

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:	DATE ADDED:
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>	<i>1/18/2019</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>2/1/2019</i>
<i>Dylan A. Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>	<i>1/24/2019</i>
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>	<i>1/29/2019</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>1/31/2019</i>
<i>Bud L. Williams</i>	<i>11th Hampden</i>	<i>1/30/2019</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.

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

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

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

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

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

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

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

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

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

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