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SENATE BILL DRS15301-SU-8

Short Title: Electric Standup Scooters. (Public)

Sponsors: Senators McKissick and Newton (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO DEFINE AND AUTHORIZE THE USE OF ELECTRIC STANDUP SCOOTERS.
3 The General Assembly of North Carolina enacts:

4 SECTION 1. G.S. 20-4.01 reads as rewritten:

5 "§ 20-4.01. Definitions.

6 Unless the context requires otherwise, the following definitions apply throughout this
7 Chapter to the defined words and phrases and their cognates:

8 ...

9 (7c) Electric Standup Scooter. – A device with no more than three 12-inch or
10 smaller diameter wheels that has handlebars, is designed to be stood upon by
11 the user while riding, and is powered by an electric motor that is capable of
12 propelling the device with or without human propulsion at a speed no greater
13 than 20 miles per hour on a paved level surface.

14 (7e)(7d) Employer. – Any person who owns or leases a commercial motor vehicle
15 or assigns a person to drive a commercial motor vehicle and would be subject
16 to the alcohol and controlled substance testing provisions of 49 C.F.R. § 382
17 and also includes any consortium or third-party administrator administering
18 the alcohol and controlled substance testing program on behalf of
19 owner-operators subject to the provisions of 49 C.F.R. § 382.

20 ...

21 (23) Motor Vehicle. – Every vehicle which is self-propelled and every vehicle
22 designed to run upon the highways which is pulled by a self-propelled vehicle.
23 Except as specifically provided otherwise, this term shall not include ~~mopeds~~
24 ~~or mopeds,~~ electric assisted bicycles, bicycles, or electric standup scooters.

25 ...

26 (27) Passenger Vehicles. –

27 ...

28 j. Moped. – A vehicle, other than a motor-driven ~~bicyele or bicycle,~~
29 electric assisted bicycle, or electric standup scooter, that has two or
30 three wheels, no external shifting device, a motor that does not exceed
31 50 cubic centimeters piston displacement and cannot propel the
32 vehicle at a speed greater than 30 miles per hour on a level surface.
33 The motor may be powered by electricity, alternative fuel, motor fuel,
34 or a combination of each.

35 ...



(49) Vehicle. – Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon fixed rails or tracks; provided, that for the purposes of this Chapter ~~bicycles and bicycles,~~ electric assisted bicycles, and electric standup scooters shall be deemed vehicles and every rider of a ~~bicycle or bicycle,~~ an electric assisted bicycle or electric standup scooter upon a highway shall be subject to the provisions of this Chapter applicable to the driver of a vehicle except those which by their nature can have no application. This term shall not include a device which is designed for and intended to be used as a means of transportation for a person with a mobility impairment, or who uses the device for mobility enhancement, is suitable for use both inside and outside a building, including on sidewalks, and is limited by design to 15 miles per hour when the device is being operated by a person with a mobility impairment, or who uses the device for mobility enhancement. This term shall not include an electric personal assistive mobility device as defined in subdivision (7b) of this section. Unless the context requires otherwise, and except as provided under G.S. 20-109.2, 47-20.6, or 47-20.7, a manufactured home shall be deemed a vehicle.

...."

SECTION 2. G.S. 20-51 is amended by adding a new subdivision to read:

"(18) Electric standup scooters, as defined in G.S. 20-4.01(7c)."

SECTION 3. G.S. 58-37-1(6) reads as rewritten:

"(6) "Motor vehicle" means every self-propelled vehicle that is designed for use upon a highway, including trailers and semitrailers designed for use with such vehicles (except traction engines, road rollers, farm tractors, tractor cranes, power shovels, and well drillers). "Motor vehicle" also means a motorcycle, as defined in G.S. 20-4.01(27)h., and a moped, as defined in G.S. 20-4.01(27)j. "Motor vehicle" does not mean an electric assisted bicycle, as defined in ~~G.S. 20-4.01(7a).~~ G.S. 20-4.01(7a), or an electric standup scooter, as defined in G.S. 20-4.01(7c)."

SECTION 4. Article 3 of Chapter 20 of the General Statutes is amended by adding a new Part to read:

"Part 11D. Electric Standup Scooters.

"§ 20-175.7. Definitions.

The following definitions apply in this Part:

- (1) Electric standup scooter. – As defined in G.S. 20-4.01(7c).
- (2) Scooter-share operator. – A person offering shared scooters for hire. All scooter-share operators must carry insurance coverage dedicated exclusively for operation of shared scooters that meets all of the following requirements:
 - a. Commercial general liability insurance coverage with a limit of no less than one million dollars (\$1,000,000) each occurrence and five million dollars (\$5,000,000) aggregate.
 - b. Automobile insurance coverage with a limit of no less than one million dollars (\$1,000,000) each occurrence and one million dollars (\$1,000,000) aggregate.
 - c. Umbrella or excess liability coverage with a limit of no less than five million dollars (\$5,000,000) each occurrence and five million dollars (\$5,000,000) aggregate.
 - d. If the scooter-share operator employs persons, workers' compensation coverage of no less than what is required by applicable law.
- (3) Scooter-share program. – The offering of shared scooters for hire.

