

# Friends & Clients Newsletter

The roots of education are bitter, but the fruit is sweet.  
Aristotle

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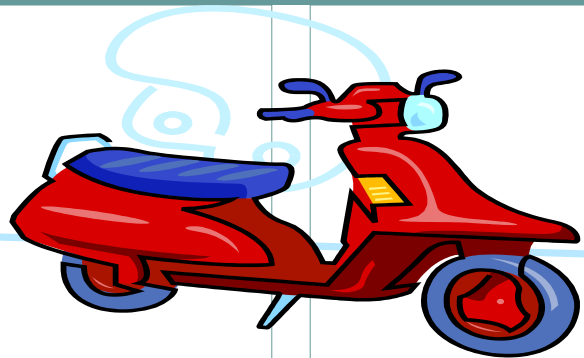
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## Boys and Their Toys

by: Stephen Howard

It seems that everyone from the local department store to the corner gas station is selling gasoline powered scooters or pocket bikes. Aside from the safety concerns with these motorized toys (which could be a separate topic of its own), what is the position of these vehicles in the eyes of the law? What follows may seem unfair but if you keep in mind that the road is not a place for toys of any sort, it makes perfect sense. Since these “toys” have engines, they will be treated as a motor vehicle.

The Texas Department of Public Safety says that a motorcycle is,



“**Every** motor vehicle having a saddle for the use of the rider and designed to propel itself with **not more than three (3) wheels in contact with the ground** but excluding a tractor” (emphasis added). It defines a moped as, “A motor driven cycle **whose speed** attainable in one mile **is not more than 30 miles per hour** and

that is equipped with a motor that produces not more than two-brake horsepower. If an internal combustion engine is used, the piston **displacement may not exceed 50 cubic centimeters (cc’s)** and the power drive system **may not require the operator to shift-gears”**

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## The Importance of Helmets

by: Katie Carse

Around 800 people die in the US each year due to bicycle related injuries. Many of these deaths can be prevented by wearing a helmet.

Finding the Right Fit:  
The first thing you must

look for when purchasing a helmet is the fit. The goal is to find a helmet that fits snug, is stable and level. Many helmets come with extra pads that you can add for the proper

fit. Make sure the pads touch your head evenly all the way around. The helmet should be level all the way around your head, and the front of the helmet lying just

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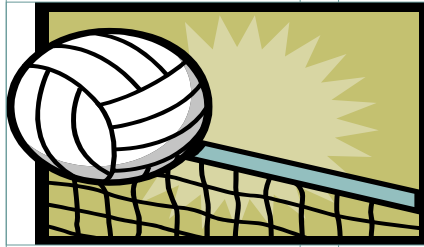
## Summertime Safety

by: Nicole Gordillo

Summer is the best time of the year for outdoor activities. Children are out of school, adults are on vacation and it's time for some outdoor fun like riding bikes and hosting barbecues. However, the U.S. Consumer Product Safety Commission (CPSC) warns that summer also is the time of year consumers are most likely to be injured. Summertime can be enjoyed by everyone as long as you keep safety in mind while enjoying summer activities.

Following are some safety precautions to take to help ensure an injury free summertime:

**One of the best** ways to stay safe is to wear a helmet and other safety gear when biking, skating



and skateboarding, when riding scooters, all-terrain

vehicles, and horses.

**Use layers of protection** to prevent a swimming pool tragedy, including placing required barriers completely around your pool to prevent access, using door and pool alarms, closely supervising your children and being prepared in case of an emergency.

**Never bring charcoal grills indoors.** Burning charcoal produces deadly carbon

monoxide.

**Make sure** your home playground is safe. Falls are the cause of many playground injuries, so having a safe surface is critical. Concrete, asphalt or packed dirt surfaces are too hard. Using a thick layer of wood chips or mulch is much safer.

**If your children** play soccer, be aware that movable soccer goals can fall over and kill children. Make sure the goal is anchored securely at all

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### Boys and Their Toys continued

by: Stephen Howard



(Emphasis added) Most of the scooters for sale in the DFW Metroplex would fall under the moped definition. If the scooter has gears or can do over 30mph, it's a motorcycle in the eyes of the state.

The problem is figuring

out in advance of purchase if the scooter you want is a moped or a motorcycle. Luckily the state maintains a list of approved scooter/ mopeds, and it can be accessed at <http://www.txdps.state.tx.us/msb/certmoped.htm>. If

your scooter isn't on the list, you can have it inspected to verify if it will meet the definition of a moped. If the vehicle fits within the definition of a moped, it can be inspected, registered, and

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### The Importance of Helmets continued

by: Katie Carse

above your eyebrows. Adjust the chin strap so it is comfortably snug. When you think you've got the proper fit make sure the helmet does not move more than an inch. If it does, tighten your straps.

