

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

HOUSE BILL 1619

5 By: Representatives G. Hodges, Pilkington
6 By: Senator B. Davis
7

For An Act To Be Entitled

9 AN ACT TO CREATE THE ELECTRIC MOTORIZED SCOOTER ACT;
10 AND FOR OTHER PURPOSES.
11

Subtitle

12
13 TO CREATE THE ELECTRIC MOTORIZED SCOOTER
14 ACT.
15
16
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

20 SECTION 1. Arkansas Code Title 27, Chapter 51, is amended to add an
21 additional subchapter to read as follows:
22

Subchapter 18 – Electric Motorized Scooter Act

27-51-1801. Title.

25 This subchapter shall be known and may be cited as the “Electric
26 Motorized Scooter Act”
27

27-51-1802. Definitions.

28 As used in the subchapter:

29 (1)(A) "Electric motorized scooter" means a device that:

30 (i) Weighs less than one hundred pounds (100 lbs);

31 (ii) Has two (2) or three (3) wheels;

32 (iii) Has a handlebar;

33 (iv) Is equipped with a floorboard that can be used

34 to stand on while riding the electric motorized scooter;
35
36



1 (v) Is powered by an electric motor; and
 2 (vi) Has a maximum speed of fifteen miles per hour
 3 (15 m.p.h.) with or without human propulsion on a paved level surface.

4 (B) "Electric motorized scooter" does not include:

5 (i) A motorcycle, a motor-driven cycle, or a
 6 motorized bicycle under § 27-20-101; or

7 (ii) An electric bicycle under § 27-51-1702;

8 (2) "Scooter-share operator" means a person or company offering
 9 a shared scooter for hire; and

10 (3) "Scooter-share program" means a service in which a shared
 11 scooter is made available to use for hire; and

12 (4) "Shared scooter" means an electric motorized scooter offered
 13 for hire.

14
 15 27-51-1803. Rules for bicycles electric motorized scooters.

16 For the purposes of this subchapter:

17 (1) The operator of an electric motorized scooter has all the
 18 rights, privileges, and responsibilities as those of an operator of a
 19 bicycle;

20 (2) An electric motorized scooter is not a motor vehicle; and

21 (3) An operator of an electric motorized scooter is not subject
 22 to the provisions of this title related to licensing, registration,
 23 operator's licenses, or certificates of title.

24
 25 27-51-1804. Operation of an electric motorized scooter.

26 (a) An electric motorized scooter shall not be operated:

27 (1) By a person under sixteen (16) years of age; or

28 (2) At a speed greater than fifteen miles per hour (15 m.p.h.).

29 (b) An electric motorized scooter may be operated on a:

30 (1) Bicycle path or multi-use path where bicycles are permitted;

31 and

32 (2) Public street or highway inside the city limits of a
 33 municipality or incorporated town.

34 (c) The operator of an electric motorized scooter is not required to
 35 wear a safety helmet.

36

27-51-1805. Shared scooter – Insurance required.

(a)(1) A shared scooter shall bear a single unique alphanumeric identification number.

(2) The alphanumeric identification number shall be:

(A) Visible from a distance of five feet (5') and not be covered by a branding or other marking; and

(B) Used throughout the state, including by a local authority, to identify the shared scooter.

(b) A scooter-share operator shall carry the following insurance coverage dedicated exclusively for operation of a shared scooter:

(1) Commercial general liability insurance coverage with a limit of no less than one million dollars (\$1,000,000) for each occurrence and five million dollars (\$5,000,000) aggregate;

(2) 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; and

(3) Workers' compensation coverage as required by law, if the scooter-share operator hires an employee.

27-51-1806. Local authority regulation of electric motorized scooters.

(a) A local authority may regulate the operation of electric motorized scooters within its jurisdiction by:

(1) Restricting the maximum speed a person may operate an electric motorized scooter in a pedestrian zone, including without limitation in a:

(A) Plaza; or

(B) Promenade; and

(2) Assessing a penalty for a moving or parking violation involving an electric motorized scooter to the person responsible for the violation.

(b) A local authority may regulate the operation of shared scooters within its jurisdiction by:

(1) Requiring a scooter-share operator to pay fees to provide a shared scooter for hire;

(2) Requiring a scooter-share operator to indemnify the local authority for claims, demands, costs, attorney's fees, losses, or damages

1 brought against the local authority, and arising out of any negligent act,
2 error, omission, or willful misconduct by the scooter-share operator or its
3 officers or employees, except to the extent the claims, demands, costs,
4 losses, or damages arise out of the local authority's negligence;

5 (3) Designating locations where a scooter-share operator may not
6 provide a shared scooter, provided that at least one (1) location is
7 permitted on each side of each city block in commercial zones and business
8 districts; and

9 (4) Assessing penalties for a moving or parking violation
10 involving a shared scooter to the person responsible for the violation.

11 (c) A local authority may require a scooter-share operator to provide
12 the local authority anonymized fleet and ride activity data for all trips
13 starting or ending within the jurisdiction of the local authority and all
14 ride activity resulting in an accident report provided that, to ensure
15 individual privacy, the anonymized fleet and ride activity data is:

16 (1) Provided to a local authority through an application
17 programming interface, subject to the scooter-share operator's license
18 agreement for the interface, in compliance with a national data format
19 standard such as the mobility data specification;

20 (2) Treated as trade secret and proprietary business
21 information; and

22 (3)(A) Considered personally identifiable information.

23 (B) The anonymized fleet and ride activity data shall not
24 be disclosed pursuant to public records requests received by the local
25 authority without prior aggregation or anonymization to protect individual
26 privacy.

27 (d) In regulating a shared scooter or a scooter-share program, a local
28 authority may not impose an unduly restrictive requirement on a scooter-share
29 operator, including without limitation requiring:

30 (1) That a scooter-share operator operate a scooter-share
31 program below cost; or

32 (2) More restrictive requirements for the operation of a shared
33 scooter than the operation requirements applicable to a rider of a privately
34 owned electric motorized scooter or bicycle.

35
36