

HOUSE No. 3410

The Commonwealth of Massachusetts

PRESENTED BY:

Angelo J. Puppolo, Jr.

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 foot scooter operating requirements.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>1/17/2023</i>
<i>Bud L. Williams</i>	<i>11th Hampden</i>	<i>1/25/2023</i>

HOUSE No. 3410

By Representative Puppolo of Springfield, a petition (accompanied by bill, House, No. 3410) of Angelo J. Puppolo, Jr. and Bud L. Williams relative to electric foot scooter operating requirements. Transportation.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

An Act relative to electric foot scooter operating requirements.

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 General Edition, is hereby amended by adding the following definitions:

3 “Electric foot scooter”, any device weighing less than 100 pounds, with two or three
4 wheels, handlebars and a floorboard that can be stood upon while riding, which is solely
5 powered by an electric motor and/or human power, and whose maximum speed, with or without
6 human propulsion on a paved level surface, is no more than twenty miles per hour. An electric
7 foot scooter is not a motorized scooter.

8 “Shared mobility device,” an electric foot scooter, a motorized scooter, or other similar
9 personal transportation device, that is made available to the public by a shared mobility service
10 provider for shared use and transportation in exchange for financial compensation via a digital
11 application or other electronic or digital platform.

12 “Shared mobility device provider,” a company or other entity that makes shared mobility
13 devices available for shared use and transportation in exchange for financial compensation via a
14 digital application or other electronic or digital platform.

15 SECTION 2. Section 1 of Chapter 90 of the General Laws, as appearing in the 2016
16 General Edition, is hereby amended as follows:

17 In line 6 of the definition of “motorized scooter”, adding the words “or an electric foot
18 scooter”.

19 "Motorized scooter", any 2 wheeled tandem or 3 wheeled device that has handlebars,
20 designed to be stood or sat upon by the operator, powered by an electric or gas powered motor
21 that is capable of propelling the device with or without human propulsion. The definition of
22 "motorized scooter" shall not include a motorcycle or motorized bicycle or a 3 wheeled
23 motorized wheelchair or an electric foot scooter.

24 In line 14 of the definition of “motor vehicles”, adding the words “or electric foot
25 scooters” following “bicycles”.

26 "Motor vehicles", all vehicles constructed and designed for propulsion by power other
27 than muscular power including such vehicles when pulled or towed by another motor vehicle,
28 except railroad and railway cars, vehicles operated by the system known as trolley motor or
29 trackless trolley under chapter one hundred and sixty-three or section ten of chapter five hundred
30 and forty-four of the acts of nineteen hundred and forty-seven, vehicles running only upon rails
31 or tracks, vehicles used for other purposes than the transportation of property and incapable of
32 being driven at a speed exceeding twelve miles per hour and which are used exclusively for the
33 building, repair and maintenance of highways or designed especially for use elsewhere than on

34 the travelled part of ways, wheelchairs owned and operated by invalids and vehicles which are
35 operated or guided by a person on foot; provided, however, that the exception for trackless
36 trolleys provided herein shall not apply to sections seventeen, twenty-one, twenty-four, twenty-
37 four I, twenty-five and twenty-six. The definition of "Motor vehicles" shall not include
38 motorized bicycles or electric foot scooters. In doubtful cases, the registrar may determine
39 whether or not any particular vehicle is a motor vehicle as herein defined. If he determines that it
40 should be so classified, he may require that it be registered under this chapter, but such
41 determination shall not be admissible as evidence in any action at law arising out of the use or
42 operation of such vehicle previous to such determination.

43 SECTION 3. Chapter 90 of the General Laws, is hereby amended by inserting after
44 Section 1I the following section:-

45 Section 1J. An electric foot scooter shall not be operated upon any way, as defined in
46 section one within the commonwealth, at a speed in excess of twenty miles per hour.

