

# SENATE BILL REPORT

## SB 5751

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As Reported by Senate Committee On:  
Transportation, February 28, 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, 2/28/19 [DPS, w/oRec].

**Brief Summary of First Substitute Bill**

- Modifies the definition of motorized foot scooter.
- Authorizes local governments to regulate motorized foot scooters, and scooter share operators, subject to certain requirements and limitations.

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### SENATE COMMITTEE ON TRANSPORTATION

**Majority Report:** That Substitute Senate Bill No. 5751 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland, Das, Fortunato, Nguyen, Padden, Randall, Takko and Wilson, C..

**Minority Report:** That it be referred without recommendation.

Signed by Senators Lovelett and O'Ban.

**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.

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*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.*

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.

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 (First Substitute):** 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.

A local government may regulate the operation of motorized foot scooters within its jurisdiction.

Shared Scooter Regulation. Shared scooter means an motorized foot scooter offered for hire, bearing a unique identification visible from a distance of 5 feet. 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;
- 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;
- requiring shared scooters be staged in compliance with the American with Disabilities Act, to ensure clear passage of pedestrian traffic on sidewalks; and
- adopting penalties for moving or parking violations applicable to the person responsible for the violation; however the penalty may not exceed those issued to a bicyclist.

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; and
- automobile liability coverage with a combine single limit of at least \$1 million.

**EFFECT OF CHANGES MADE BY TRANSPORTATION COMMITTEE (First Substitute):**

- Modifies the definition of motorized foot scooter to remove reference to wheel size and includes that a scooter may have three wheels.
- Removed language prohibiting individuals under the age of 16 years from operating a motorized foot scooter and setting the maximum state wide speed for motorized foot scooters.

- Removes restrictions on the manner in which local authorities are permitted to regulate the operation of motorized foot scooters within their jurisdictions, and specifically identifies several possible areas for regulation.
- Removes the requirement that a local government provide specific staging areas for shared scooter operators.
- Modifies the minimum insurance coverage levels that shared scooter operators are required to have and removes the requirement that shared scooters be equipped with a locking mechanism.

**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 on Original Bill:** *The committee recommended a different version of the bill than what was heard.* 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.