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Department of Public Safety/OTS

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### **M license when buying an MC?**

Issue - Dealers do not check for motorcycle license before a buyer takes the motorcycle off the lot.

**Does your state have a law that requires dealers to check for proper licensing?**

#### **UTAH**

Utah does not. Some dealers also give out incorrect information to make sales. Some of our dealers do talk about how to get an endorsement and the safety course

~Kurt Stromberg

#### **CALIFORNIA**

Not in California.

~Sergeant Mark Pope

#### **RHODE ISLAND**

Not in Rhode Island.

~ Despina Metakos Harris

#### **MARYLAND**

Pete,

Oh boy, that's a good question. I've got a few folks here at the MVA looking this one up. I do not think so, however, most responsible dealers do. Every time I have bought a vehicle I've been asked for a copy of my license.

The closest MD law I could find was that it is prohibited for a dealer to allow a person to test drive a vehicle if he/she knows the person does not have a license of the proper class. This could be a case of "don't ask don't tell".

~ Phil Sause

#### **TENNESSEE**

Tennessee.....No

~ John Milliken

**IDAHO**

Not in Idaho.

As far as I can tell in our state code, there isn't a legal requirement for a dealer/seller to verify an endorsement when selling a motorcycle.

Some dealerships that I know of choose to offer (and sometimes encourage) space and time to practice on the new bike before riding off and/or a courtesy delivery service to get the motorcycle to the customer's house, and it is the customer's choice to accept or decline those offers. All dealers that I know of require an endorsement to test ride a bike.

~ **Ax Axmaker**

**OREGON**

Not in Oregon either!

~ **Michele O'Leary**

**NEBRASKA**

Having previously served as the State DMV Director for a period of time. I am not aware of any statutory restriction in any jurisdiction preventing an individual or organization without a valid operator's license (for a vehicle of any type) from purchasing a vehicle. In all the cases I am aware of, they may legally title a vehicle in the individual or company name as well. There may be some jurisdictions where there are restrictions that prevents the vehicle from being registered by an individual without a current valid operator's license holder listed on the registration. Company/business/organization owned vehicles frequently have no individuals listed on the title or registration.

The operator's license and the appropriate endorsements are what controls the lawful operation of the vehicle.

~ **Fred E Zwonechek**

**WASHINGTON**

Pete,

There is no requirement in Washington that dealers must check for endorsements before allowing a rider to ride off the lot. There is also no requirement in Washington that a rider must have an endorsement to register a bike. Hmmm...maybe this is an area that needs more attention!?

~ **Andrea Nygard**

## **RHODE ISLAND**

I agree it needs attention, however until the law changes for all motor vehicles I don't think this will fly anywhere. You don't need a license to buy a car either...

~ **Despina Metakos Harris**

## **MARYLAND**

Or an airplane.

The question seems to be one of liability. I'm not a lawyer, but I have slept at a Holiday Inn Express. If a dealer lets a customer who does not have a license drive off the lot and they crash is the dealer liable for not checking? If there is no law requiring it, my guess would be no. But, could that dealer be sued for not exercising reasonable judgment and checking? My guess is yes.

I have had similar "discussions" with National H.O.G. Even though they are a motorcycle riding organization they do not check to see if their members have a valid motorcycle license. Their logic is basically, don't ask, don't tell. If they don't ask it gives them "plausible deniability" in the event that a member is involved in a situation where that fact that they are not licensed becomes an issue. Ha, not if Saul Goodman was my lawyer.

Happy weekend. Get out and ride!

~ **Philip Sause**

## **IDAHO**

Before investing time and resources in possible solutions, I think it is important to ask the question - "Is our motorcycle crash data indicating that this is a problem?" If there is data to show that unendorsed customers who buy a bike and ride it off the dealer's lot crash more than endorsed riders who do the same, I have not seen it in my state. (Yes, unendorsed riders are significantly represented in the crash data. However, if every rider had their endorsement, then 100% of the crash involved riders would be properly licensed, but the overall number/rate of crashes, injuries, and fatalities wouldn't necessarily change.)

A few other considerations in this question of whether sellers should be legally required to verify license status:

\* Would the seller then be responsible for checking expiration dates, matching the photo to the person standing in front of them, checking to see if it is a suspended license, looking to see that any driving restrictions are being adhered to (glasses, daytime only, 3-wheel only endorsement, etc.)?

\* Would the seller also be responsible for verifying insurance coverage (in those jurisdictions where it is legally required)?

\* What types of sellers would apply to? Dealerships? A small business that buys and sells vehicles? A sole-proprietor who buys and sells vehicles for a living? A private party selling a vehicle through eBay or Craigslist? (for example: I sold a motorhome last month through Craigslist and didn't check to see if the buyer had a driver's license, insurance, or anything

else. I do not believe there is any liability risk to me for making that sale in that manner.)  
My 2 cents.

~ **Ax Axmaker**

#### **NEW JERSEY**

In NJ, anyone can purchase a bike...

~ **Lori Sannella**

#### **VERMONT**

Not required in Vermont.

~ **Paul Graves**

#### **MICHIGAN**

This is very similar to how it is here in Michigan as well. There is a law that requires a dealer to ask for proof of endorsement in the cases of renting or "providing" a motorcycle to an individual. I am told this law does not stop the dealer from "selling" the motorcycle to an individual with no endorsement, which happens far too often. We approached a group of dealers about this issue recently. We were advised that some do ask for it, but most will still sell the motorcycle to the individual. I agree that an individual should be able to own, title and even insure the motorcycle with no endorsement, BUT this loophole could be completely shut down if the individual was not allowed to register and plate the motorcycle without the proper endorsement. The argument is that the Leno's of the country who just collect motorcycles, should be able to buy and insure their "collector" bikes, even though they do not ride them. In Michigan, there is no law that requires an insurance company to ask for proof of endorsement before they insure an individual's motorcycle either.

As many of you may know, Michigan currently has a higher than normal unendorsed motorcyclist crash issue. We are working very hard within the laws we are dealt to bring this over represented crash problem down. We have sent a mailer/postcard to all unendorsed riders of a registered motorcycle now the last two years with pretty good results to back up having done it again the second time.

~ **Chad Teachout**

#### **NEVADA**

Thanks everyone for your input!

~ **Pete Vander Aa**

#### **KANSAS**

In Kansas you must have a learners permit and you have 30 days to get your license!!! Or you need your M endorsement but we don't believe anyone at the dealerships check.

~ **Norraine Wingfield**

**CONNECTICUT**

Not required in CT to buy one or register one.

~ **Nicholas Just**