

DRAFT DATED 2 July 2025

**Regulation of the Minister for Infrastructure and Public Works of [date],
No IENW/BSK number , amending the Vehicles Regulation in
connection with the amendment of the approval requirement for lighting
for special mopeds and the inclusion of the permanent requirement for
special mopeds intended for passenger transport to have up to eight
passenger seats**

(KetenID WGK027516)

The Minister for Infrastructure and Public Works,

Having regard to Articles 23(1) and 71 of the 1994 Road Traffic Act
[Wegenverkeerswet];

HEREBY DECIDES

ARTICLE I

The Vehicles Regulation shall be amended as follows:

A

Article 3.4.1 shall be amended as follows:

1. After the fourth paragraph, two paragraphs are added as follows:

5. Paragraph 1(a)(5) and (11)(6) of UNECE Regulation No 74 and paragraph 2.3 of Annex IX to Regulation No 3/2014 may be derogated from as regards the requirements relating to the vertical and horizontal placement of rear retro-reflectors, rear indicators, stop lights and rear lights on a special moped if, in the opinion of the RDW, a special moped cannot reasonably comply with those requirements because of its construction.

6. Where paragraph 5 is applied, the geometric visibility of the rear retro-reflectors, rear indicator lights, stop lights and rear lights on a special moped shall, by way of derogation from paragraph 1(a)(5) and 1(a)(11)(6) of UNECE Regulation No 74 and paragraph 2.3 of Annex IX to Regulation No 3/2014, comply with the requirement laid down in Article 1 of Annex III.

2. The second fourth paragraph is renumbered as the fifth paragraph and in that paragraph 'Subpart 13°' is replaced by 'Subpart 12°'.

3. In the fifth (new) paragraph, the text 'at least' shall be inserted after 'the space for a registration plate on a special moped'.

B

Article 5.6a.41(3) shall be amended to read:

3.	A special moped intended for passenger transport shall not exceed eight passenger seats. These seats are fitted with undamaged safety belts that are securely fastened and contain a well-functioning buckle.	
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C

The following Annex is inserted after Annex II to Article 2.2(2):

Annex III to Article 3.4.1(6)

The geometric visibility of rear retro-reflectors, rear indicators, stop lights and rear lights on a special moped when applying Article 3.4.1(5).

Article 1

The geometric visibility of the rear retro-reflectors, rear indicator lights, stop lights and rear lights on a special moped shall be such that the lighting is visible to an observer present (see Figure 1):

- a. on a horizontal line perpendicular to and centred on the longitudinal axis of the vehicle (line Z), of which:
 - 1°. the centre is located at a distance of 25 m from the rearmost point of the vehicle;
 - 2°. the length is 13.4 m, plus the width of the vehicle in metres to one decimal place; and
- b. at a height of between 1.00 m and 2.20 m above the road surface.

