

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 692 Session of 2023

INTRODUCED BY LAUGHLIN, BARTOLOTTA, HAYWOOD, ROTHMAN, CAPPELLETTI, DUSH, STEFANO, TARTAGLIONE, FONTANA, BREWSTER AND SAVAL, MAY 5, 2023

SENATOR LANGERHOLC, TRANSPORTATION, AS AMENDED, MAY 10, 2023

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in special vehicles and pedestrians, providing for
3 electric low-speed scooter program.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 75 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 3515. Electric low-speed scooter program.

9 (a) Administration.--The department shall be the primary
10 Commonwealth agency responsible for the oversight of electric
11 low-speed scooters operating in this Commonwealth.

12 (b) Authorization.--

13 (1) A city of the second class or an authorized
14 municipality may establish an electric low-speed scooter
15 program with a commercial electric scooter enterprise within
16 the boundaries of the city of the second class or authorized
17 municipality in accordance with this section.

18 (2) In order to establish an electric low-speed scooter

1 ~~program UNDER PARAGRAPH (1), an authorized municipality shall~~<--
2 ~~MUST FIRST adopt an ordinance that complies with this~~ <--
3 ~~section, which shall include, at a minimum, all of the~~
4 ~~following:~~

5 ~~(i) Operating guidance, including permitted areas,~~
6 ~~prohibited areas, customer service support, age~~
7 ~~requirements, speed requirements, geofencing, rider~~
8 ~~limit, fleet size and maintenance, pedestrian~~
9 ~~interaction, parking and charging stations.~~

10 ~~(ii) Data management and reporting.~~

11 ~~(iii) Education, public awareness and public~~
12 ~~participation.~~

13 ~~(iv) Violations and enforcement.~~

14 ~~(v) Fare structure.~~

15 ~~(vi) Insurance. THIS SECTION AND THE REQUIREMENTS~~ <--
16 ~~UNDER SUBSECTION (J) (1).~~

17 ~~(3) The AN ordinance under paragraph (2) may not permit~~ <--
18 ~~the establishment of an electric low speed scooter program~~
19 ~~SHALL NOT TAKE EFFECT unless the authorized municipality~~ <--
20 ~~submits a copy of the ordinance to the department on a form~~
21 ~~specified by the department. THE DEPARTMENT SHALL, WITHIN 45~~ <--
22 ~~DAYS OF RECEIPT, REVIEW THE FORM AND CERTIFY THAT THE~~
23 ~~ORDINANCE ADOPTED BY THE AUTHORIZED MUNICIPALITY IS~~
24 ~~CONSISTENT WITH THIS SECTION. If the form is not reviewed by~~
25 ~~the department within 45 days after receipt of the form, the~~
26 ~~form shall be considered complete TO BE CONSISTENT WITH THIS~~ <--
27 ~~SECTION and the authorized municipality may establish the~~
28 ~~program. IF, UPON REVIEWING THE FORM, THE DEPARTMENT~~ <--
29 ~~DETERMINES THAT THE ORDINANCE IS NOT CONSISTENT WITH THIS~~
30 ~~SECTION, THE DEPARTMENT SHALL NOTIFY THE AUTHORIZED~~

1 MUNICIPALITY OF THE DEFICIENCY AND THE AUTHORIZED

2 MUNICIPALITY MAY RESUBMIT THE FORM.

3 (4) Paragraphs (2) and (3) shall not apply to a city of
4 the second class, which may operate in accordance with the
5 authorization under Article XVI-Q of the act of April 9, 1929
6 (P.L.343, No.176), known as The Fiscal Code.

7 (5) The department shall be immune from suit by an
8 authorized municipality, a commercial electric scooter
9 enterprise or a commercial electric scooter enterprise
10 employee or agent for reviewing a form in any manner under
11 paragraph (3). The immunity provided under this paragraph
12 shall include a person who reviews a form under paragraph (3)
13 on behalf of the department.

14 (c) Operation requirements.--

15 (1) An individual operating an electric low-speed
16 scooter authorized under an electric low speed scooter A <--
17 program shall be granted all of the rights and shall be
18 subject to all of the duties applicable to the operator of a
19 pedalcycle under this subchapter.

20 (2) An electric low-speed scooter may only be operated
21 in a city of the second class or an authorized municipality
22 where a limited fleet of electric low-speed scooters are
23 provided by a commercial electric scooter enterprise as
24 determined by the city of the second class or authorized
25 municipality.

26 (3) An electric low-speed scooter may operate on a
27 highway, a pedalcycle lane on a highway or a pedalcycle path
28 owned by the Commonwealth or a municipality within the
29 boundaries of a city of the second class or an authorized
30 municipality. An electric low-speed scooter may not operate

1 on a sidewalk.

2 (4) Except as prohibited under subsection (g), a city of
3 the second class or an authorized municipality, in
4 consultation with and with the consent of the property owner,
5 may adopt an ordinance to authorize the operation of an
6 electric low-speed scooter in any other location not
7 specified under paragraph (3) within the boundaries of the
8 city of the second class or authorized municipality.

