

Senate Study Committee on Evaluating E-scooters and
Other Innovative Mobility Options for Georgians

Scooter-Related Statutes Adopted Nationwide and the Current State of Scooter Ordinances in Georgia

Alex Azarian
Deputy Director
Senate Research Office

October 15, 2019

OVERVIEW OF PRESENTATION

- **Background: States & Georgia Local Governments Take Action**
- **Definitions: E-Scooters and Other Micromobility Devices**
- **Rules of the Road and Other Laws**
- **Minimum Age/Qualifications to Operate**
- **Operation on Sidewalks**
- **Local Government Powers**

BACKGROUND: STATES TAKE ACTION

Currently, 22 states have adopted legislation regulating in some way the use of shareable dockless e-scooters and other devices. Virtually every other state, including Georgia (SB 159), has scooter-related legislation pending in their respective legislatures.

The 22 states that have enacted statutes are:

- ▶ Alabama; Arizona; Arkansas; California; Colorado; Connecticut; Florida; Indiana; Kansas; Kentucky; Louisiana; Maryland; Michigan; Nevada; New Jersey; New York; Oregon; Tennessee; Utah; Virginia; Washington; and Wisconsin.

BACKGROUND: GEORGIA CITIES/COUNTIES TAKE ACTION

The following 15 Georgia cities have taken action on dockless shareable devices, such as e-scooters:

1. Alpharetta: Banned all dockless electronic devices in June 2019.
2. Athens-Clarke: Imposed 12-month ban in December 2018 while the consolidated government drafts an ordinance.
3. Atlanta: On January 7, 2019 the City of Atlanta City Council voted to adopt Ordinance 18-O-1322 regulating the operations of Shareable Dockless Mobility Devices. In February, 2019, the city began issuing permits to scooter/e-bike companies. On July 25, 2019, Mayor Keisha Lance Bottoms issued an executive order banning new permits for scooters. Since August 8, 2019, scooters are banned from operating from 9pm to 4am.
4. Brookhaven: Passed an ordinance that allows companies to operate 50 dockless scooters each, and regulates how they should be used and parked.
5. Columbus: On July 30, the City Council imposed a temporary ban on dockless scooters.
6. Decatur: The City Commission adopted an ordinance on September 19, 2019, regulating scooters within city limits.
7. Lilburn: Adopted a 12-month ban on scooters in June 2019.
8. Macon-Bibb: Imposed a moratorium on dockless devices in January 2019 until it can draft sufficient ordinances.
9. Marietta: Approved a ban on all shareable dockless devices.
10. Norcross: Imposed a ban in March 2019.
11. Savannah: Banned dockless scooters in September 2018.
12. Smyrna: City council voted unanimously in June 2019 to ban dockless e-scooters and e-bicycles.
13. Snellville: Imposed a 12-month moratorium on scooters.
14. Tucker: Implemented a four-month moratorium in June 2019 on e-scooters and shareable scooters with seats.
15. Woodstock: Approved the first reading of a proposed ordinance that would ban them in the city. The second reading has yet to be scheduled.

DEFINITIONS: E-SCOOTERS AND OTHER MICROMOBILITY DEVICES

Alabama

“Scooter” is defined as a device weighing less than 100 pounds that satisfies all of the following:

- Has handlebars and an electric motor;
- Is solely powered by the electric motor or human power; and
- Has a maximum speed of no more than 20 mph on a paved level surface when powered solely by the electric motor.

“Shared Micromobility Device” is defined as a type of transportation device that includes a bicycle, tricycle, scooter, hoverboard, skateboard, pedal car, or similar device used in a shared micromobility device system. The term does not include electrical personal assistive mobility devices by persons with disabilities.

“Shared micromobility device system” is defined as a system that provides shared micromobility devices to users for short-term rentals, whether or not the system requires docking stations or other similar fixed infrastructure to receive or return the shared micromobility device.

DEFINITIONS: E-SCOOTERS AND OTHER MICROMOBILITY DEVICES (CONT.)

Florida

Definition of “Motorized Scooter” includes any vehicle or micromobility device powered by a motor with or without a seat or saddle for the use of the rider and which is designed to travel on not more than three wheels and with a maximum allowable speed of 20 mph.

“Micromobility Device” is defined as any motorized transportation device made available for private use by reservation through an online app, website, or software for point-to-point trips and that is incapable of traveling at speeds greater than 20 mph. The term includes motorized scooters and bicycles.

Driverless Scooters Are Coming... But Why?

Could there be more to a driverless scooter than just a mashup of two mobility technology buzzwords?

BY EDWARD NIEDERMEYER AUGUST 21, 2019

TECH



RULES OF THE ROAD AND OTHER LAWS

- All states treat scooters as bicycles and/or motor vehicles for the purpose of abiding by the rules of the road.
- Many states set a statewide maximum speed for scooters at either 15 or 20 mph. Some states prohibit scooters from operating on roads with a speed limit above a certain speed – usually 35 mph.
- Some states, such as Kansas and Virginia, impose fines or civil penalties exclusive to scooter operators. These penalties are usually \$50. Louisiana, Nevada, Utah, and Washington specifically authorize local governments to assess moving and parking penalties applicable to scooter operators.
- New York and Oregon require scooters to be operated on a bicycle lane or an inline skate lane when one is present.
- California, Kentucky, and Oregon explicitly apply DUI laws to scooters. Utah prohibits the consumption or the transportation of alcohol while operating a scooter.