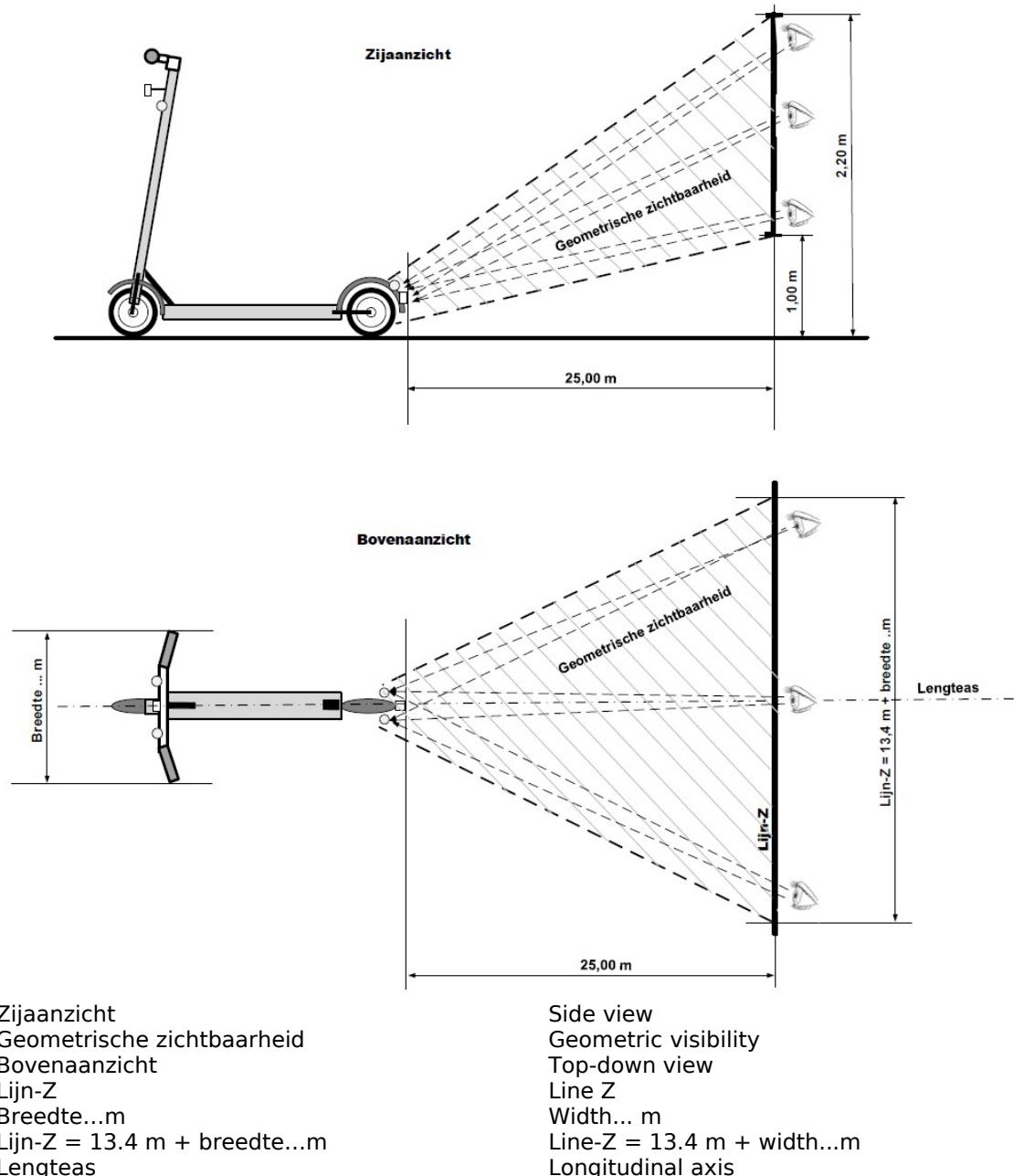


Figure 1. The geometric visibility of the lighting at the rear of a special moped

ARTICLE II

This Regulation shall enter into force on 1 January 2026.

Ministerie van Infrastructuur
en Waterstaat

This Regulation and the explanatory notes shall be published in the Official Gazette.

THE MINISTER FOR INFRASTRUCTURE AND PUBLIC WORKS,

R. Tieman

EXPLANATORY NOTE

General part

1. Introduction

A special moped is a motor vehicle that cannot exceed 25 km/h and has an electric motor with a maximum continuous rated power of 4 kW. The Road Traffic Authority (RDW) grants national type approvals for special mopeds on the basis of the 1994 Road Traffic Act. It is prohibited to make available on the market or place on the market special mopeds without approval. Non-approved special mopeds may also not be used or stand on public roads. The approval requirements for special mopeds are included in Section 4 of Chapter 3 of the Vehicles Regulation. In addition, the 1994 Road Traffic Act imposes requirements that special mopeds driving on public roads must continuously comply with. These requirements, referred as permanent requirements, are contained in Section 6a of Chapter 5 of the Vehicles Regulation. This regulation amends the permanent and approval requirements for special mopeds in two respects:

1. The possibility of exception shall be provided that a special moped may deviate from the approval requirements concerning the position of the lighting at the rear of a special moped if the special moped cannot reasonably meet those requirements due to its construction; and
2. The permanent requirement is introduced that a special moped for passenger transport has a maximum of eight seats.

These two changes are explained below.

