

MOTOR VEHICLES: "Push-a-Bike" is a motortricycle within the meaning of the motor vehicle act.

September 30, 1941

Captain W. J. Ramsey  
Acting Superintendent  
Missouri State Highway Patrol  
Jefferson City, Missouri



Dear Captain Ramsey:

We are in receipt of your letter of September 22d wherein you request an opinion based on the following facts:

"1. Attached is a folder describing a Push-a-Bike motor. A ruling is requested as to whether these motors, when attached to a bicycle, make the said bicycle a motor vehicle, and, therefore, require a license.

"2. If this ruling makes it a motor vehicle, then any person under the age of sixteen cannot operate it legally. There are several children ranging from the ages of twelve to sixteen in this district having these Push-a-Bike motors. They are used principally in going to and from school and riding around after school hours.

"3. Also, if this ruling specifies these as motor vehicles it will require them to have the necessary head and tail lights and to come under the laws of the Motor Vehicle Act.

"4. Please give us a clear-cut definite ruling covering all phases, so that, if necessary, we can inform local law enforcement officers, Prosecuting Attorneys, Justices of the Peace, etc., regarding this ruling."

From the attached folder we learn that "Push-A-Bike is no toy! Push-A-Bike is a well engineered gasoline motor designed specifically to propel a bicycle over any type road surface at a safe speed. It converts your bicycle into a practical, economical, and trouble-free motor vehicle." The motor "rides on its own pneumatic double-tube tire," thus converting the bike into a motortricycle.

Section 8367, R. S. Mo. Mo., 1939, provides that:

"Wherever in this article, or in any proceeding under this article, the following words or terms are used, they shall be deemed and taken to have the meanings ascribed to them as follows:  
\* \* \* 'Motorcycle.' A motor vehicle operated on two wheels. 'Motortricycle.' A motor vehicle operated on three wheels, including a motorcycle while operated with any conveyance, temporary or otherwise, requiring the use of a third wheel. 'Motor vehicle.' Any self-propelled vehicle not operated exclusively upon tracks, except farm tractors. \* \* \*"

It is to be noted that the above section after defining "Motortricycle" as "a motor vehicle operating on three wheels," goes on to provide that it includes "a motorcycle while operated with any conveyance, temporary or otherwise, requiring the use of a third wheel."

The fact that "Push-a-Bike" is not operated with any conveyance, would not take it out of the definition of a motortricycle, since the word "including" is not a word of limitation, rather "it is a word of enlargement, and in ordinary signification implies that something else has been given beyond the general language which precedes it." In *Re Goetz's Will*, 75 N. Y. Supp. 750, 1. c. 751.

A "Push-a-Bike" would also come within the meaning of a motor vehicle as being "any self-propelled vehicle."

Section 8369, R. S. Mo. 1939, provides that every owner of a motor vehicle which shall be operated or driven upon

the highways of this State, must register same with the Commissioner of Motor Vehicles and pay a registration fee for "motortricycles . . . . . \$7.50."

From the foregoing we are of the opinion that when a bicycle is fitted with a gasoline motor, which motor rides on its own tire, that said vehicle when so operated and driven on the highways of this State becomes a motor-tricycle within the meaning of Section 8369, supra, requiring it to be registered, together with the payment of a registration fee.

We are further of the opinion that said motor-tricycle comes within the meaning of Section 8401, sub-section "1", R. S. Mo. 1939, making it an offense for any person under the age of sixteen years to operate a motor vehicle on the highways of this State, and is also within the meaning of the motor vehicle act requiring motor vehicles to be equipped with proper head and tail lights. Senate Bill 200, Laws of Missouri, 1941, p. 438.

Respectfully submitted,

MAX WASSERMAN  
Assistant Attorney-General

APPROVED:

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VANE C. THURLO  
(Acting) Attorney-General

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