(1)(a)</i>) states registration required for ‘motor vehicle’. Definition of motor vehicle excludes power bicycles.)
Insurance required:	No (<i>Traffic Safety Act, Section 54(1)(a)</i>) states insurance required for ‘motor vehicle’. Definition of motor vehicle excludes power bicycles.)
Helmet required:	Yes (<i>Vehicle Equipment Regulation, Section 93</i>). Must be worn by person on cycle. Definition of cycle includes power bicycle (<i>Traffic Safety Act, Section 1</i>). Motorcycle helmet required.
Special laws:	(a) Must operate as far to right side of highway as practicable, on shoulder of highway if available. May use left lane of one-way in an urban area. (<i>Use of Highway and Rules of the Road Regulation, Section 77</i>) (b) May not carry passengers if under 16 years of age (<i>Use of Highway and Rules of the Road Regulation, Section 76</i>)
Vehicle Equipment:	Power bicycles must be equipped with the following equipment: a headlamp, a tail lamp, a brake lamp, reflectors, brakes, a horn, a muffler, and a mirror (<i>Vehicle Equipment Regulation, Sections: 10, 13, 18, 19, 42, 54, 60, 61, and 96.</i>)

Mopeds



Defined: *USE OF HIGHWAY AND RULES OF THE ROAD REGULATION*

1(i): “moped” means a vehicle, regardless of the number of wheels it has, that

- (i) may be propelled
 - (a) by human muscular power
 - (b) by mechanical power, or
 - (c) partly by human muscular power and partly by mechanical power
- (ii) has a motor that is driven by electricity or has an engine with a displacement of not more than 50 cubic centimetres,
- (iii) does not have a hand-operated or foot-operated clutch or gearbox driven by the motor that transfers power to the driven wheel,
- (iv) does not have sufficient power to attain a speed greater than 50 kilometres per hour on level ground within a distance of 2 kilometres from a standing start, and
- (v) weighs more than 35 kilograms but less than 55 kilograms, but does not include a bicycle or power bicycle.

NOTE: Some vehicles may appear to be “mopeds”, however, if they exceed the weight of 55 kg. or speed of 50 km/h, then they do not fall into the moped classification and are, instead, considered motorcycles (see next page).

- Operator’s licence required:** **Yes.** Class 7 minimum. (*Traffic Safety Act, Section 51(a)* states licence required for ‘motor vehicles’. Motor vehicle definition above includes mopeds.)
- Minimum age to operate:** **14 years.** (*Operator Licensing and Vehicle Control Regulation, Section 28(2)* is age for issuing of a Learner’s Licence. *Section 32(2)(a)* states that Class 7 learner’s licence is not considered a learner’s licence when operating a moped – supervision is not required)
- Registration required:** **Yes.** (*Traffic Safety Act, Section 52(1)(a)* states registration required for ‘motor vehicles’. Motor vehicle definition above includes mopeds.)
- Insurance required:** **Yes.** (*Traffic Safety Act, Section 54(1)(a)* states insurance required for ‘motor vehicle’. Motor vehicle definition above includes mopeds)
- Helmet required:** **Yes** (*Vehicle Equipment Regulation, Section 93*) Motorcycle helmet.
- Special laws:**
 - (a) Must operate as far to right side of highway as practicable, on shoulder of highway if available. May use left lane of one-way in an urban area. (*Use of Highway and Rules of the Road Regulation, Section 77*)
 - (b) May not carry passengers if operator is under 16 years of age (*Use of Highway and Rules of the Road Regulation, Section 76*)
- Vehicle Equipment:** Mopeds must be equipped with the following equipment: a headlamp, a tail lamp, a brake lamp, reflectors, brakes, a horn, a muffler, and a mirror (*Vehicle Equipment Regulation, Sections: 10, 13, 18, 19, 42, 54, 60, 61, and 96.*)

Motorcycles



Defined: *TRAFFIC SAFETY ACT*

1(w): “motor cycle” means a motor vehicle, other than a moped, that is mounted on 2 or 3 wheels and includes those motor vehicles known in the automotive trade as motor cycles and scooters.