2. Overview of amendments

2.1 Exception possibility in approval requirements for position of the lighting at the rear of a special moped

Following the entry into force of the national type approval obligation on 1 January 2024, the RDW received a number of applications for the approval of special mopeds, including electric scooters. The RDW assesses these applications on the basis of requirements from international and European regulations for two- or three-wheel vehicles and quadricycles. These regulations declare the Vehicles Regulation applicable to special mopeds as well. During the examination of the applications, the RDW found that some requirements are not applicable properly to certain types of special mopeds, such as electric scooters. The requirements relate to the height and width of lighting to be provided at the rear of a special moped. These requirements cannot be properly applied to, for example, electric scooters. The rear of an electric scooter is usually lower than the rear of other two-wheelers. As a result, the lighting on an electric scooter is generally also lower than permitted by international and European regulations.

These findings by the RDW led to the inclusion of an exception for special mopeds. From now on, a special moped may derogate from the requirements concerning the position of the lighting at the rear of the special moped if the special moped cannot reasonably comply with these requirements due to its construction. The RDW decides whether a special moped cannot reasonably meet these

requirements due to its construction. The Vehicles Regulation leaves this assessment to the RDW to ensure that derogations from the requirements can only be made in exceptional cases. These are cases where the construction of the vehicle would have to be modified in such a way that the functionality or nature of the vehicle changes completely. In these cases, manufacturers cannot reasonably be expected to modify the construction of the vehicle in order to comply with the requirements.

The main rule is still that special mopeds should in principle comply with the requirements. If, in an exceptional case, the lighting is placed at a different height or width at the rear of the special moped, the light must still be clearly visible to other road users. In order to ensure road safety in the event of such exceptions, the visibility of the lighting on these special mopeds is subject to specific requirements introduced by this amendment.

The RDW anticipates this approval requirement by applying this requirement before entry into force on the basis of the alternative requirements laid down by the RDW.

2.2 Permanent requirement maximum eight passenger seats in special mopeds

Reason for the change from ten to eight seats

In 2018, an accident took place with a Stint in Oss. The Stint had been admitted to road traffic on the basis of a designation order issued by the Minister for Infrastructure and Public Works and had 10 seats.¹ The manufacturer had opted for ten seats, because this number corresponded to the maximum permitted group size per childcare supervisor. After the accident, the RDW and the Road Safety Research Foundation [Stichting Wetenschappelijk Onderzoek Verkeersveiligheid, SWOV] recommended that the review of the authorisation framework be aligned as much as possible with the European type approval for light vehicles, which is regulated in Regulation (EU) No 168/2013. The maximum authorised mass of light-duty vehicles is set at 565 kilograms.² The temporary framework (the policy rule designating special mopeds of 2 May 2019) and the final framework (the LEV framework) took over those 565 kilograms. The RDW and SWOV pointed to the risk that a special moped for passenger transport, specifically a BSO bus (the successor of the Stint) could be overloaded. This is the case when too many and/or too heavy passengers are carried by the vehicle. Overloading means that the vehicle is heavier than that for which it was designed and approved. In addition to the fact that overloading is prohibited, an overloaded vehicle is less stable and manoeuvrable when used on the road, has a longer braking distance³ and accelerates less smoothly than it is equipped to. In addition, parts of the vehicle are subjected to heavier loads than designed, resulting in excessive wear on tyres, brakes and engine parts. The effects of excessive wear and tear on a vehicle result in a higher risk of traffic failure and reduced performance over time. All in all, overloading is undesirable for road safety and therefore prohibited.

¹ Communication on the designation by the Minister for Infrastructure and Public Works of a moped as referred to in Article 1(1)(e)(d) of the Road Traffic Act 1994 (Official Gazette, 2020, 56604).

² [Parliamentary Paper 29 398, No. 674](#)

³ Risk inventory of the BSO bus (SWOV, 2020)

In the application procedure for the designation of the Stint Bus in 2020, an important point of attention was (the likelihood of) overloading. The manufacturer has specified the following values in the application for the Stint Bus:

- The technically permissible maximum mass is 565 kilograms⁴
- The unladen mass is 230 kilograms
- For the inspection, a driver weighing 75 kilograms is assumed.⁵

The unladen weight plus a driver is $230 + 75 = 305$ kilograms. This means that the vehicle can still carry a maximum cargo of 260 kilograms. Incidentally, a sticker is affixed to the vehicles indicating the maximum load as 330 kilograms (for passengers and drivers together). From this it can be inferred that the manufacturer assumed 255 kilograms of cargo (since 330 kilograms minus 75 kilograms for the driver equals 255 kilograms).

