

SENATE BILL REPORT

ESHB 1772

As Reported by Senate Committee On:
Transportation, April 2, 2019

Title: An act relating to motorized foot scooters.

Brief Description: Concerning motorized foot scooters.

Sponsors: House Committee on Transportation (originally sponsored by Representatives Macri, Chambers, Fitzgibbon, Irwin and Shewmake).

Brief History: Passed House: 3/12/19, 85-13.

Committee Activity: Transportation: 3/20/19, 4/02/19 [DPA, w/oRec].

Brief Summary of Amended Bill

- Modifies the definition of motorized foot scooter.
- Prohibits persons under sixteen years of age from operating motorized foot scooters, unless permitted by a local government.
- Authorizes local governments to regulate motorized foot scooters, and scooter share programs, subject to certain requirements and limitations.

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass as amended.

Signed by Senators Hobbs, Chair; King, Ranking Member; Sheldon, Assistant Ranking Member; Cleveland, Das, Nguyen, O'Ban, Padden, Randall, Takko, Wilson, C. and Zeiger.

Minority Report: That it be referred without recommendation.

Signed by Senators Saldaña, Vice Chair; Lovelett.

Staff: Kim Johnson (786-7472)

Background: Recently, the electric scooter (e-scooter) sharing industry has launched in many cities across the United States. There are different business models, but a common format is that a person may use the e-scooter company's mobile application to locate and reserve, unlock, and use an e-scooter for a fee. Generally these scooters do not require a

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

docking station so the user may leave the scooter at the person's destination. The scooters are often collected during the night, charged, and then redeployed around the area.

Under current state law, a motorized foot scooter is a device with:

- no more than two wheels, 10 inches in diameter or smaller,
- handlebars; and
- an internal combustion engine or electric motor capable of propelling the device at a speed of not more than 20 mph on level ground.

There is not an age limit to operate a motorized foot scooter in Washington. Generally, motorized foot scooters may not be operated on a sidewalk or a limited access highway. Unless prohibited by a local government or state agency, motorized foot scooters can be operated on a shared-use path or a bicycle lane.

Summary of Amended Bill: The definition of motorized foot scooter is modified to remove reference to wheel size, and include three wheeled device. Motorized foot scooters are expressly excluded from the definition of vehicle. Motorized foot scooters may be parked in the same manner as bicycles.

Individuals under the age of sixteen years may not operate a motorized foot scooter, unless permitted by a local jurisdiction.

Motorized foot scooters operated on a roadway or bicycle lane may not exceed a speed of 15 mph. If authorized by a local jurisdiction to operate on sidewalks and pedestrian and bicycle paths, the local jurisdictions may set the maximum speed limit of motorized foot scooters for their usage.

A motorized foot scooter may be operated on a sidewalk if authorized by local ordinance.

Local jurisdictions and state agencies may regulate the use of class 1 and class 2 electric-assisted bicycles and motorized foot scooters on rights of way under their jurisdiction and control.

Motorized foot scooters are added to those devices that a local government or agency may authorize to use a trail that is specifically designated as non-motorized and that has a natural surface.

Scooter Share Programs. To be offered for hire, shared scooters must bear a single, unique alphanumeric identification, visible from a distance of 5 feet, which must be used throughout the state, including by local authorities, to identify the shared scooter.

Scooter share programs are required to carry the following insurance coverage:

- commercial general liability coverage with a limit of at least \$1 million for each occurrence and \$5 million in the aggregate;
- automobile insurance coverage with a combined single limit of at least \$1 million; and
- if a local authority authorizes the operation of a motorized foot scooter by individuals under 16 years of age, the local authority may require all scooter share programs

offering shared scooters for hire to these individuals to carry insurance coverage at a greater amount negotiated between the programs and the local authority.

Scooter share programs are required to provide to a prospective scooter share contractor written disclosures concerning whether commercial activities the contractor may undertake are covered by their personal automobile, homeowners or rental insurance policies.

Examples of how a local authority may regulate the operation of motorized foot scooters and shared scooters within its jurisdiction include:

- determining if shared scooters may be operated within the local authority's jurisdiction, and if permitted, the locations where they may be operated;
- requiring scooter share programs to pay reasonable fees and taxes;
- requiring that shared scooters be staged in a manner compliant with the Americans with Disabilities Act, to ensure clear passage of pedestrian traffic on sidewalks; and
- adopting and assessing penalties for moving or parking violations involving shared scooters to the person responsible for such violation.

EFFECT OF TRANSPORTATION COMMITTEE AMENDMENT(S):

- Renames "scooter share operator" with "scooter share program."
- Provides a definition of scooter share contractor.
- Requires a scooter share program to provide to a prospective scooter share contractor written disclosures concerning whether the commercial activities the contractor may undertake are covered by their personal automobile, homeowners or rental insurance policies.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Engrossed Substitute House Bill: *The committee recommended a different version of the bill than what was heard.* PRO: We need more diverse kinds of transportation, particularly in our large communities where environmental justice, social equity, and efficiency in transit are critical issues. These scooters are an option that many communities want to explore. This bill allows for the industry to continue to develop and move forward. Converting vehicle trips to scooter trips can save significant fuel and carbon emissions.

We wanted to clarify local control and wanted to set some default regulatory framework that can be utilized at the local level. Indemnification can be included but is not required. Senator Nguyen was instrumental in getting to this point in the process.

Ultimately our goal is to ensure local authority and flexibility and to allow the growth of micromobility transportation. We think we can require indemnity without calling out and defining it in state legislation.

OTHER: We want to raise your attention to a potential issue with the industry in general. Insurance is required for the scooter share operators, but it is unclear what or who is covered. What happens if there is an accident involving the transport or charging of the scooters by a contractor? We think this is commercial activity and that the contractor's personal insurance policies may not apply.

Persons Testifying: PRO: Representative Nicole Macri, Prime Sponsor; Logan Bahr, Association of Washington Cities; Joanie Deutsch, Bird Rides; Brad Boswell, Uber.

OTHER: Jean Leonard, Washington Insurers, State Farm, NAMIC; Cody Arledge, City of Seattle.

Persons Signed In To Testify But Not Testifying: No one.