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## Transportation Committee

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### HB 1772

**Brief Description:** Concerning motorized foot scooters.

**Sponsors:** Representatives Macri, Chambers, Fitzgibbon, Irwin and Shewmake.

#### Brief Summary of Bill

- Prohibits individuals under the age of 16 years from operating a motorized foot scooter and sets the maximum speed for motorized foot scooters at 15 miles per hour.
- Specifies the manner in which local authorities are permitted to regulate the operation of motorized foot scooters within their jurisdictions.
- Mandates that scooter share operators carry minimum insurance coverage levels and that shared scooters offered for hire have visible identification and be equipped with a locking mechanism.

**Hearing Date:** 2/21/19

**Staff:** Jennifer Harris (786-7143).

#### **Background:**

##### Definitions.

A "motorized foot scooter" is defined as a device with no more than two 10-inch or smaller diameter wheels that has handlebars, is designed to be stood upon by the operator, and is powered by an internal combustion engine or electric motor that is capable of propelling the device with or without human propulsion at a speed no greater than 20 miles per hour (mph) on level ground.

##### Motorized Foot Scooter Usage.

No driver's license is required to operate a motorized foot scooter. Individuals operating motorized foot scooters must comply with all laws and regulations related to the use of bicycle

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helmets, which are not currently required under state law but are required by some local jurisdictions in the state. Unless they are equipped with reflectors approved by the Washington State Patrol, motorized foot scooters may not be operated at any time from one half-hour after sunset to one half-hour before sunrise.

A motorized foot scooter may not be operated on a fully controlled limited access highway. A motorized foot scooter may use roadways to the same extent as bicycles. Bicycles must be ridden as near to the right side of the right through lane of a roadway as is safe if they are traveling at a rate of speed lower than the normal flow of traffic unless a bicyclist is preparing to make turning movements or is overtaking and passing another bicycle or vehicle proceeding in the same direction (or unless the bicycle is traveling on a one-way highway, in which case it may be ridden as near to the left side of the left through lane as is safe). Bicycles may use the shoulder of the roadway or any specially designated bicycle lane.

While motorized foot scooters may be operated on a shared-use path or any part of a highway designated for the use of bicycles, local jurisdictions or state agencies may restrict or otherwise limit the access of motorized foot scooters and may regulate their use on facilities and properties under their jurisdiction and control.

A motorized foot scooter may not be operated on a sidewalk, unless there is no alternative than for it to travel over a sidewalk as part of a bicycle or pedestrian path. Any new trail or bicycle path or readily identifiable existing trail or bicycle path not built or maintained with federal highway transportation funds may be used by individuals operating motorized foot scooters if it is appropriately signed. However, if a bicycle path, trail, bikeway, equestrian trail, or hiking or recreational trail was built or is maintained with federal highway transportation funds, a motorized foot scooter may not be operated on it.

## **Summary of Bill:**

### Definitions.

The definition of "motorized foot scooter" is modified, increasing the maximum diameter for a motorized foot scooter's wheels from 10 to 12 inches. A "scooter share operator" is defined as a person offering shared scooters for hire. A "scooter share program" is defined as offering shared scooters for hire.

Motorized foot scooters are not considered vehicles or motor vehicles and are not subject to laws governing vehicle titling, vehicle registration, vehicle automobile liability insurance and financial responsibility requirements, vehicle lighting and other equipment requirements, vehicle dealer and manufacturer requirements, and the vehicle use tax.

### Motorized Foot Scooter Usage.

Individuals under the age of 16 years are not permitted to operate a motorized foot scooter. Motorized foot scooters may not be operated at speeds greater than 15 mph.

Electric-assisted bicycles and motorized foot scooters may be parked as is permitted of bicycles.

A local authority is permitted to regulate the operation of motorized foot scooters within its jurisdiction by:

- restricting the maximum speed motorized foot scooters may be operated in pedestrian zones, such as plazas and promenades; and
- adopting and assessing penalties for moving and parking violations on the person responsible for the violation, provided the penalties are no greater than those assessed on bicyclists.

#### Scooter Share Programs.

Shared scooters must meet the following requirements to be offered for hire:

- bear a single, unique alphanumeric identification visible from a distance of five feet, which must be used throughout the state to identify the scooter; and
- have a locking mechanism to enable a user to lock the scooter to a stationary physical object.

Scooter share operators are required to carry the following insurance coverage for the operation of shared scooters:

1. commercial general liability coverage of at least \$1 million for each occurrence and \$5 million in the aggregate;
2. automobile insurance coverage of at least \$1 million for each occurrence and \$1 million in the aggregate;
3. umbrella or excess liability coverage with a limit of at least \$5 million and \$5 million in the aggregate; and
4. where the operator has employees, workers' compensation coverage that meets minimum requirements under the law.

A local authority may not impose any unduly restrictive requirements on a scooter share operator. A local authority is not permitted to mandate the operation of scooter share programs below cost, or to mandate that riders of shared scooters meet requirements that are more restrictive than those that apply to riders of bicycles or privately owned motorized foot scooters.

A local authority is permitted to regulate scooter share operators within its jurisdiction by:

- requiring scooter share operators to pay fees that do not exceed the reasonable cost of administering scooter share programs;
- requiring scooter share operators to indemnify the local authority for claims or damages brought against the local authority and arising out of the negligence of the scooter share operator, excluding claims arising out of the local authority's negligence; and
- designating locations where scooter share operators are prohibited from staging shared scooters, as long as at least one location is permitted on the side of each city block in commercial zones and business districts.

A local authority may require that scooter share programs provide it with anonymized fleet and ride activity data for all trips starting and ending within the jurisdiction, provided the data is shared via an application programming interface subject to the scooter share operator's license agreement, that any data provided is treated as a trade secret and as proprietary business information, and that data be considered personally identifiable information and nondisclosable

for the purposes of public records requests without aggregation or obfuscation to protect individual privacy.

No new Public Records Act exemption is created.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.