To determine how many passengers the vehicle can carry in addition to that, the average weight of children between the ages of 4 and 12 was used. These are the ages of the children who are usually transported by childcare establishments in a BSO bus. The table below shows how many children (by age and sex) the vehicle can carry, without exceeding the weight of 260 kilograms⁶. This is based on the average weight of children, adding 2 kg per child for clothing, footwear and school bag.

Age	Boy (avg. in kg)	Girl (avg. in kg)	“Reference child” (Including clothes/bag)	Number of children up to 260 kg
4	17	17	19	13
5	19	18	20	13
6	22	21	23	11
7	24	23	25	10
8	28	27	29	9
9	29	28	30	9
10	32	34	36	7
11	36	38	40	7
12	40	42	44	6

In order to reduce the risk of overloading the vehicle, a special moped for passenger transport may have only eight seats. As a side effect, it is made possible or more effective to enforce rules on overloading. This is useful because it is not very practicable for police to measure on public roads whether the 565 kg is being exceeded. It is easier to determine whether the maximum of eight passengers is exceeded.

The revision of the policy rule on the designation of special mopeds (as of 2 May 2019) includes the maximum of eight seats. This was taken over with the entry into force of the act pursuant to which the RDW became an independent approval authority for nationally authorised special mopeds (as of 1 January 2024).

Allowance was made for a transitional period for manufacturers and owners of special mopeds.

⁴ Article 5.6a.7(2), Vehicles Regulation

⁵ Implementing Regulation (EU) 2021/535

⁶ Figures are taken from TNO's growth diagrams: <https://www.tno.nl/nl/gezond/jeugd-gezondheid/eerste-1000-dagen-kind/groeidiagrammen-groeicalculators/>

The transitional rules provide that manufacturers may continue to produce vehicles on the basis of indications for special mopeds issued before 1 January 2024 until 2 years after entry into force, and that the remaining stock may continue to be sold even after those 2 years.

Revision of policy rule, transitional period and covenant

Firstly, in 2019, the maximum of eight seats was included in the policy rule on the basis of which the Minister for Infrastructure and Public Works then designated special mopeds to be admitted to road traffic. In the Van Dijk-Schonis motion, the House of Representatives⁷ then asked the government to introduce a transitional period for the childcare sector. Following that motion, a covenant was concluded between the Minister for Infrastructure and Public Works and the branch organisations of the childcare sector⁸. The parties agreed that a Stint (precursor to the BSO bus) with ten seats would be temporarily permitted for as long as the Policy Rule applied. After that, a maximum of eight seats would apply to all special mopeds for passenger transport.

Requirements for national type approval and transitional provisions

The policy rule expired on 1 January 2024 with the introduction of the national type approval for special mopeds. From that moment on, the RDW started testing applications for national type approval for special mopeds. One of the requirements for approval has since been that a special moped for passenger transport has a maximum of eight seats. However, under transitional provisions, manufacturers can until 1 January 2026 continue to produce BSO buses with ten seats that have been authorised on the basis of a designation decree issued by the Minister for Infrastructure and Public Works. This creates a situation where two (almost) identical vehicles coexist, with one vehicle having 8 seats and the other 10 seats.

Permanent requirement of up to eight passenger seats

This amendment regulation now also introduces a permanent requirement of a maximum of eight passenger seats. This permanent requirement is in line with the requirement of a maximum of eight passenger seats for a national type approval. Due to the permanent requirement, all special mopeds for passenger transport standing or travelling on public roads may have a maximum of eight passenger seats from 1 January 2026. BSO buses that were at the time authorised for 10 seats may from that time onwards also have a maximum of eight seats only. These BSO buses can meet the permanent requirement by removing two safety belts, which equates to removing two seats from the vehicle. To further clarify that the (now) absent seats are not to be used, they may be marked as such. The absence of belts already shows that they are not seats. The marking may be placed by the owner, but is not included as a requirement. The permanent requirement concerns the maximum number of seats in a vehicle and not the marking of seats that are (now) absent.

⁷ Motion Van Dijk/Schonis, 2018/19, [29 398, No 693](#)

⁸ Memorandum of Understanding between the Minister for Infrastructure and Public Works and the Childcare Sector Organisations ([Official Gazette 2019, 38237](#))

For example, it becomes clear to users, enforcers and manufacturers that from 1 January 2026 special mopeds with ten seats may no longer be produced, sold or used on public roads.

