

Date of Hearing: April 23, 2018

ASSEMBLY COMMITTEE ON TRANSPORTATION

Jim Frazier, Chair

AB 2989 (Flora) – As Amended April 17, 2018

SUBJECT: Standup electric scooters

SUMMARY: Defines standup electric scooters and includes a number of safety requirements for their safe operation. Specifically, **this bill:**

- 1) Defines a “standup electric scooter” as a two-wheeled device that has handlebars and a floorboard that is designed to be stood upon while riding, is powered by an electric motor of less than 750 watts, and does not exceed a speed of 20 miles per hour (mph). This bill specifically excludes standup electric scooters from the definition of a motorized scooter.
- 2) Authorizes a person to operate a standup electric scooter on sidewalks and park in the same manner and at the same locations as bicycles.
- 3) Authorizes a local jurisdiction to adopt rules and regulations prohibiting or restricting persons from riding or propelling a standup electric scooter on highways, sidewalks, or roadways.
- 4) Restricts a person from leaving a standup electric scooter lying on its side on any sidewalk, or parking a standup electric scooter on a sidewalk in any manner such that there is not an adequate path for pedestrian traffic.
- 5) Requires a person under the age of 18 to wear a properly fitted and fastened helmet, as defined, while riding on a standup electric scooter.
- 6) Restricts a person from operating a standup electric scooter in the following ways:
 - a) With any passengers in addition to the operator.
 - b) Carrying any package, bundle, or article that prevents the operator from keeping at least one hand upon the handlebars.
 - c) Without a brake that enables the operator to make a braked skid on dry, level, clean pavement.
 - d) With handlebars positioned so that the operator’s hands are above the level of his or her shoulders.
- 7) Authorizes a person to operate a standup electric scooter in a bicycle lane established on a roadway in a manner which does not endanger the safety of bicyclists.
- 8) Requires every standup electric scooter operated during darkness to be equipped with a front white light, white or yellow side reflectors, and a red rear reflector, as defined.

EXISTING LAW:

- 1) Defines a “motorized scooter” as a two-wheeled device that has handlebars and a floorboard that is designed to be stood upon while riding, is powered by an electric motor.
- 2) Restricts electrically motorized skateboards to 15 mph, and restricts a person from operating an electrically motorized skateboard at a speed greater than is reasonable or prudent having due regard for weather, visibility, pedestrian traffic, and in no event at a speed that endangers the safety of any person or property.
- 3) Restricts a motorized scooter from operation on sidewalks.
- 4) Requires an operator of a motorized scooter to have a valid driver’s license or learner permit, and to wear a helmet regardless of the operator’s age.
- 5) Authorizes a local jurisdiction to adopt rules and regulations prohibiting or restricting persons from riding or propelling bicycles on sidewalks.
- 6) Restricts a person from leaving a bicycle lying on its side on any sidewalk, or parking a bicycle on a sidewalk in any manner such that there is not an adequate path for pedestrian traffic.
- 7) Requires a person under the age of 18 to wear a properly fitted and fastened helmet, as defined, while riding on, or being a passenger on, a bicycle, non-motorized scooter, or a skateboard, or while wearing in-line or roller skates.
- 8) Requires every motorized scooter operated during darkness to be equipped with a front white light, white or yellow side reflectors, and a red rear reflector, as defined.

FISCAL EFFECT: Unknown

COMMENTS: The author believes that new sustainable transportation technologies offer innovative approaches to the first/last mile transportation problem, in alignment with California’s transit and climate change goals. According to the author, one such technology, the standup electric scooter, shows great promise to alleviate congestion and provide efficient first/last mile transportation. While the technology for standup electric scooters is not new, cities and counties do not have adequate state or local law to understand how to regulate them. In order to provide clarity for riders, law enforcement, and city governments, the author contends that it is essential to have a clear definition for this new technology, with regulations similar to comparable vehicle types.

