



Ginger
Attorney General
STATE CAPITOL
Phoenix, Arizona 85007

Robert H. Corbin

April 2, 1982
LAW LIBRARY
ARIZONA ATTORNEY GENERAL

INTERAGENCY

The Honorable Art Hamilton
Arizona State Representative
State Capitol, House Wing
Phoenix, Arizona 85007

Re: I82-047 (R82-024)

Dear Representative Hamilton:

We are writing in response to your letter of February 24, 1982 in which you asked whether A.R.S. § 28-302.02.8 requires a person to hold a valid operator's or chauffeur's license in order to operate a pedal bicycle with helper motor (moped). We think the provision requires the operator of a moped to be licensed.

A.R.S. §§ 28-301 et seq. set forth the general requirements for registration of motor vehicles. A.R.S. § 28-302.02 sets forth requirements relating specifically to mopeds. The statute has nine subsections, some of which establish requirements and duties relating to moped licensing and operation,^{1/} and others of which create exemptions from general motor vehicle requirements.^{2/}

Subsection 8 states: "Pedal bicycles with helper motors may be operated by any person possessing a valid Arizona operator's or chauffeur's license." This provision has meaning only if it is interpreted as a requirement for operation of a moped. If the Legislature intended there to be no operator licensing requirement, subsection 8 is surplusage. This reading would be inconsistent with the principle of

1. See, e.g., A.R.S. § 28-302.02.2.3.4.5.

2. See, e.g., A.R.S. § 28-302.02.1.6.

The Honorable Art Hamilton
April 2, 1982
Page 2

statutory construction that no part of a statute should be rendered superfluous. State Bd. of Tech. Reg. v. McDaniel, 84 Ariz. 223, 326 P.2d 348 (1958).

Furthermore, the Legislature has stated, in specific statutory language, those instances in which a general motor vehicle requirement is not to be applicable to mopeds. For example, subsection 1 states that "no certificate of title shall be required . . ."; subsection 6 states that mopeds "are exempt from the provision of § 28-964." Had the Legislature intended that no operator licensing requirement be applicable, we assume it would have used explicit language similar to that set forth above.

We therefore conclude that A.R.S. § 28-302.02.8 requires an operator of a moped to hold a valid Arizona operator's or chauffeur's license.^{3/}

Sincerely,



BOB CORBIN
Attorney General

BC:LPS:lm

3. Subsection 8 is probably phrased as it is to clarify the fact that a person may operate a moped without having to qualify for a motorcycle license, pursuant to A.R.S. § 28-422.01.