3. Consequences

Approval requirement for the placement of lighting

It is expected that the new approval requirement will allow more special mopeds to be admitted to the market. This does not lead to a higher regulatory burden. Manufacturers can now deviate from the standard requirements for lighting on special mopeds in exceptional cases. They may place the lighting at a different height or width at the rear of the vehicle, if the vehicle, due to its construction, cannot reasonably meet standard requirements.

The RDW anticipates this amendment regulation by already applying the approval requirement before its entry into force on the basis of the alternative requirements laid down by the RDW. As a result, more special mopeds may be admitted to the market earlier.

Permanent requirement of up to eight seats

It is difficult to estimate the impact of the permanent requirement of a maximum of eight seats on the regulatory burden. This is because the childcare sector can address this requirement in a number of ways. However, the childcare sector has for a long time been able to prepare itself for the consequences of this amendment regulation.

Due to the permanent requirement of eight seats, users of 10-seat BSO buses already admitted to the market must disable two seats. This can be done relatively easily by removing two safety belts and (if desired) affixing a marking, so that it is clear that the seats can no longer be used. However, the requirement may have an impact on the management of childcare organisations. What influence it has depends on the choices that the childcare establishments make.

Childcare establishments are subject to minimum worker-child ratios. The older the children, the larger the permitted group size per childcare worker. The younger the children, the smaller the permitted group size per childcare worker. That is why childcare establishments are in some cases already not using all ten seats in a BSO bus. For example, one childcare worker may accompany a group of up to eight children that are up to four years old. Due to the permanent requirement, childcare organisations have to use an extra vehicle and extra accompanying persons for larger groups in order to still be able to transport ten children. This can be solved in several ways. The childcare establishment may purchase an additional BSO bus, but may also purchase another vehicle (such as a smaller electric cargo bike). Childcare establishments may also opt for a different daily schedule to prevent the need for more vehicles or professionals. Because the childcare sector can make various choices in this regard and these choices can also differ per childcare establishment, it is difficult to properly estimate the consequences for the regulatory burden.

As described above, there may be regulatory burdens for childcare organisations due to the impact of the requirement on operations. At the same time, the need to

reduce road safety risks (see Section 2.2) is more pressing. Without this change, an unintended stimulus may even arise, which can lead to further traffic safety risks. Childcare organisations may exhibit evasive behaviour due to the effects of this regulatory burden. At present, a technical requirement of up to 8 passengers already applies. Specifically, this means that if you buy a new BSO bus on 1 January 2026, it may only have a maximum of 8 seats. Childcare organisations may choose to continue driving their BSO buses for longer, despite possible wear and tear on the vehicle. Far beyond the economic lifetime of BSO buses, which is five years on average.

Assuming that sooner or later the BSO bus is due to be replaced, in practice it amounts to the fact that the regulatory burden effects for childcare organisations are already inevitable and are not only related to the present permanent requirement.

The childcare sector has had ample time to prepare for the present permanent requirement as well as for the approval requirement that is already in force. In 2019, on the basis of a memorandum of understanding, ten seats were temporarily allowed in the BSO buses (as explained in section 2.2). That the maximum number of seats would eventually be reduced to eight was already announced in 2019.

Since then, the Ministry of Infrastructure and Public Works has always consulted the childcare sector on the maximum number of seats. These consultations took place prior to the revision of the policy rule, the conclusion of the covenant, the introduction of the national type approval and the introduction of this permanent requirement.

4. Supervision and enforcement

The RDW tests applications for national type approval for special mopeds against the requirements concerning the placement of lighting. If the vehicle does not comply with this requirement, the RDW does not grant type approval. The RDW anticipates this amendment regulation by applying this approval requirement before entry into force on the basis of alternative requirements laid down by the RDW.

The police enforce compliance with the permanent requirement. They check whether a special moped for passenger transport has a maximum of eight passenger seats by checking whether there is a maximum of eight safety belts in the vehicle. In addition, they check whether a special moped corresponds with the registration card issued for the vehicle and the vehicle registration data contained in the vehicle registration register. From the time of entry into force of the permanent requirement, the RDW will update the vehicle registration number register. The RDW reduces the indicated number of seats in ten-seat BSO buses to eight.

