

MOTOR VEHICLE

G. L. c. 90, § 1

In general, any vehicle constructed and designed for propulsion by power other than muscular power is a “motor vehicle” in the Commonwealth. This would include, for example, automobiles, vans, trucks, buses, motorcycles, and motorized scooters.

SUPPLEMENTAL INSTRUCTIONS

Motorcycle

A “motorcycle” is any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground. It includes any bicycle with a motor or driving wheel attached, except (1) a tractor or a motor vehicle designed for the carrying of golf clubs and not more than four persons, (2) an industrial three-wheel truck, (3) a motor vehicle on which the operator and passenger ride within an enclosed cab, and (4) a motorized bicycle.

See G. L. c. 90, § 1.

Motorized Bicycle

A “motorized bicycle” is a pedal bicycle which has a helper motor, or a non-pedal bicycle which has (1) a motor, with a cylinder capacity not

exceeding fifty cubic centimeters, (2) an automatic transmission, and (3) a maximum speed of no more than thirty miles per hour.

See G. L. c. 90, § 1.

Motorized Scooter

A “motorized scooter” is any two-wheeled tandem or three- wheeled device, that (1) has handlebars, (2) is designed to be stood or sat upon by the operator, and (3) is powered by an electric or gas powered motor that is capable of propelling the device with or without human propulsion. The definition of “motorized scooter” does not include a motorcycle, a motorized bicycle, or a three-wheeled motorized wheelchair.

See G. L. c. 90, § 1.

Vehicles that are motor vehicles only when driven on a public way. See Note 5 below.

An “all-terrain vehicle” is a motorized recreational vehicle that is (1) designed or modified for travel on four low pressure tires (2) has a seat designed to be straddled by the operator and (3) has handlebars for steering control.

A “recreation utility vehicle” or “utility vehicle” is a motorized flotation tire vehicle with not less than four and not more than six low pressure tires that (1) is limited in engine displacement to less than 1,500 cubic centimeters and in total dry weight to not more than 1,800 pounds,

(2) has a seat that is of bench design, not intended to be straddled by the operator, and (3) has a steering wheel for control.

A “recreation vehicle” or “off-highway vehicle” is any motor vehicle designed or modified for use over unimproved terrain for recreation or pleasure while not being operated on a public way as defined in chapter 90. This includes all-terrain vehicles, off-highway motorcycles, dirt bikes, recreation utility vehicles and all registered motor vehicles while not being operated on a public way as defined in said chapter 90.

A “snow vehicle”, is a motor vehicle that (1) is designed to travel over ice or snow, (2) that has a curb weight of not more than 453 kilograms or 1,000 pounds, (3) is driven by track or tracks in contact with the snow or ice and (4) is steered by a ski or skis in contact with the snow or ice.

Notes

1. **In General.** The main definition applies to all Chapter 90 offenses “unless a different meaning is clearly apparent from the language or context, or unless such construction is inconsistent with the manifest intention of the legislature.” See g. L. c. 90, § 1, paragraph one.
2. **Expanded definition.** While the definition of a motor vehicle is contained in section 1 of G.L. c. 90, the statute provides that it may also include any vehicle which the Registry of Motor Vehicles has designated to be a motor vehicle in advance of the commission of the offense.
3. **Mopeds.** Mopeds or motorized bicycles are motor vehicles. *Commonwealth v. Griswold*, 17 Mass. App. Ct. 461 (1984). While a moped is a motor vehicle subject to traffic laws and regulations, it is not subject to traffic laws that do not regulate the manner in which a vehicle is operated. *Commonwealth v. Lopez*, 91 Mass. App. Ct. 485, 487-88 (2017).
4. **Recreational vehicles.** See G. L. c. 90B, § 20. All-terrain vehicles, recreational vehicles, off-highway vehicles and snow vehicles are not “motor vehicles” unless they are operated on a public way. See *Commonwealth v. Soldega*, 80 Mass. App. Ct. 853, 854-55 (2011).

5. **Vehicles exempt from motor vehicle definition:** The following vehicles are not considered to be motor vehicles: railroad and railway cars and other vehicles running that run only upon rails or tracks; wheelchairs owned and operated by disabled persons; vehicles which are operated or guided by a person on foot; motorized bicycles, and vehicles incapable of being driven at a speed exceeding twelve miles per hour and which are (a) used exclusively for the building, repair and maintenance of highways or (b) designed especially for use elsewhere than on the traveled part of a way (e.g., farm equipment, off-road recreational vehicles, and snow vehicles).⁴ Trackless trolley vehicles. See G. L. c. 163; and St. 1947, c. 544, § 10. Although trackless trolley vehicles are exempted from the definition of “motor vehicles” under G. L. c. 90, § 1, they are expressly considered “motor vehicles” for the purposes of Sections 17, 21, 24, 24I, 25 and 26 of Chapter 90.