

File No. 180392

Committee Item No. _____

Board Item No. 45

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____

Date: _____

Board of Supervisors Meeting

Date: 4/24/18

Cmte Board

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OTHER

- California State Assembly Bill 2989 April 17, 2018
- _____
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Prepared by: Jocelyn Wong

Date: 4/19/18

Prepared by: _____

Date: _____

1 [Opposing California State Assembly Bill 2989 (Flora) - Standup Electric Scooters]

2 **Resolution opposing California State Assembly Bill 2989, authored by Assembly**
3 **Member Heath Flora, which would increase the speed limit, triple the wattage, repeal**
4 **the helmet requirement, and permit use of standup electric scooters on sidewalks.**

5
6 WHEREAS, On February 16, 2018, California State Assembly Member Heath Flora (R-
7 12) introduced Assembly Bill 1989 ("AB-2989") which would, if passed, deregulate standup
8 electric scooters to triple the permitted wattage from 250 to 750 watts, to increase their speed
9 from 15 to 20 miles per hour, and to repeal the helmet requirement for non-minors; and

10
11 WHEREAS, AB-2989 would also allow standup electric scooters to be operated on
12 sidewalks, shifting the burden to local authorities to adopt rules and regulations prohibiting or
13 restricting persons from riding or propelling a standup electric scooter on sidewalks or other
14 public rights of way; and

15
16 WHEREAS, These proposed amendments to the California Vehicle Code are being
17 proposed at the same time as multiple proprietors of standup electric scooters are deploying
18 their products in major urban areas across the state of California; and

19
20 WHEREAS, Since the arrival of standup electric scooters in San Diego in February
21 2018, police have indicated that they are cracking down on user behavior deemed illegal by
22 the California Vehicle Code, including rampant use on sidewalks and without helmets; and

23
24 WHEREAS, In Santa Monica, the launch of standup electric scooters in defiance of
25 local ordinance caused prosecutors in the Santa Monica City Attorney's Office to file a
26 criminal complaint against one of those proprietors seeking administrative citation fines
27 totaling over six million dollars; and

1 WHEREAS, Anticipating the potentially imminent launch of standup electric scooters in
2 San Francisco, the Board of Supervisors in early March initiated legislation to create a permit
3 requirement for any standup electric scooter company seeking to deploy its product in public
4 rights of way; and

5 WHEREAS, In spite of the introduction of that legislation, standup electric scooter
6 proprietors nevertheless launched their product in San Francisco the following week; and

7 WHEREAS, While San Francisco policymakers pursue common sense regulation of
8 standup electronic scooters to enhance the public benefit of this new shared mobility
9 technology and to reduce potential harm to the public, state legislators seek to eliminate
10 elements of the Vehicle Code that exist to protect the health and safety of members of the
11 public including users of standup electric scooters; and

12 WHEREAS, Private shared mobility services may certainly provide a benefit to the
13 public to the extent they fill gaps in our public transportation network and provide incentive for
14 users to minimize or discontinue automobile usage, thereby reducing greenhouse gas
15 emissions; now, therefore be it

16 RESOLVED, That the Board of Supervisors of the City and County of San Francisco
17 finds that AB-2989 directly contradicts San Francisco's current efforts to responsibly regulate
18 standup electric scooters in order to enhance public benefit while mitigating risk of harm to the
19 public realm; and, be it

20 FURTHER RESOLVED, That the Board of Supervisors of the City and County of San
21 Francisco opposes AB-2989 for the reasons stated herein; and, be it

22 FURTHER RESOLVED, That the Board of Supervisors of the City and County of San
23 Francisco directs the Clerk of the Board to transmit copies of this Resolution to the State
24 Legislature and the City Lobbyist upon passage.
25

Introduction Form

By a Member of the Board of Supervisors or Mayor

RECEIVED
4/17/2018 @ 5:11pm
a
Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor [] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Peskin

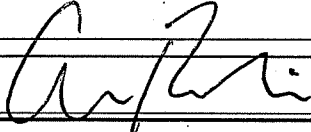
Subject:

[Opposing California State Assembly Bill 2989 (Flora) – Standup Electric Scooters]

The text is listed:

Resolution opposing California State Assembly Bill 2989, authored by Assembly Member Heath Flora (R-12), which would increase the speed limit, triple the wattage, repeal the helmet requirement, and permit use of standup electric scooters on sidewalks.