5. Consultation and advice

SME test

The SME test has already been carried out for the purposes of the legislation associated with the designation of the RDW as the Independent Approval Authority for special mopeds.⁹ This explicitly asked about the consequences of the

⁹ Act of 26 October 2023 amending the 1994 Road Traffic Act and certain other Acts in connection with removing the possibility of designating special mopeds in Chapter IIA of the

permanent requirement and the currently applicable approval requirement from 10 to 8 seats. In the consequences section it is described (see paragraph 3) that the Ministry of Infrastructure and Public Works has also had extensive contact with the childcare sector about the current changes.

No effects are foreseen for SMEs with the modification of the approval requirement on the placement of lighting.

Enforceability, feasibility and fraud-proofing test

ILT and Public Prosecution Service.

the ILT has indicated that there is no need for a HUF test. The Public Prosecution Service indicates that the scheme is enforceable and has zero to minor impact.

RDW implementation test

In an implementation test, the RDW indicated that there are no further relevant organisational or financial aspects to address, because these were discussed extensively with the RDW in the preliminary phase.

Advice and review of regulatory burden

The draft version of this regulation was submitted to the Advisory Board on Regulatory Burden [ATR]. The ATR issued an opinion on 2 June 2025. In this, the ATR notes that some of the amendments mean that the current rules become more workable for the manufacturers of electric scooters and similar vehicles. The amendment concerning the maximum number of seats has been discussed in detail with the sector and representatives of BSO bus users and the sector has had ample time to prepare for the new rules. However, the ATR also has a number of points of concern. The ATR recommends that the regulation should not be adopted unless its recommendations have been taken into account. The recommendations have been incorporated into this scheme in the following way.

First of all, the ATR recommends that the explanatory notes clarify the extent to which the new requirements for certain types of special mopeds have an impact on road safety in terms of lighting. This recommendation has been taken into account. The explanatory memorandum states in section 2.1 that the purpose of this amendment is precisely to ensure road safety, including in exceptional cases. The main rule is still that special mopeds should in principle comply with the requirements. If, in an exceptional case, the lighting is placed at a different height or width at the rear of the special moped, the light must still be clearly visible to other road users. This amendment is based on these requirements.

Finally, ATR recommends clarifying in the explanatory memorandum the extent to which road safety is improved by the proposed measures compared to the current situation (and the 'already reduced maximum speed'). The Advisory Board also recommends that the explanatory memorandum address possible less burdensome alternatives and the reasons for refraining from them.

The explanatory memorandum (under section 2.2) explains in more detail what effects overloading a vehicle can have on road safety, other than a longer braking distance. It is a correct observation of the ATR that the braking distance can be reduced by alternative measures, such as lowering the maximum speed. However,

1994 Road Traffic Act, enabling the implementation of the framework for light-duty electric vehicles, and certain other amendments

the braking distance is only one aspect of how road safety will be affected. No less burdensome alternatives are foreseen to prevent all other aspects (e.g. influence on stability, agility, impact on wear and tear). Although a lower speed (at constant mass) is generally less burdensome for wear components of a vehicle (such as bearings, tyres and brakes), this does not matter for the construction of a vehicle. In addition, a lower speed or other alternatives to be considered for overloading also does not make them less prohibited.

Online consultation

The draft regulation was the subject of an online consultation from 6 May to 3 June 2025. A total of 135 responses were submitted, 105 of them public.

The responses to the online consultation indicate that there are concerns on the part of the industry about the alternatives to be found by childcare establishments if BSO buses are only allowed to have up to eight seats. There are also concerns with the Fietsersbond (Cyclists' Association) and various private individuals about the admission of special mopeds (in particular e-steps) to the public road. The sentiment of the responses is critical. The responses by theme are discussed in more detail below.

Approval requirement for the placement of lighting

The Fietsersbond from its concerns about highlighting the decision-making on this technical requirement, compared to other technical requirements on which the decision-making takes place at a later stage. In addition, they are concerned about the visibility with the adapted lighting requirement.

