**PA 19-162**—sHB 7141
*Transportation Committee*

## AN ACT REGULATING ELECTRIC FOOT SCOOTERS

**SUMMARY:** This act defines "electric foot scooters" (e-scooters) and generally gives e-scooter riders the same rights, privileges, and duties that existing law provides for bicycle riders. The act also (1) generally allows municipalities to regulate e-scooters, to the extent that state law does not conflict with such regulations, and (2) requires the Office of the State Traffic Administration's (OSTA) regulations to cover e-scooter operation on highways and roads under its jurisdiction.

The act also expands the state's vulnerable user law to (1) cover instances when a driver causes "substantial bodily harm" to a vulnerable user and (2) make e-scooter riders vulnerable users under the law.

Lastly, the act (1) requires e-scooter riders under age 16 to wear helmets; (2) expands the acceptable helmet standards for bicyclists, electric bicycle (e-bikes) riders, and others; and (3) makes numerous technical and conforming changes related to e-scooters and e-bikes.

EFFECTIVE DATE: October 1, 2019

## E-SCOOTER DEFINITION

The act defines "electric foot scooter" as a device that:
1. weighs 75 pounds or less;
2. has two or three wheels, handlebars, and a floorboard that can be stood on while riding;
3. is both electric motor- and human-powered; and
4. has a maximum speed of 20 miles per hour or less, with or without human propulsion on a paved level surface.

## STATE AND LOCAL REGULATION OF E-SCOOTERS

The act generally authorizes OSTA to regulate e-scooters within its jurisdiction (i.e., on state highways and roads on state-owned property). The office has this authority with respect to bicycles and e-bikes.

By law, OSTA must adopt regulations governing highways and roads in its jurisdiction, including the operation of motor vehicles and bicycles. The act additionally requires these regulations to cover e-scooter operation.

Existing law authorizes municipalities to regulate bicycles, as long as their ordinances do not conflict with state laws or regulations. The act extends this authority to allow municipalities to regulate e-scooters. Thus, among other things, municipalities can adopt ordinances requiring annual licensing of e-scooters or

registration of e-scooter sales and ownership changes.

## PARKING E-SCOOTERS

The act allows a person to park an e-scooter on any sidewalk, as long as (1) it is parked in a manner that does not impede the reasonable movement of pedestrians or other sidewalk traffic and (2) doing so is not prohibited by a municipal ordinance or OSTA regulation.

## CONFORMING CHANGES TO TREAT E-SCOOTERS LIKE BICYCLES

The act makes conforming changes to treat e-scooters like bicycles and e-bikes. Among other things, it:
1. exempts e-scooters from emissions inspections;
2. requires e-scooter riders to comply with driving laws applicable to bicycles (e.g., signaling before turning);
3. requires motor vehicle operators to treat e-scooters like bicycles (e.g., when passing);
4. imposes a 100% surcharge on fines for certain moving violations involving a motor vehicle and an e-scooter;
5. prohibits parents and guardians from authorizing or knowingly permitting their wards to violate state laws or local ordinances on e-scooters; and
6. makes it an infraction not to equip e-scooters with lights and reflectors.

## HELMET REQUIREMENTS

*E-Scooter Helmet Requirements*

Under existing law, helmets must generally be worn by (1) e-bike riders and passengers and (2) anyone under age 16 who rides a bicycle, non-motorized scooter, or skateboard or who wears in-line or roller skates.

The act additionally requires e-scooter riders under age 16 to wear helmets. It also requires the Department of Consumer Protection to post on its website material concerning the dangers of riding an e-bike or e-scooter without a helmet and promoting the use of helmets while riding them, which it must do under existing law for bicycles, skateboards, and roller and in-line skates.

*Helmet Standards*

The act expands the acceptable helmet standards by requiring anyone who must wear a helmet to wear one that conforms to specifications established by the American National Standards Institute (ANSI), the United States Consumer Product Safety Commission (CPSC), the American Society for Testing and Materials (ASTM), or the Snell Foundations' Standard for Protective Headgear for Use in Bicycling. Under prior law, (1) helmets worn by e-bike riders and passengers had to meet the standards set by CPSC or ASTM and (2) other helmets

had to meet the standards set by ANSI or the Snell Foundation. The act requires businesses that rent e-scooters to provide helmets to renters that meet the applicable standards, as they are required to do under existing law for bicycle rentals.

Finally, the act makes a corresponding change by extending the sales tax exemption for bicycle helmets to include helmets that conform to CPSC or ASTM standards. By law, unchanged by the act, the exemption applies to helmets that meet standards set by ANSI and the Snell Foundation.

VULNERABLE USER LAW

Under existing law, a driver faces a penalty of up to $1,000 if he or she fails to exercise reasonable care and causes the serious physical injury or death of a vulnerable user (e.g., pedestrian, bicyclist, or highway worker) who was exercising reasonable care. The act additionally applies the penalty when such drivers cause "substantial bodily harm" to a vulnerable user.

The act defines "substantial bodily harm" as bodily injury that (1) involves a temporary but substantial disfigurement, (2) causes a temporary but substantial loss or impairment of a body part's or organ's function, or (3) causes the fracture of any body part. It also specifies that "serious physical injury" has the same meaning as it does under the penal code (i.e., a physical injury that creates a substantial risk of death, or that causes serious disfigurement, serious impairment of health, or serious loss or impairment of an organ's function).