Companies have very rapidly deployed standup electric scooters in cities across California. The apparent business model for this deployment is to operate a mobility service similar to traditional bikeshare services, except that these new services are “dockless,” meaning the scooters do not have to be returned to specific docks when a person is finished operating them. This dockless ride is intended to be more convenient for the potential user, but it can really only work if the scooters are ubiquitous. With that in mind, businesses deploying these scooters are setting them out across dense communities in significant numbers. Early adopters of this new mobility option are using their smart phones to operate the scooters, but because it is so new there appears to be

little rhyme or reason to the way the scooters are being operated, leading to increasing concerns among city officials.

To make the point, the City of Santa Monica, writing in opposition to this bill, states that the proliferation of motorized scooters (these standup electric scooters) in the City of Santa Monica in recent months has created public safety concerns, including requiring the City to respond to nine traffic accidents involving these scooters. The City adopted an ordinance regulating the placement of “dockless mobility” devices in the public right of way and remove scooters when necessary. The City writes that these scooters pose a significant public safety hazard when not ridden or parked in compliance with existing law.

Committee Concerns:

- 1) The author claims that these scooters are substantially similar in use to electric bicycles. Existing law subjects electric bicycles to all the requirements of regular bicycles, such as restricting their operation while under the influence of drugs or alcohol, operating to the far right-hand edge of the road, etc. This bill, while including some of the safe operation regulations in existing law for bicycles, fails to address many important safety considerations.

In addition, despite the author’s belief that standup electric scooters are similar to electric bikes, their definition is substantially closer to that of a motorized scooter. In fact, the primary difference between the definition of a standup electric scooter in this bill and that of a motorized scooter in existing law is the limit of electric power and speed. It appears the author wants to make the case that, because these standup electric scooters are somewhat limited in power and speed (though motorized scooters could be less powerful and slower), they should not be subject to many of the restrictions on motorized scooters such as not being operated on sidewalks, not needing a driver’s license to operate, and not requiring a helmet if you are over 18 years of age. It seems unclear why standup electric scooters should be treated differently than motorized scooters except to try and accommodate this new dockless business model.

- 2) This bill limits standup electric scooters to speeds of 20 mph, but allows them to be operated on a sidewalk. In the letter from the City of Santa Monica, they claim to observe these scooters traveling as fast as 22 mph. For reference, world-class sprinters run around 24 mph in the 100 meter dash. The base speed limit for vehicles in residential streets is 25 mph.

In contrast, existing law limits electrically motorized skateboards to 15 mph and also restricts a person from operating an electrically motorized skateboard at a speed greater than is reasonable or prudent having due regard for weather, visibility, pedestrian traffic, and in no event at a speed that endangers the safety of any person or property. It seems reasonable that, at a minimum, standup electric scooters should be held to the same speed restrictions as electrically motorized skateboards.

- 3) How many types of vehicles does the state need to define in order to fairly and equitably regulate the safe passage of all Californians? There are currently large sections of existing law dedicated to the safe operation and use of a wide variety of remarkably similar mobility devices, from electric bicycles, to motorized scooters, to segways, and each article applies various safety rules in slightly different ways. As technology continues to evolve the way

people get around, it seems reasonable to begin to rationalize these various sections and not continue to expand statute with slight variations in order to accommodate the latest idea.

- 4) The bill currently specifies that local jurisdictions can regulate the operation of standup electric scooters, but not their parking. The author should consider clarifying that local jurisdictions can regulate both the operation and parking of standup electric scooters.

Related Legislation: AB 3077 (Caballero), allows a person under the age of 18 that is cited for not wearing a bicycle helmet to correct the violation by proving they have a properly fitting helmet and by attending a bicycle safety course if one is available. AB 3077 passed out of this committee on April 16, 2018, with a 14-0 vote.

Prior Legislation: AB 604 (Olsen), Chapter 777, Statutes of 2015, defined “electrically motorized skateboards” and required these devices to meet certain operational requirements.

AB 1096 (Chiu), Chapter 568, Statutes of 2015, defined various classes of electric bicycles and establishes parameters for their operation in California.

SB 441 (Chesbro), Chapter 722, Statutes of 1999, defined “motorized scooters” and required these devices to meet certain operational requirements.

REGISTERED SUPPORT / OPPOSITION:

Support

Bird (Sponsor)

Opposition

City of Santa Monica

Analysis Prepared by: Eric Thronson / TRANS. / (916) 319-2093