Section 2.1 explains that European and International rules for two- or three-wheel vehicles and quadricycles have been declared applicable to special mopeds. During the examination of the applications, the RDW found that some requirements are not applicable properly to certain types of special mopeds, such as electric scooters. As a result, for some e-steps, due to the specific nature of the vehicle, it is de facto impossible to be authorised. It has never been the intention of the legislature to create insurmountable barriers to this category of vehicles. Therefore, priority is given to this separate approval requirement.

Furthermore, the Fietsersbond expressed concerns about the visibility of special mopeds in relation to the adapted lighting requirement. If, in exceptional cases, the lighting is placed at a different height or width at the rear of the special moped, the lighting must still be clearly visible to other road users. Therefore, an adapted requirement for the (geometric) visibility of the lighting has been included to ensure road safety in different scenarios. The requirement means that the lighting must be visible to traffic participants from a specific location in length, width and height. This is explained further in the by-article explanatory notes. The RDW also checks against this requirement with applications for a national type approval for special mopeds.

Permanent requirement of up to eight seats

Impact on operations and pressure on personnel

Most of the concerns of the sector focus on the impact of the change on operations. According to them, fewer seats means that more vehicles and/or staff are needed to transport the children. This would be particularly problematic given staff shortages and already rising costs.

These responses are in line with the described consequences (as explained in paragraph 3). There it has been explained that there may be costs for the childcare organisations due to the impact of the requirement on the operations. At the same time, the need to reduce road safety risks (see Section 2.2) is more pressing.

In view of the fact that it was already announced in 2019 that the maximum number of seats would be reduced to eight and that the Ministry of Infrastructure and Public Works has always consulted with the Childcare Sector, the childcare sector is reasonably expected to have already anticipated this change in their operations.¹⁰

Impact on road safety and traffic movements

According to the responses from the consultation (from childcare organisations), the permanent requirement of a maximum of eight seats would not contribute to greater safety on the road or would even create more unsafe situations. More traffic movements are also mentioned as a result of the amendment.

It is correct that this amendment leads to more traffic movements on the road (albeit to a limited extent). Nevertheless, more traffic movements in themselves do not lead to less road safety, as stated in the responses. At the same time, fewer children are driven per BSO bus. By spreading the number of children over multiple journeys (which leads to more traffic movements), there are also fewer children involved in a potential accident.

It is important to note that the proposed amendment explicitly does not result from a policy objective to control the number of persons involved per accident (from 10 persons concerned to 8 persons concerned in a potential accident)¹¹, but rather to limit the probability of such an accident to an absolute minimum. Namely by reducing the risk of overloading the vehicle. The principle is that no children should be involved in accidents at all.

Contact with the childcare sector

In the consultation, some responses state that the Ministry of Infrastructure and Public Works should have more in-depth discussions with the childcare sector, and one response suggests introducing a transitional period for the permanent requirement of up to 8 seats.

In the consequences section (see paragraph 3) it is described that the Ministry of Infrastructure and Public Works has had extensive contact with the childcare sector. The Policy Rule on the *designation of special mopeds*, which entered into

¹⁰ Without an amendment, entrepreneurs who have invested in changes to their operations would be disadvantaged.

¹¹ One of the reports cited in the online consultation incorrectly suggests that this is a policy objective.

force in 2019, was already based on the principle that a maximum of 8 passengers may be carried with special mopeds. The childcare sector has ratified a covenant which expressly mentions the temporary nature of the exception allowing up to 10 persons. The sector has had time from 2019 to adequately prepare for this change. This may be considered to have been a transitional period of more than six years.

6. Notification

The draft of this amendment regulation was submitted to the European Commission on [date] in order to comply with the provisions of the Article 5(1) of the Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 concerning an information procedure on the field of technical regulations and rules regarding information society services (OJEU 2015, L 241; notification number XXXX).

Pursuant to Article 6(1) of the aforementioned Directive, a three-month standstill was subsequently observed. TBC: outcome of the notification

7. Entry into force

This regulation will enter into force on 1 January 2026. This entry into force is in line with the regular amendment schedule for ministerial regulations as referred to in Guideline No 4.17 of the Legislative Guidelines.