47 An electric foot scooter may be operated where bicycles are permitted to travel, and a
48 person operating an electric foot scooter shall have the right to use all public ways in the
49 commonwealth except limited access or express state highways where signs specifically
50 prohibiting electric foot scooters or bicycles have been posted. An electric foot scooter may be
51 parked on a sidewalk in a manner not impeding the normal flow of pedestrian traffic.

52 An electric foot scooter operator shall be subject to all traffic laws and regulations of the
53 commonwealth, provided that 1) an electric foot scooter operator shall keep to the right side of
54 the road, including when passing a motor vehicle which is moving in the travel lane of the way,
55 unless the electric foot scooter operator is preparing to execute a left turn or when reasonably

56 necessary to avoid hazardous conditions; 2) an electric foot scooter operator shall yield to
57 pedestrian traffic at all times.

58 An electric foot scooter shall be equipped with a brake, and, when in use at nighttime,
59 with lights visible from the front and the rear.

60 Every person under age sixteen operating an electric foot scooter shall wear protective
61 headgear conforming with such minimum standards of construction and performance as the
62 registrar may prescribe.

63 No person operating an electric foot scooter shall permit any other person to ride as a
64 passenger on the electric foot scooter.

65 A person convicted of a violation of this section shall be punished by a fine of not more
66 than twenty-five dollars for the first offense, not less than twenty-five nor more than fifty dollars
67 for a second offense, and not less than fifty nor more than one hundred dollars for subsequent
68 offenses committed.

69 Shared mobility device insurance requirements:

70 (A) The shared mobility service provider must maintain commercial general liability
71 insurance coverage with limits not to exceed one million dollars (\$1,000,000) for each
72 occurrence for bodily injury or property damage caused by the shared mobility device, including
73 contractual liability, personal injury, and product liability and completed operations, and not less
74 than two million dollars (\$2,000,000) aggregate for all occurrences caused by the shared
75 mobility device during the policy period. The insurance shall not exclude coverage for injuries or
76 damages caused by the shared mobility service provider to the shared mobility device user.

77 (B) The shared mobility service provider must offer, or make available to the shared
78 mobility device operator to obtain, insurance coverage for personal bodily injury or death
79 suffered by a pedestrian when the injury or death involves, in whole or in part, the negligent
80 conduct of the shared mobility device user, of an amount not to exceed ten thousand dollars
81 (\$10,000) for each occurrence of personal bodily injury to, or death of, one pedestrian in any one
82 accident. A shared mobility service provider shall not allow an operator to ride a shared mobility
83 device without the coverage described in this subsection.

84 A shared mobility service provider may partner with an insurer to provide an option to its
85 users via its digital application or other electronic platform where the user may purchase
86 insurance coverage for bodily injury or death suffered by a pedestrian when the injury or death
87 involves, in whole or in part, the negligent conduct of the user of a shared mobility device, of at
88 least ten thousand dollars (\$10,000) for each occurrence of bodily injury to, or death of, one
89 pedestrian in any one accident. The shared mobility service provider may fund the cost of
90 providing this coverage itself and pass the cost on in its standard fee to users, or through a
91 separate charge to users.

92 Nothing in this section shall prohibit a provider from requiring a user to enter into an
93 indemnity contract whereby the user will indemnify the provider for the user's proportionate
94 share of liability. The indemnity contract shall not require the user to defend or indemnify the
95 provider for the provider's negligence or willful misconduct. This section shall not be waived or
96 modified by contractual agreement, act, or omission of the parties.

97 SECTION 4. Said chapter 90 is hereby further amended by inserting after section 1J the
98 following section:-

99 Section 1K. Within 90 days after this Act is effective, the department shall issue
100 recommendations regarding best practices for the safe operation of electric foot scooters. The
101 recommendations and best practices may: (1) establish vehicle specifications and speed limits;
102 (2) establish age restrictions; (3) establish guidelines or restrictions on the operation of electric
103 foot scooters on sidewalks; (4) address data sharing and protection requirements for persons or
104 entities offering electric foot scooters for hire and local authorities; (6) address fines to be
105 assessed for violations upon electric foot scooters; and (7) address any other matters related to
106 safe operation of electric foot scooters.