

HOUSE No. 3040

The Commonwealth of Massachusetts

PRESENTED BY:

Jonathan Hecht

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to electric kick scooters.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>
<i>Dylan A. Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Bud L. Williams</i>	<i>11th Hampden</i>

HOUSE No. 3040

By Mr. Hecht of Watertown, a petition (accompanied by bill, House, No. 3040) of Jonathan Hecht and others relative to electric kick scooters. Transportation.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to electric kick scooters.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 1 of Chapter 90 of the General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by adding the following definition: -

3 “Electric kick scooter”, any device with two or three wheels that has a floorboard
4 designed to be stood upon when riding, has handlebars, and is powered exclusively by an electric
5 motor capable of propelling the device, with or without human propulsion, at a maximum speed
6 of 20 miles per hour on a paved, level surface. The definition of "electric kick scooter" shall not
7 include a motorcycle, motorized bicycle, motorized scooter or a 3 wheeled motorized
8 wheelchair.

9 SECTION 2. Section 1 of Chapter 90 of the General Laws, as appearing in the 2016
10 Official Edition, is hereby amended by inserting, in line 271, after the word “wheelchair” the
11 following words:- or an electric kick scooter.

12 SECTION 3. Chapter 90 of the General Laws, is hereby amended by inserting after
13 Section II the following chapter:-

14 Section IJ. An electric kick scooter shall not be operated on any way at a speed in
15 excess of 20 miles per hour. A person operating an electric kick scooter shall have the right to
16 use all public ways in the commonwealth except limited access or express state highways where
17 signs specifically prohibiting electric kick scooters or bicycles have been posted, provided that
18 an electric kick scooter operator shall keep in a bicycle lane when a bicycle lane is present, shall
19 keep to the right side of the road at all times when no bicycle lane is present, including when
20 passing a motor vehicle which is moving in the travel lane of the way, and shall be subject to all
21 traffic laws and regulations of the commonwealth. An electric kick scooter operator is not in
22 violation of this section when preparing to execute a left turn or when reasonably necessary to
23 avoid hazardous conditions, including, but not limited to, fixed or moving objects, parked or
24 moving vehicles, pedestrians, animals, surface hazards or other conditions that make continued
25 operation along its path unsafe.

26 An electric kick scooter shall be equipped with an operational rear brake light and
27 front head lamp.

28 Unless expressly prohibited by the municipality, local authority or state agency having
29 jurisdiction over a shared-use or bicycle path, electric kick scooters may be operated where
30 bicycles are permitted to travel.

31 An electric kick scooter operator shall not park or place an electric kick scooter upon a
32 way or a sidewalk in such a manner as to obstruct vehicular or pedestrian traffic.

33 Any person 16 years of age or younger operating an electric kick scooter on a public way,
34 bicycle path, shared-use path or any other public right-of-way shall wear a helmet. Said helmet
35 shall fit the person's head, shall be secured to the person's head by straps while the electric kick
36 scooter is being operated, and shall meet the standards for helmets established by the United
37 States Consumer Product Safety Commission.

38 SECTION 4. The Secretary of the Massachusetts Department of Transportation may
39 promulgate additional regulations for the operation of electric kick scooters on public ways. The
40 Secretary shall submit any such proposed regulations to the Clerks of the House and Senate and
41 to the Joint Committee on Transportation at least 30 days prior to their effective date.

42 SECTION 5. Any licensees of shared electric kick scooters within the Commonwealth
43 must provide to the local authorities with which they have a license to operate anonymized fleet
44 and ride activity data for all trips starting or ending within the jurisdiction of the local authority
45 on any vehicle provided by licensee or any company controlled by, controlling, or under
46 common control with licensee, provided that:

47 (i) such data is provided via an application programming interface complying with the
48 format requirements of the Mobility Data Specification and subject to licensees' license
49 agreement for such interface;

50 (ii) any such data provided shall be treated as trade secret and proprietary business
51 information, shall not be shared to third parties without the licensee's consent, and shall not be
52 treated as owned by the local authority; provided however, that such data shall be made available
53 to the Massachusetts Department of Transportation solely for the purposes of analysis, planning
54 and formulation of recommendations on the use of electric kick scooters in the Commonwealth.