Article-by-Article Explanatory Notes

Article I

Parts A and C

Article 3.4.1 of the Vehicles Regulation sets out the requirements for obtaining a national type approval for special mopeds. Paragraph 1 declares that requirements for two- or three-wheel vehicles and quadricycles laid down in European and international regulations shall apply accordingly to special mopeds. Section A of Article I of this amendment regulation adds two paragraphs to Article 3.4.1 of the Vehicles Regulation, under which derogations from these European and international regulations are or may be made.

The new fifth paragraph of Article 3.4.1 of the Vehicles Regulation allows a special moped to deviate from European and international regulations on the vertical and horizontal placement of retro-reflectors, indicators, stop lights and vertically and horizontally positioned lights at the rear of the special moped. The requirements are set out in paragraph 6 of UNECE Regulation No 74¹² and paragraph 2.3 of Annex IX to Regulation No 3/2014¹³. Deviation is permitted only if the RDW

¹² UN Regulation No 74 – Uniform provisions concerning the approval of vehicles of category L1 with regard to the installation of lighting and light-signalling devices [2020/32].

¹³ Commission Delegated Regulation (EU) No 3/2014 of 24 October 2013 supplementing Regulation (EU) No 168/2013 of the European Parliament and of the Council with regard to functional safety requirements for the approval of two- or three-wheel vehicles and quadricycles.

determines that the special moped cannot reasonably meet these requirements due to its construction. An example of this are electric scooters. The rear of an electric scooter is usually lower than the rear of other two-wheelers. The lighting at the rear of a scooter is therefore usually also lower than permitted by the regulations for two-wheeled vehicles.

If a special moped deviates from international and European regulations on the placement of lighting, another requirement for the geometric visibility of lighting also applies on the basis of the new sixth paragraph of Article 3.4.1 and Article 1 of the new Annex III to the Vehicles Regulation. This requirement differs from the requirements on the geometric visibility of the lighting in paragraph 6 of UNECE Regulation No 74 and paragraph 2.3 of Annex IX to Regulation No 3/2014.

The geometric visibility of lighting describes the positions from where the light can be seen. Requirements for the geometric visibility of lighting aim to ensure that a special moped is clearly visible to other road users. Paragraph 6 of UNECE Regulation No 74 and paragraph 2.3 of Annex IX to Regulation No 3/2014 lay down requirements on the geometrical vertical and horizontal angles of visibility of the lighting. These angles determine the field, from left to right and from top to bottom, within which the light can be seen. If the lighting is applied to the rear of a special moped at a different height or width, the requirements concerning the geometric visibility of the lighting shall be appropriate. The geometric visibility of the rear retro-reflectors, rear indicator lights, stop lights and rear lights shall be such that road users can see the lighting from a given position by height, width and length.

First, the lighting must be visible to road users who are on a horizontal line perpendicular and centred to the longitudinal axis of the vehicle (Z line), 1) the centre of which is located at a distance of 25 metres from the rearmost point of the vehicle and 2) the length is 13.4 metres plus the width of the vehicle in metres to one decimal place. The length of the line from which the lighting must be visible therefore increases with the width of the special moped. From a road safety perspective, it is desirable that a wider vehicle should be better visible to road users who are to the rear left or right of the vehicle.

Secondly, traffic participants looking from a height of between 1.00 metres and 2.20 metres above the road surface should be able to see the lighting behind the special moped.

For clarification, an illustration of the requirement for geometric visibility of the lighting at the rear of the special moped in Figure 1 of Article 1 of Annex III is included.

Part B

This part introduces a permanent requirement for special mopeds intended for passenger transport to have a maximum of eight passenger seats. Passenger seats shall be fitted with undamaged safety belts that are securely attached and have a properly functioning buckle. There are special mopeds which, before the introduction of the national type approval for special mopeds, have been admitted to road traffic with 10 seats on the basis of a designation decision by the Minister for Infrastructure and Public Works. These special mopeds may meet the permanent requirement by making two seats unusable as passenger seats by removing their safety belts. Passengers may then no longer sit in these two unusable seats while the special moped is in traffic. Pursuant to the first paragraph of Article 58a of the 1990 Traffic Rules and Traffic Signs Regulation, passengers may only sit on seats intended for them. The seats intended for passengers in a special moped for passenger transport are always fitted with safety belts in accordance with that permanent requirement. Without safety belts, the unusable seats are no longer passenger seats.

THE MINISTER FOR INFRASTRUCTURE AND PUBLIC WORKS,

R. Tieman