RULES OF THE ROAD AND OTHER LAWS

Hundreds Lose Driver Licenses for Drunk Scooter Riding During Oktoberfest Celebration

With an estimated 6.3 million people in town for the beer fest, it was only a matter of time.

BY CHRIS TEAGUE OCTOBER 8, 2019

NEWS



RULES OF THE ROAD AND OTHER LAWS

- New York requires scooters to be equipped with a bell or other device capable of giving a signal audible for a distance of at least 100 feet. However, the use of sirens or whistles is prohibited.
- New York provides punishments for leaving the scene of any accident caused by a scooter.
- New York expressly requires scooters to yield to pedestrians.
- Louisiana and Tennessee require vehicles overtaking and passing a scooter to leave a safe distance between the vehicle and the scooter of at least 3 feet.
- In Virginia, statutes that are applicable to the operation of emergency vehicles under emergency conditions also apply to scooters operated under similar emergency conditions by law-enforcement officers.
- Under Georgia's SB 159 (pending), intentionally damaging or knocking over another person's bicycle or scooter is considered committing misdemeanor criminal trespass. Intentionally damaging another person's bicycle or scooter resulting in \$500 or more in damages; or recklessly or intentionally damaging another person's bicycle or scooter by means of fire or explosive is considered committing criminal damage to property and punishable by imprisonment from 1 to 5 years.

RULES OF THE ROAD AND OTHER LAWS

Florida Man Arrested for Cutting Brake Cables on 140+ E-Scooters in Anti-Mobility Spree

The accused serial scooter saboteur was finally caught by a security camera.

BY JAMES GILBOY OCTOBER 3, 2019

NEWS



MINIMUM AGE/QUALIFICATIONS TO OPERATE

- California is the only state to require scooter riders to possess a valid driver's license or permit.
- Several states establish a minimum age for operating a scooter. Of those states, most set the age at 16.
 - Utah prohibits children under 8 years from operating a scooter when the motor is engaged.
 - Washington sets a minimum age of 16 years, but allows local governments to lower the minimum age in their jurisdiction.
 - Nevada explicitly prohibits scooter share companies from leasing to anyone under 16.
 - Virginia allows anyone over the age of 14 to operate a scooter; those under 14 are permitted to do so if they are accompanied by a guardian who is at least 18 years of age.
- California and Louisiana require riders under a under 18 and 17, respectively, to wear a helmet.
- Oregon is the only state to require all scooter riders to wear a helmet. Failure to wear a helmet is punishable by a \$25 fine.

OPERATION ON SIDEWALKS

- California and Oregon are the only states that prohibit the operation of scooters on sidewalks. All other states allow local governments to authorize or prohibit the operation of scooters on sidewalks.
- Tennessee allows scooters to operate on sidewalks only when the electric motor is disengaged and only if the local government permits bicycles on sidewalks.
- Utah authorizes local governments to set a maximum speed for scooters operating on sidewalks.
- Scooters are allowed to be parked on sidewalks in most states as long as they do not obstruct pedestrians or other sidewalk traffic. Several states authorize local governments to prohibit scooters from being parked on sidewalks.
- Indiana allows local governments to prohibit scooters from being parked on sidewalks if that government provides adequate alternative parking locations in local rights-of-way.
- Georgia's SB 159 requires scooters operating upon a sidewalk to yield to pedestrians at all times. When passing a pedestrian, the operator must give warning through an audible sound, travel at a speed no faster than 7 mph, and maintain a distance of 2 feet between the scooter and the pedestrian. If maintaining a passing distance of 2 feet would expose the operator to any hazard, the operator must dismount the scooter.

LOCAL GOVERNMENT POWERS

- Alabama, Kansas, Louisiana, New York, Oregon, and Washington, and Wisconsin all expressly allow local governments to prohibit dockless scooters.
- Some states, such as Colorado, Connecticut, Nevada, Tennessee, and Utah prohibit local governments from regulating scooters in a manner more restrictive than how they regulate bicycles.
- Nearly all states authorize local governments to allow or prohibit the operation of scooters on sidewalks.
- Some states allow local governments to regulate scooter-share programs to an extent provided in state law. Such as requiring minimum insurance and prohibiting excessive fees. Utah prohibits local governments from imposing any unduly restrictive requirement on scooter-share operators, including requiring operation below cost.
- Arkansas, Nevada, and Utah authorize local governments to require scooter share programs to provide anonymized fleet and ride activity data for all trips starting or ending within their jurisdiction. Arkansas requires all ride activity resulting in an accident report to be included in this data.
- Colorado grandfathers all existing local scooter ordinances.

FUTURE CONSIDERATIONS

Mobility Start-Up Is Bringing Shared Pogo Sticks to American Cities

This company wants you to forget about e-scooters and hop aboard its latest project.

BY ROB STUMPF JUNE 1, 2019

NEWS