Signature of Sponsoring Supervisor:



For Clerk's Use Only

AMENDED IN ASSEMBLY APRIL 17, 2018

AMENDED IN ASSEMBLY APRIL 3, 2018

AMENDED IN ASSEMBLY MARCH 22, 2018

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 2989

**Introduced by Assembly Member Flora
(Coauthor: Assembly Member Chen)**

February 16, 2018

An act to amend Sections 407.5, 21203, 21209, 21210, and 21212 of, ~~and~~ to add Section 543.7 to, *and to add Article 5.3 (commencing with Section 21240) to Chapter 1 of Division 11 of*, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2989, as amended, Flora. Standup electric scooters.

Existing law generally prescribes the operation of a motorized scooter, as defined, and requires a driver's license or permit to operate a motorized scooter. A violation of prescriptions or prohibitions regarding motorized scooters is a crime.

Under existing law, it is a crime for a person riding, among other things, a bicycle to attach the bicycle or the person to a vehicle on the roadway. Under existing law, it is a crime to leave a bicycle on a sidewalk so that there is not an adequate path for pedestrians. Existing law requires a minor operating, among other things, a bicycle or a nonmotorized scooter to wear a helmet, as prescribed, and failure to do so is a crime.

This bill would define a "standup electric scooter" as a 2-wheeled device that has handlebars and a floorboard that is designed to be stood

upon while riding, is powered by an electric motor of less than 750 watts, and does not exceed a speed of 20 miles per hour. The bill would except a standup electric scooter from the definition of a motorized scooter. The bill would, among other provisions, require the minor operator of a standup electric scooter to wear a bicycle helmet while operating the standup electric scooter. The bill would expand the bicycle-related offenses described above to include a standup electric scooter. *The bill would require a standup electric scooter to be equipped with specified safety equipment, and would proscribe operation of a standup electric scooter under certain circumstances, including operation with any passengers in addition to the operator.* By expanding the scope of existing crimes, *and imposing additional conditions on the operation of a standup electric scooter, the violation of which would be an offense,* this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 407.5 of the Vehicle Code is amended
2 to read:

3 407.5. (a) A "motorized scooter" is any two-wheeled device
4 that has handlebars, has a floorboard that is designed to be stood
5 upon when riding, and is powered by an electric motor. This device
6 may also have a driver seat that does not interfere with the ability
7 of the rider to stand and ride and may also be designed to be
8 powered by human propulsion. For purposes of this section, a
9 motorcycle, as defined in Section 400, a motor-driven cycle, as
10 defined in Section 405, a motorized bicycle or moped, as defined
11 in Section 406, or a standup electric scooter, as defined in Section
12 543.7, is not a motorized scooter.

13 (b) A device meeting the definition in subdivision (a) that is
14 powered by a source other than electrical power is also a motorized
15 scooter.

1 (c) (1) A manufacturer of motorized scooters shall provide a
2 disclosure to buyers that advises buyers that the buyers' existing
3 insurance policies may not provide coverage for these scooters
4 and that the buyers should contact their insurance company or
5 insurance agent to determine if coverage is provided.

6 (2) The disclosure required under paragraph (1) shall meet both
7 of the following requirements:

8 (A) The disclosure shall be printed in not less than 14-point
9 boldface type on a single sheet of paper that contains no
10 information other than the disclosure.

11 (B) The disclosure shall include the following language in
12 capital letters:

13 "YOUR INSURANCE POLICIES MAY NOT PROVIDE
14 COVERAGE FOR ACCIDENTS INVOLVING THE USE OF
15 THIS SCOOTER. TO DETERMINE IF COVERAGE IS
16 PROVIDED, YOU SHOULD CONTACT YOUR INSURANCE
17 COMPANY OR AGENT."

18 (d) (1) A manufacturer of motorized scooters shall provide a
19 disclosure to a buyer that advises the buyer that the buyer may not
20 modify or alter the exhaust system to cause that system to amplify
21 or create an excessive noise, or to fail to meet applicable emission
22 requirements.

23 (2) The disclosure required under paragraph (1) shall meet both
24 of the following requirements:

25 (A) The disclosure shall be printed in not less than 14-point
26 boldface type on a single sheet of paper that contains no
27 information other than the disclosure.

