

# SENATE BILL REPORT

## SB 5751

---

As of February 17, 2019

**Title:** An act relating to motorized foot scooters.

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

**Sponsors:** Senators Liias, Rivers and Palumbo.

**Brief History:**

**Committee Activity:** Transportation: 2/14/19.

### Brief Summary of Bill

- Broadens the state definition of motorized foot scooter, prohibits persons under the age of sixteen from operating a motorized foot scooter, and prohibits operation at a speed of more than 15 miles per hour.
- Authorizes local governments to regulate scooter share operators, subject to certain requirements and limitations.

---

### SENATE COMMITTEE ON TRANSPORTATION

**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 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
- internal combustion engine or electric motor capable of propelling the device at a speed of not more than 20 miles per hour on level ground.

---

*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.*

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 Bill:** The definition of motorized foot scooter is broadened to include devices with a wheel diameter of 12 inches or smaller.

Persons under sixteen years of age may not operate a motorized foot scooter. Motorized foot scooters may not be operated at a speed of more than 15 miles per hour.

Local governments may regulate the operation of motorized foot scooters by restricting the maximum speed in pedestrian zones and by adopting and assessing penalties for moving and parking violations to the the person responsible for the violation. The penalty may not exceed penalties assessed to riders of bicycles.

Shared Scooter Regulation. Shared scooter means an motorized foot scooter offered for hire, bearing a unique identification visible from a distance of 5 feet and having a locking mechanism. Scooter share operator is a person offering shared scooters for hire.

Local governments may regulate shared scooter operation. The regulations may include:

- requiring scooter share operators to pay fees that do not exceed the reasonable cost to the local authority of administering the program;
- requiring scooter share operators to indemnify the local authority for claims, demands, and costs, fees, losses, or damages brought against the local authority arising out of any negligent act;
- designating areas where scooters may not be staged, except there must be at least one location permitted on each side of a city block in a commercial zone or business district; or
- requiring anonymized fleet data and ride activity data for all trips starting and ending within the local government's jurisdiction.

Local regulation may not impose unduly restrictive requirements on a scooter share operator, including operation below cost or subjecting riders of a scooter share program to more restrictive requirements than private motorized foot scooter operators.

A shared scooter operator must carry the following insurance:

- commercial general liability coverage with a limit of no less than \$1 million for each occurrence and \$5 million aggregate;
- automobile coverage with a limit of no less than \$1 million for each occurrence and \$1 million aggregate;
- umbrella or excess liability coverage with a limit of less than \$5 million for each occurrence and \$5 million aggregate; and
- where the scooter share operator employs persons, workers' compensation coverage meeting lawful standards.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**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:** PRO: E scooters are a micro mobility, first mile last mile solution. There have been a number of pilots in cities in the western United States. Particularly data out of the pilot in Portland, Oregon was very interesting. Over 30 percent of the people who used the scooter reported shifting from a car to a scooter. Sixty-three percent chose to use them because it was faster than walking. Forty percent used them to access transit. Three-hundred people reported reducing the number of vehicles they owned because the scooters were available to use. We are working with local governments to make sure the language of the bill marries with existing city regulations.

Bird is a leader in the e scooter share industry. We are in over 100 cities. We feel our scooters help to solve the last mile transit issue. This bill will help make Washington a safer and cleaner and more affordable place to live. This bill tries to provide clear guidance on regulation of the devices generally at the state level, and regulation of the scooter share industry at the local level. These are very small, lightweight, safe devices. The bill provides responsible age and speed requirements. It is a great way for cities to benefit at no cost. Uber is supportive and is interested in making sure definitions in the bill stay consistent with the rest of the nation.

CON: We have concerns with the bill, not with e scooters generally. We have had two pilots in Tacoma. We believe there are times when the state can set safety parameters, but please take care with some of the caching/parking issue. The fees that cover costs of regulation. We would like the flexibility to determine if having a bond or insurance is adequate protection. The speed needed should only be used in definition of the device, not a statewide limit. Our concerns mainly lie with the fees, parking requirements and other regulatory limitations. We are sure we can work our concerns out.

**Persons Testifying:** PRO: Senator Marko Liias, Prime Sponsor; Matthew Kopko, Bird; Brad Boswell, Uber.

CON: Randy Lewis, City of Tacoma; Logan Bahr, Association of Washington Cities.

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