

HOUSE No. 3278

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act regulating the use of SEGWAY transporters..

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 2000
2 Official Edition, is hereby amended by adding the following new definition:—

3 “Electric Personal Assistive Mobility Device” or “EPAMD” means a self-balancing, two
4 non-tandem wheeled device, designed to transport only one person, with an electric propulsion
5 system whose maximum speed on a paved level surface is 12.5 miles per hour or less.”

6 The definition of “Motor Vehicles” in Section 1 of said Chapter 90, as so appearing, is
7 further amended by inserting in line 162 after the word “bicycles” the following words: “or
8 Electric Personal Assistive Mobility Device” or “EPAMD”.

9 SECTION 2. Said Chapter 90 is hereby further amended by inserting after Section 1D the
10 following section:—Section 1E. “Nothing in this chapter or in the Massachusetts General Laws
11 shall be construed to limit the operation of an EPAMD on all public ways in the Commonwealth
12 including sidewalks, bikeways, bike lanes, bike routes, bike paths, and roadways where the

13 posted speed limit does not exceed 35mph in the commonwealth except in the following
14 manner:An EPAMD shall not be operated on limited access and express state highways

15 An EPAMD operated on a sidewalk within a business district shall not exceed the speed
16 of 5mph; an operator of an EPAMD wishing to travel at a speed higher in such an area must
17 travel in a designated bike lane path, way or route as defined in MGL Ch. 90E § 1; or if one is
18 not available, in a roadway where the posted speed limit does not exceed 35mph in a manner not
19 to endanger themselves or obstruct vehicle traffic.

20 An EPAMD operated in a roadway of the Commonwealth shall be subject to the traffic
21 laws and regulations of the Commonwealth except that: (1) an EPAMD operator must keep to
22 the right when passing a motor vehicle which is moving in the travel lane of the way, (2) the
23 EPAMD operator shall signal by either hand his intention to stop or turn

24 An EPAMD operator shall ride single file on any way except when passing and must give
25 an audible signal.

26 No person shall operate an EPAMD on a sidewalk at a speed which is greater than is
27 reasonable or prudent having due regard for weather, visibility, and pedestrians or which
28 endangers the safety of persons or property.

29 A person operating an EPAMD on a sidewalk shall yield the right-of-way to all foot
30 pedestrians including persons with disabilities using assistive devices or service animals.

31 No person under the age of 16 shall operate an EPAMD

32 No person shall operate an EPAMD with a footprint greater than 20 inches deep and 25
33 inches wide on a sidewalk nor shall any person operate an EPAMD in the Commonwealth that
34 has been altered beyond the manufacturers specification.

35 An EPAMD may be operated at night provided the device or its operator is equipped
36 with or wearing a lamp pointing to the front that emits a white light visible from a distance of not
37 less than three hundred (300) feet and front, rear and side reflectors.

38 A person may not operate an EPAMD while carrying any package, bundle, or other
39 article that prevents the person from keeping both hands on the handlebars and interferes with
40 their ability to safely operate the EPAMD; only one person shall operate an EPAMD at a time.

41 A person may not park his EPAMD upon a way or sidewalk in such a manner as not to
42 obstruct vehicular or pedestrian traffic.

43 The operator of an EPAMD shall report any accident involving either personal injury or
44 property damage in excess of one hundred dollars, or both, to the police department in the city or
45 town in which the accident occurred. Failure to obey subsections (a) thru (l) shall result in a shall
46 be punished by a fine of not more than \$25 for the first violation, not less than \$25 nor more than
47 \$50 for a second violation and not less than \$50 nor more than \$100 and impoundment for up to
48 30 days for a third or subsequent violation. Any and all fees for the storage, processing and
49 release of the impounded EPAMD shall be assessed against the operator of the EPAMD. Such
50 fees must be paid in full by the operator of the EPAMD prior to release of the impounded
51 EPAMD.

52 No person shall distribute or sell an electric personal assistive mobility device unless the
53 device is accompanied by a written statement that is substantially equivalent to the following:

54 “WARNING: TO REDUCE THE RISK OF SERIOUS INJURY, USE ONLY WHILE
55 WEARING FULL PROTECTIVE EQUIPMENT INCLUDING HELMETS.”

56 No person who distributes or sells electric personal assistive mobility devices who
57 complies with the requirements of division of this section shall be liable in damages in a civil
58 action brought by or on behalf of the operator of an electric personal assistive mobility device for
59 any injury, death, or loss to person or property suffered by the operator that allegedly arises
60 from, or is related to, the operation of an electric personal assistive mobility device by the
61 operator and the operator failed to wear a helmet.

62 Nothing under current state, county or local law shall regulate an EPAMD as a vehicle,
63 motor vehicle, motor scooter, motorized bicycle or bicycle, as defined under MGL Ch. 90.
64 However, any state or county agency and municipality having jurisdiction over public streets,
65 sidewalks, alleys, bridges, state-wide trail systems, recreational roads and other ways of public
66 passage may by traffic control devices or ordinance further regulate the time, place, and manner
67 of the operation of an EPAMD including prohibiting their use entirely.

68 An EPAMD shall not require a license plate or be registered by the registry of motor
69 vehicles. However the provisions for bicycles under MGL Ch. 85 § 11A may apply to an
70 EPAMD so long as affixing such decal or plate does not directly interfere with the operation of
71 an EPAMD and associated fee does not exceed \$5.00.

72 No proof of financial responsibility is required for the operation of an EPAMD.

73 SECTION 3. This article shall become effective immediately upon passage.