28 (B) The disclosure shall include the following language in
29 capital letters:

30
31 "YOU MAY NOT MODIFY OR ALTER THE EXHAUST
32 SYSTEM OF THIS SCOOTER TO CAUSE IT TO AMPLIFY
33 OR CREATE EXCESSIVE NOISE PER VEHICLE CODE
34 SECTION 21226, OR TO FAIL TO MEET APPLICABLE
35 EMISSION REQUIREMENTS PER VEHICLE CODE 27156."
36

37 SEC. 2. Section 543.7 is added to the Vehicle Code, to read:

38 543.7. (a) A "standup electric scooter" is a two-wheeled device
39 that has handlebars and a floorboard that is designed to be stood

1 upon while riding, is powered by an electric motor of less than
2 750 watts, and does not exceed a speed of 20 miles per hour. A
3 standup electric scooter may also allow human propulsion.

4 (b) Except as provided in subdivision (c), a standup electric
5 scooter may be operated on sidewalks and may be parked in the
6 same manner and at the same locations as a bicycle may be parked.

7 (c) A local authority may adopt rules and regulations by
8 ordinance or resolution prohibiting or restricting persons from
9 riding or propelling a standup electric scooter on highways,
10 sidewalks, or roadways.

11 SEC. 3. Section 21203 of the Vehicle Code is amended to read:

12 21203. A person riding upon any motorcycle, motorized
13 bicycle, bicycle, coaster, standup electric scooter, roller skates,
14 sled, or toy vehicle shall not attach the same or himself or herself
15 to any streetcar or vehicle on the roadway.

16 SEC. 4. Section 21209 of the Vehicle Code is amended to read:

17 21209. (a) A person shall not drive a motor vehicle in a bicycle
18 lane established on a roadway pursuant to Section 21207 except
19 as follows:

20 (1) To park where parking is permitted.

21 (2) To enter or leave the roadway.

22 (3) To prepare for a turn within a distance of 200 feet from the
23 intersection.

24 (b) This section does not prohibit the use of a motorized bicycle
25 or a standup electric scooter in a bicycle lane, pursuant to Section
26 21207.5, at a speed no greater than is reasonable or prudent, having
27 due regard for visibility, traffic conditions, and the condition of
28 the roadway surface of the bicycle lane, and in a manner which
29 does not endanger the safety of bicyclists.

30 SEC. 5. Section 21210 of the Vehicle Code is amended to read:

31 21210. A person shall not leave a bicycle or a standup electric
32 scooter lying on its side on any sidewalk, or park a bicycle or a
33 standup electric scooter on a sidewalk in any other position, so
34 that there is not an adequate path for pedestrian traffic. Local
35 authorities may, by ordinance or resolution, prohibit bicycle or
36 standup electric scooter parking in designated areas of the public
37 highway, provided that appropriate signs are erected.

38 SEC. 6. Section 21212 of the Vehicle Code is amended to read:

39 21212. (a) A person under 18 years of age shall not operate a
40 bicycle, a nonmotorized scooter, a skateboard, or a standup electric

1 scooter, nor shall he or she wear in-line or roller skates, nor ride
2 upon a bicycle, a nonmotorized scooter, a skateboard, or a standup
3 electric scooter as a passenger, upon a street, bikeway, as defined
4 in Section 890.4 of the Streets and Highways Code, or any other
5 public bicycle path or trail unless that person is wearing a properly
6 fitted and fastened bicycle helmet that meets the standards of either
7 the American Society for Testing and Materials (ASTM) or the
8 United States Consumer Product Safety Commission (CPSC), or
9 standards subsequently established by those entities. This
10 requirement also applies to a person who rides upon a bicycle
11 while in a restraining seat that is attached to the bicycle or in a
12 trailer towed by the bicycle.

13 (b) Any helmet sold or offered for sale for use by operators and
14 passengers of bicycles, nonmotorized scooters, skateboards,
15 standup electric scooters, or in-line or roller skates shall be
16 conspicuously labeled in accordance with the standard described
17 in subdivision (a), which shall constitute the manufacturer's
18 certification that the helmet conforms to the applicable safety
19 standards.

20 (c) A person shall not sell, or offer for sale, for use by an
21 operator or passenger of a bicycle, nonmotorized scooter,
22 skateboard, standup electric scooter, or in-line or roller skates any
23 safety helmet that is not of a type meeting requirements established
24 by this section.

25 (d) Any charge under this subdivision shall be dismissed when
26 the person charged alleges in court, under oath, that the charge
27 against the person is the first charge against that person under this
28 subdivision, unless it is otherwise established in court that the
29 charge is not the first charge against the person.