Operator licence required: **Yes.** Class 6. (Operator Licensing and Vehicle Control Regulation, Section 26)

Minimum age to operate: **16 years.** (*Operator Licensing and Vehicle Control Regulation, Section 26*) Applies to either learner or operator. (*Operator Licensing and Vehicle Control Regulation, Section 28 – must be min. 16 for operating motorcycle with Class 7.*)

Learning to operate: **16 years.** Learner must hold a Class 7, 5, 4, 3, 2, or 1 licence. (*Operator Licensing and Vehicle Control Regulation, Section 29(4)*). Learner must be supervised by someone 18 years or older (*Operator Licensing and Vehicle Control Regulation, Section 29(3)*), who holds a Class 6 licence that is not a Graduated Driver Licence (GDL). Supervisor must either be on the bike with the learner or in or on another motor vehicle in close proximity. (*Traffic Safety Act, Section 51(f), (f.2) & (f.2)*) If Learner has a Class 7 learner’s licence, then learner may not operate motorcycle during nighttime - one hour after sunset to one hour before next sunrise (*Operator Licensing and Vehicle Control Regulation, Section 32(6)*).

Registration required: **Yes.** (*Traffic Safety Act, Section 5(1)(a)*) states registration required for ‘motor vehicles’.)

Insurance required: **Yes.** (*Traffic Safety Act, Section 54(1)(a)*) states insurance required for ‘motor vehicle’.)

Helmet required: **Yes.** (*Vehicle Equipment Regulation, Section 93*). Standards are also covered in this section.

Special laws:

- (a) May only carry as many passengers as vehicle is designed for. (*Use of Highway and Rules of the Road Regulation, Section 77*)
- (b) Passengers must ride on seat designed for passenger and use foot rests. (*Use of Highway and Rules of the Road Regulation, Section 77*)
- (c) May not ride beside another cycle in same lane. (*Use of Highway and Rules of the Road Regulation, Section 78*)

Vehicle Equipment: Motor cycles must meet the requirements of the *Vehicle Equipment Regulation*.

Mobility Aids (Electric scooters/wheelchairs)



Defined: *TRAFFIC SAFETY ACT*

1(v): “mobility aid” means a device used to facilitate the transport, in a normal seated orientation, of a person with a physical disability.

1(gg): “pedestrian” means

- (i) a person on foot, or
- (ii) a person in or on a mobility aid

1(ww): “vehicle”, other than in Part 6, means a device in, on or by which a person or thing may be transported or drawn on a highway and includes a combination of vehicles but does not include a mobility aid.

Operator’s Licence required:	No , classed as a pedestrian in above definition, therefore no licence required..
Minimum age to operate:	No minimum age.
Registration required:	No , since it is not considered a “vehicle” it cannot be a “motor vehicle” which requires registration.
Insurance required:	No , same as above.
Helmet required:	No , helmets only required on cycles. Mobility aid does not fall under definition of cycle. (<i>Vehicle Equipment Regulation, Sections 91 & 92</i>) Helmets may be a good safety recommendation especially when operating on uneven surfaces.
Special laws:	Everything that applies to a pedestrian , since by definition a pedestrian is a person on a mobility aid. (<i>Traffic Safety Act, Section 1</i> , definition of “pedestrian”)
Vehicle Equipment:	There are no equipment requirements.

Off-Highway Vehicles (ATV, Snowmobile, Trail Bike)



Defined: TRAFFIC SAFETY ACT

117(a): “off-highway vehicle” means any motorized mode of transportation built for cross-country travel on land, water, snow, ice or marsh or swamp land or on other natural terrain and, without limiting the generality of the foregoing, includes, when specifically designed for such travel

- (i) 4-wheel drive vehicles
- (ii) low tire pressure vehicles
- (iii) motor cycles and related 2-wheel vehicles,
- (iv) all terrain vehicles
- (v) amphibious vehicles
- (vi) miniature vehicles
- (vii) snow vehicles
- (viii) minibikes, and
- (ix) any other means of transportation that is propelled by any power other than muscular power or wind (but does not include motor boats)

Note: For definition and restrictions that apply to “miniature vehicles” and minibikes, see page 8.

Prohibited Operation:

An off-highway vehicle may only be operated on a “highway” if permission has been expressly granted. In the case of a provincial highway, the Minister may by “order” or “permit” authorize such vehicles along any portion of a highway (*Traffic Safety Act, Section 120(4)(a)(i) & (ii)*). In the case of a municipality, the council of a municipality may, through by-law, authorize such vehicles along any portion of a highway (*Traffic Safety Act, Section 120(4)(b)*). **Note:** Definition of “highway” on page 1 includes the ditches alongside the roadway.