**Buying a Helmet:** As of 1999, all helmets sold in the U.S. must meet the U.S. Product Safety Commission standards.

Look for the CPSC sticker which should be located on the inside of the helmet. When buying a helmet, make sure its shell is smooth and brightly colored. Helmets sold in bike shops run around \$20 and up but you can find them cheaper in discount stores. A bike shop will help you fit the helmet correctly. If you choose to

buy your helmet from a discount store, take the time to find one that fits correctly.

**Important Note:** Children should remove their helmet before they climb trees or play on a playground. There is a risk the helmet strap can get



caught and strangle a child.

To get additional information regarding bicycle helmet safety, you can go to the Bicycle Safety Institute's web page

[www.bhsi.org](http://www.bhsi.org).

### Summertime Safety continued

by: Nicole Gordillo

times and never allow anyone to climb on the net or goal framework or hang from the cross bar. It is also a good idea to remove nets when the goals are not in use.

**Don't allow** a game of hide-n-seek to become deadly. CPSC has received reports of numerous suffocation deaths involving children who crawled inside old cedar chests, latch-type freezers and refrigerators, iceboxes in campers, clothes dryers and picnic coolers and childproof old appliances. Warn children

not to play inside them. **If your summer** plans include camping and you want heat inside your tent or camper, use a portable heater that is equipped with an oxygen depletion sensor (ODS). If oxygen levels start to fall inside your tent or camper, the ODS automatically shuts down the heater before it can produce deadly levels of carbon- monoxide. Do not attempt to use alternative sources of heat or power to warm a tent or camper. Traditional camping heaters, charcoal grills, camping lanterns and

gas generators can also cause carbon dioxide poisoning. **Install window** guards to prevent children from falling out of open windows. Guards should be installed in children's bedrooms, parents' bedrooms, and other rooms where young children spend time. Install window stops that permit windows to open no more than 4 inches. Whenever possible, open windows from the top not the bottom. Keep furniture away from windows to discourage

children from climbing near them. **Summer** means a lot of yard work. When mowing your lawn, keep small children out of the yard. If the lawn slopes, mow across the slope with a push mower; or with a riding mower, mow up and down the slope. Never carry children on a riding mower. For more summer safety tips you can visit the U.S. Consumer Product Safety Commission online at [www.cpsc.gov](http://www.cpsc.gov).

### Boys and Their Toys continued

by: Stephen Howard

licensed, like any other car or motorcycle. To pass inspection a moped must have a brake, an adequate head lamp, a rear reflector, and an adequate rear lamp. The center of the head lamp must be at least 24 inches off of level ground, (as a result many of the smaller scooters cannot be made "street legal"). To license a moped, it must have a VIN number. Some of the pocket bikes imported from China do not have VIN numbers, and could not be registered even if they meet the inspection requirements of a moped. If your scooter gets this far, you'll need to have a license to drive it. To get a moped license, the driver must be at least 15 years of age and must

pass a written test. After passing, you'll need a DOT approved helmet if you are under 21. If you are over 21, you can skip the helmet if you complete a motorcycle safety course or have proof of over \$10,000.00 of medical benefits. You will need a sticker from the state proving you've met these requirements. Before you hit the road, you must have proof of liability insurance to register or operate the scooter just as you would for your car. If you have a properly registered and inspected moped with insurance, a helmet and license, you are free to use the proper roadways providing you obey all the traffic laws of the state of Texas. If you don't have each of these

requirements, you cannot operate your scooter on a roadway. Many people think they can avoid all of this by staying on sidewalks or in parks and parking lots. However, most cities have laws forbidding use of motorized vehicles in such areas. Motorized vehicles have never been allowed on sidewalks. Some think just being in front of their house is okay, but the street in front of your house is just as much a roadway as the street in front of the post office. You risk being ticketed for every one of the requirements listed above. As a result most folks who buy these pocket bikes are operating them illegally. Some people wonder why these "toys" can be

sold if there are so many requirements. It is not illegal to own or sell a pocket bike, it's what you decide to do with it that can be illegal. If you've thought about buying one of these "toys," keep these legal requirements in mind and then take a moment to consider the safety of these vehicles before you make a purchase.



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## April 2005

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