30 (e) Except as provided in subdivision (d), a violation of this
31 section is an infraction punishable by a fine of not more than
32 twenty-five dollars (\$25).

33 The parent or legal guardian having control or custody of an
34 unemancipated minor whose conduct violates this section shall be
35 jointly and severally liable with the minor for the amount of the
36 fine imposed pursuant to this subdivision.

37 (f) Notwithstanding Section 1463 of the Penal Code or any other
38 provision of law, the fines collected for a violation of this section
39 shall be allocated as follows:

1 (1) Seventy-two and one-half percent of the amount collected
2 shall be deposited in a special account of the county health
3 department, to be used for bicycle, nonmotorized scooter,
4 skateboard, and in-line and roller skate safety education and for
5 assisting low-income families in obtaining approved bicycle
6 helmets for children under the age of 18 years, either on a loan or
7 purchase basis. The county may contract for the implementation
8 of this program, which, to the extent practicable, shall be operated
9 in conjunction with the child passenger restraint program pursuant
10 to Section 27360.

11 (2) Two and one-half percent of the amount collected shall be
12 deposited in the county treasury to be used by the county to
13 administer the program described in paragraph (1).

14 (3) If the violation occurred within a city, 25 percent of the
15 amount collected shall be transferred to and deposited in the
16 treasury of that city. If the violation occurred in an unincorporated
17 area, this 25 percent shall be deposited and used pursuant to
18 paragraph (1).

19 *SEC. 7. Article 5.3 (commencing with Section 21240) is added*
20 *to Chapter 1 of Division 11 of the Vehicle Code, to read:*

21

22 *Article 5.3. Operation of Standup Electric Scooters*

23

24 *21240. (a) A standup electric scooter operated upon a highway*
25 *during darkness shall be equipped with the following:*

26 *(1) Except as provided in subdivision (b), a lamp emitting a*
27 *white light that, while the standup electric scooter is in motion,*
28 *illuminates the highway in front of the operator and is visible from*
29 *a distance of 300 feet in front and from the sides of the standup*
30 *electric scooter.*

31 *(2) Except as provided in subdivision (c), a red reflector on the*
32 *rear that is visible from a distance of 500 feet to the rear when*
33 *directly in front of lawful upper beams of headlamps on a motor*
34 *vehicle.*

35 *(3) A white or yellow reflector on each side visible from the*
36 *front and rear of the standup electric scooter from a distance of*
37 *200 feet.*

38 *(b) A lamp or lamp combination, emitting a white light, attached*
39 *to the operator and visible from a distance of 300 feet in front and*

1 *from the sides of the standup electric scooter, may be used in lieu*
2 *of the lamp required by paragraph (1) of subdivision (a).*

3 *(c) A red reflector, or reflectorized material meeting the*
4 *requirements of Section 25500, attached to the operator and visible*
5 *from a distance of 500 feet to the rear when directly in front of*
6 *lawful upper beams of headlamps on a motor vehicle, may be used*
7 *in lieu of the reflector required by paragraph (2) of subdivision*
8 *(a).*

9 *21241. The operator of a standup electric scooter shall not do*
10 *any of the following:*

11 *(a) Operate a standup electric scooter unless it is equipped with*
12 *a brake that will enable the operator to make a braked wheel skid*
13 *on dry, level, clean pavement.*

14 *(b) Operate a standup electric scooter with a passenger in*
15 *addition to the operator.*

16 *(c) Operate a standup electric scooter carrying a package,*
17 *bundle, or article that prevents the operator from keeping at least*
18 *one hand upon the handlebars.*

19 *(d) Operate a standup electric scooter on the highway with the*
20 *handlebars raised so that the operator must elevate his or her*
21 *hands above the level of his or her shoulders in order to grasp the*
22 *normal steering grip area.*

23 ~~SEC. 7.~~

24 *SEC. 8. No reimbursement is required by this act pursuant to*
25 *Section 6 of Article XIII B of the California Constitution because*
26 *the only costs that may be incurred by a local agency or school*
27 *district will be incurred because this act creates a new crime or*
28 *infraction, eliminates a crime or infraction, or changes the penalty*
29 *for a crime or infraction, within the meaning of Section 17556 of*
30 *the Government Code, or changes the definition of a crime within*
31 *the meaning of Section 6 of Article XIII B of the California*
32 *Constitution.*