Operator’s licence required:

- | | |
|-----------------------------|---|
| On private land: | No, (Does not meet definition of “highway” and in <i>Traffic Safety Act, Section 119(2)</i> does not require registration or insurance in these cases.) |
| Off-highway operation only: | No, (<i>Traffic Safety Act, Section 51(a)</i> states that you shall not “...drive a motor vehicle on a highway unless that person is the holder of a subsisting operator’s licence.” Since these are “off-highway” vehicles, this requirement does not apply.) |
| On-highway operation | Yes, (<i>Traffic Safety Act, Section 120(2)(b) & (4)</i> allow operation on a highway if authorized by Minister or municipality. <i>Operator Licensing and Vehicle Control Regulation, Section 26(1)</i> allows a Class 6 licence to be used for this. <i>Section 32(2)</i> allows Class 7 to be used this way. Any class of licence may be used from 1 through 7.) No licence required if just crossing a highway. |
| Minimum age: | 14 years if on public land or a highway (where permitted). May be younger than 14 years on public land if supervised by someone 18 years or older either on the same off-highway vehicle or another one in close proximity. (<i>Off-Highway Vehicle Regulation, Section 2</i>). If operating on private property, no age restriction applies. |

- Registration required:** Yes, if on public land or a highway (where permitted) (*Traffic Safety Act, Section 119*). No registration required if on private property (*Traffic Safety Act, Section 119*)
- Insurance required:** Yes, if on public land or a highway (where permitted) (*Traffic Safety Act, Section 119*). No insurance required if on private property (*Traffic Safety Act, Section 119*)
- Helmet required:** No, unless municipal bylaw requires helmets. Strongly recommended from a safety perspective! Municipalities have the power to pass a by-law requiring use of helmets. (*Traffic Safety Act, Section 128*)
- Special Laws:** Numerous: (*Traffic Safety Act, Sections 117 to 129 and Off-Highway Vehicle Regulation*)
- Vehicle Equipment:** Off-highway vehicles must be equipped with the following equipment: a headlamp, a tail lamp, and a muffler (*Off-Highway Vehicle Regulation, Sections: 5, 6, and 8.*)

Prohibited Miniature Vehicles



Pocket bike

Prohibited Operation:

These vehicles are motor vehicles as defined in the Traffic Safety Act, as well as “**miniature vehicles**” which **are not permitted on a highway in Alberta**, including sidewalks alongside the roadway. While many of these motorized vehicles will be used in pedestrian-like manner, the operators of these vehicles do not meet the legal definition of “pedestrian”.

Permitted Operation:

Miniature vehicles may not be operated on a highway in Alberta; they may only be operated on private property. The definition of “highway” on page 1 of this document includes privately owned places that the public is ordinarily entitled or permitted to use for the passage or parking of vehicles, for example shopping mall parking lots.

Relevant excerpts from Alberta's legislation:

TRAFFIC SAFETY ACT

Section 1(v):

"mobility aid" means a device used to facilitate the transport, in a normal seated orientation, of a person with a physical disability.

Section 1(w)

"motor cycle" means a motor vehicle, other than a moped, that is mounted on 2 or 3 wheels and includes those motor vehicles known in the automotive trade as motor cycles and scooters.

Section 1(x):

"motor vehicle" means

- (i) a vehicle propelled by any power other than muscular power, or
- (ii) a moped

but does not include a bicycle, a power bicycle, an aircraft, an implement of husbandry or a motor vehicle that runs on rails.

Section 1(gg):

"pedestrian" means

- (i) a person on foot
- (ii) a person in or on a mobility aid

and includes those persons designated by regulation as pedestrians

Section 52(1):

Except as otherwise permitted under this Act, a person shall not do any of the following:

- (a) operate a motor vehicle or trailer on a highway unless there is a subsisting certificate of registration issued in respect of that vehicle.

Miniature Vehicle Defined:

OPERATOR LICENSING AND VEHICLE CONTROL REGULATION

59(1) A miniature vehicle must not be registered as a motor vehicle

(2) In this section, "miniature vehicle" means a go cart, a 3 or 4-wheeled vehicle of less than standard size, a golf cart, a 3 or 4-wheeled vehicle that the registrar considers would present a hazard to other highway users because of its novel size or operating characteristics or a vehicle referred to in subsection (3) or (4)

(3) An off highway vehicle is a miniature vehicle if it has 3 or 4 wheels and is less than standard size.

(4) A motor cycle or moped that has the following is a miniature vehicle:

- (a) a seat height of less than 70 centimetres when there is no load;*
- (b) a wheel rim diameter of less than 25 centimetres*
- (c) a wheel base of less than 100 centimetres when measured from the centre of one axle to the centre of the other axle.*

Driver Programs and Licensing Standards

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