- 1 (4) Shared scooter. – An electric standup scooter offered for hire. All shared
2 scooters must meet all of the following requirements to be offered for hire:
3 a. Bear a single, unique alphanumeric identification, visible from a
4 distance of five feet, which shall not be obfuscated by branding or
5 other markings, and which shall be used throughout the State,
6 including by local authorities, to identify the shared scooter.
7 b. Have a locking mechanism to enable the user to lock the shared scooter
8 to a stationary physical object such as a bike rack.
9 (5) Trip data. – Any data elements related to trips taken by users of a shared
10 scooter of a scooter-share operator, including, but not limited to, Global
11 Positioning System, timestamp, or route data.

12 **"§ 20-175.7. Operation of electric standup scooters.**

- 13 (a) Rights and Duties. – An electric standup scooter is subject to all provisions of this
14 Chapter applicable to bicycles, except as otherwise provided in this section. An operator of an
15 electric standup scooter is subject to all the rights and duties of a rider of a bicycle.
16 (b) Parking. – An electric standup scooter may be parked on a sidewalk, provided it does
17 not impede normal and reasonable pedestrian traffic.
18 (c) Equipment. – An electric standup scooter must be equipped with a brake and with
19 lamps, as required by G.S. 20-129(e).
20 (d) Speed. – An electric standup scooter may not be operated at a speed greater than 15
21 miles per hour.
22 (e) Age Restriction. – An electric standup scooter may not be operated by a person less
23 than 16 years of age.

24 **"§ 20-157.8. Local regulation.**

- 25 (a) A local authority may regulate the operation of electric standup scooters in the
26 following ways:
27 (1) Restrict the maximum speed a person may operate an electric standup scooter
28 in pedestrian zones, such as plazas and promenades.
29 (2) Assess penalties against operators of electric standup scooters for moving or
30 parking violations, which shall not exceed penalties assessed against riders of
31 bicycles for equivalent violations.
32 (b) A local authority may regulate scooter-share programs in the following ways:
33 (1) Require scooter-share operators to pay fees, provided the total amount of fees
34 collected does not exceed the reasonable cost to the local authority of
35 administering scooter-share programs.
36 (2) Require scooter-share operators to indemnify the local authority for claims,
37 demands, costs, including reasonable attorneys' fees, and losses or damages
38 arising out of any negligent act, error, omission, or willful misconduct by the
39 scooter-share operator or its officers or employees, except to the extent the
40 claims, demands, costs, losses, or damages arise out of the local authority's
41 negligence or willful misconduct.
42 (3) In the interests of safety and right-of-way management, designate locations
43 where scooter-share operators are prohibited from staging shared scooters,
44 provided at least one location is permitted on each side of each city block in
45 commercial zones and business districts.

46 **"§ 20-175.9. Additional requirements authorized; scooter-share program to provide data.**

- 47 As a condition for operating a scooter-share program, a local authority may require a
48 scooter-share operator to provide to the authority trip data for all trips starting or ending within
49 the jurisdiction of the local authority on any shared scooter of the scooter-share operator,
50 provided, to ensure individual privacy, any trip data provided to the authority shall comply with
51 all of the following:

- 1 (1) The trip data is provided via an application programming interface, subject to
2 the scooter-share operator's license agreement for the interface, that is subject
3 to a publicly published privacy policy of the local authority or its designee, as
4 applicable, disclosing what data is collected and how the data is used and
5 shared with any third parties.
- 6 (2) The trip data provided is safely and securely stored by the local authority,
7 which shall implement administrative, physical, and technical safeguards to
8 protect, secure, and, if appropriate, encrypt or limit access to the trip data.
- 9 (3) The trip data provided shall be treated as personal information and trade secret
10 and proprietary business information, shall be exempt from public disclosure
11 pursuant to any public records request, and shall not be treated as owned by
12 the local authority. The trip data shall not be shared with law enforcement,
13 except pursuant to valid legal process, and shall not be shared to third parties
14 without the scooter-share operator's consent, provided, upon a showing of
15 legitimate and necessary need, a local authority may designate a third party to
16 receive trip data under subdivision (1) of this section if the third party is in
17 privity with the local authority and maintains compliance with this
18 subdivision.

19 **"§ 20-175.10. Limitations on local regulation.**

20 In regulating shared scooters, a local authority may not impose any unduly restrictive
21 requirement on a scooter-share program, including requiring scooter-share operators to operate
22 below cost or subjecting riders of shared scooters to requirements more restrictive than those
23 applicable to riders of privately-owned electric standup scooters or bicycles."

24 **SECTION 5.** This act is effective when it becomes law and applies to offenses
25 committed on or after that date.