

# **SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE**

**BILL NO.** Senate Bill 892

**PRINTER NO.** 1765

**AMOUNT**

No Fiscal Impact

**FUND**

Motor License Fund

**DATE INTRODUCED**

October 6, 2021

**PRIME SPONSOR**

Senator Laughlin

**DESCRIPTION**

Senate Bill 892 amends Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to establish an electric low-speed scooter (e-scooter) pilot program in a city of the second class A and third class.

This legislation amends Title 75 by adding a new § 3515 (relating to electric low-speed scooter pilot program).

This new section provides for the following:

- Authorizes an e-scooter pilot program in a city of the second class A or city of the third class;
- The city shall adopt an ordinance to implement the pilot program, and the city shall notify the Pennsylvania Department of Transportation (department);
- Clarifies that an e-scooter may only be operated in a city of the second class A or third class where a limited fleet of e-scooters are provided by a commercial electric low-speed scooter enterprise (e-scooter enterprise) as determined by the city;
- Regulates the operation of an e-scooter as a pedalcycle, and clarifies that an e-scooter may only operate on a pedalcycle lane and a pedalcycle path;
- Stipulates that no individual under 18 years of age may operate an e-scooter on a roadway unless permitted by local ordinance and no e-scooter enterprise may rent an e-scooter to an individual under 16 years of age;
- Sets a speed limit of no greater than 15 miles per hour (MPH) for e-scooters;
- Requires that every e-scooter, when operated between sunset and sunrise, shall be equipped with the following:
  - 1) A white light on the front to illuminate the e-scooter's path;
  - 2) A red lamp facing the rear; and
  - 3) A reflector on each side.
- Prohibits the operation of an e-scooter on a freeway or on highways and streets with a posted speed limit of 35 MPH or more;

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- Reinforces the police powers of the department and local authorities on streets or highways under their jurisdiction consistent with § 6109 (relating to specific powers of department and local authorities);
- Allows the department to restrict access, permanently or temporarily, on a state-owned highway when a safety issue has been identified by the department that cannot be reasonably corrected;
- Requires the department to establish a process to evaluate a safety issue and a mechanism to communicate a safety issue to the local authority and commercial e-scooter enterprise prior to restricting access;
- Requires a city of the second class A or third class to adopt an ordinance, regulation or policy for the safety, operation and management of e-scooters, which may include, but not be limited to, approved and restricted deployment locations, approved and restricted parking locations, data sharing and reporting and education and awareness. The city shall notify the department of any ordinance, policy or regulation under this subsection;
- Presumes to be a reasonable exercise of police power to regulate the use of e-scooters consistent with the regulation of pedalcycles;
- Clarifies that e-scooters shall not be required to comply with certificate of title or vehicle registration requirements;
- Requires a city of the second class A or third class, in coordination with the department, to prepare a report within six months after authorizing a pilot program and 60 days prior to its expiration;
- Requires that the report shall:
  - 1) Include the number of rides, the number of accidents, frequency of use, any ordinance, regulation or policy adopted and safety, mobility and economic impacts;
  - 2) Be submitted to the chairperson and minority chairperson of the Transportation Committee of the Senate and chairperson and minority chairperson of the Transportation Committee of the House of Representatives.
- Sets a two-year expiration term for the e-scooter pilot program after the effective date of the legislation;
- A city of the second class A or third class shall require financial responsibility for an e-scooter enterprise as follows:
  - 1) Shall maintain at least \$2 million per occurrence under commercial general liability insurance coverage;
  - 2) At least \$1 million per occurrence under automobile insurance coverage; and
  - 3) Workers' compensation coverage of no less than required by law when the e-scooter enterprise employs an individual;

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- 4) A city of the second class A or third class may impose a civil penalty on an e-scooter enterprise that does not provide the insurance required under this subsection in an amount not to exceed \$1,000 per day. The civil penalty shall be used for the safety, operation and management of e-scooters or pedalcycles.
- Defines a “commercial electric scooter enterprise” as a person that makes electric low-speed scooters available for rent to the public for use as determined by a city of the second class A or city of the third class;
  - Defines an “electric low-speed scooter” as follows:
    - 1) A device weighing less than 100 pounds that has handlebars, an electric motor, a floorboard which can be stood upon while riding and is solely powered by the electric motor or human power or both; and
    - 2) The term does not include a pedalcycle with electric assist, an electric personal assistive mobility device, a motorcycle, a motorized pedalcycle or a motor-driven cycle.

This act shall take effect immediately.

### **FISCAL IMPACT:**

According to the Pennsylvania Department of Transportation, enactment of this legislation will have no fiscal impact on Commonwealth funds.