9 (5) An individual may not operate an electric low-speed
10 scooter unless provided by a commercial electric scooter
11 enterprise in a city of the second class or an authorized
12 municipality.

13 (d) Age requirements.--

14 (1) An individual younger than 18 years of age may not
15 operate an electric low-speed scooter.

16 (2) A commercial electric scooter enterprise may not
17 rent an electric low-speed scooter to an individual younger
18 than 18 years of age.

19 (e) Speed requirements.--An individual may not operate an
20 electric low-speed scooter at a speed greater than 15 miles per
21 hour.

22 (f) Lamps and reflectors.--An electric low-speed scooter
23 when operated between sunset and sunrise shall be equipped on
24 the front with a lamp which emits a beam of white light intended
25 to illuminate the electric low-speed scooter's path and is
26 visible from a distance of at least 500 feet in front, a red
27 lamp facing to the rear which is visible at least 500 feet to
28 the rear and a reflector on each side. A lamp worn by the
29 operator of an electric low-speed scooter shall comply with the
30 requirements of this subsection if the lamp can be seen at the

1 distances specified under this subsection.

2 (g) Operation prohibited.--An individual may not operate an
3 electric low-speed scooter on any of the following:

4 (1) A freeway.

5 (2) A highway with a posted speed limit of 35 miles per
6 hour or greater.

7 (3) A sidewalk in a business district.

8 (h) Police powers.--Nothing in this section shall be
9 construed to prevent the department on a State-designated
10 highway or a local authority on a local-designated highway from
11 the reasonable exercise of the department's police powers or the
12 local authority's police powers under section 6109 (relating to
13 specific powers of department and local authorities).

14 (i) Safety issues.--When an electric low speed scooter A <--
15 program includes the use of a highway owned or under the
16 jurisdiction of the department, the department may restrict
17 access, permanently or temporarily, to a highway segment for the
18 program when a pattern of safety issues have been identified by
19 the department that cannot be reasonably corrected. The
20 department shall establish a process to evaluate a safety issue
21 under this subsection. The process shall be limited to the
22 evaluation of accidents and damage to property on a highway
23 owned or under the jurisdiction of the department. The
24 department shall also establish a process to communicate a
25 safety issue under this subsection and consult with a city of
26 the second class or an authorized municipality and commercial
27 electric scooter enterprise prior to restricting access,
28 permanently or temporarily, to the highway owned or under the
29 jurisdiction of the department for the program.

30 (j) Ordinances, policies and regulations.--Notwithstanding <--

~~1 any other provision of law, a city of the second class or an
2 authorized municipality shall adopt an ordinance, regulation or
3 policy for the safety, operation and management of electric low
4 speed scooters. The ordinance, regulation or policy shall, at a
5 minimum, include approved and restricted deployment locations,
6 approved and restricted parking locations, fleet size and
7 maintenance, customer service operations, fee structures,
8 insurance consistent with subsection (o), data management and
9 reporting and education and awareness. A city of the second
10 class or an authorized municipality shall notify the department
11 of any ordinance, policy or regulation adopted under this
12 subsection.~~

13 (1) AN AUTHORIZED MUNICIPALITY THAT ADOPTS AN ORDINANCE <--
14 TO ESTABLISH A PROGRAM UNDER SUBSECTION (B) SHALL INCLUDE, AT
15 A MINIMUM, ALL OF THE FOLLOWING IN THE ORDINANCE:

16 (I) OPERATING GUIDANCE, INCLUDING PERMITTED AREAS,
17 PROHIBITED AREAS, CUSTOMER SERVICE SUPPORT, AGE
18 REQUIREMENTS, SPEED REQUIREMENTS, GEOFENCING, RIDER
19 LIMIT, FLEET SIZE AND MAINTENANCE, PEDESTRIAN
20 INTERACTION, PARKING AND CHARGING STATIONS.

21 (II) DATA MANAGEMENT AND REPORTING.

22 (III) EDUCATION, PUBLIC AWARENESS AND PUBLIC
23 PARTICIPATION.

24 (IV) VIOLATIONS AND ENFORCEMENT.

25 (V) FARE STRUCTURE.

26 (VI) INSURANCE.

27 (2) NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW, A CITY
28 OF THE SECOND CLASS OR AN AUTHORIZED MUNICIPALITY MAY ADOPT A
29 SUBSEQUENT ORDINANCE, POLICY OR REGULATION CONSISTENT WITH
30 THIS SECTION FOR THE SAFETY, OPERATION AND MANAGEMENT OF THE

1 PROGRAM.

2 (3) A CITY OF THE SECOND CLASS OR AN AUTHORIZED
3 MUNICIPALITY SHALL NOTIFY THE DEPARTMENT OF ANY ORDINANCE,
4 POLICY OR REGULATION ADOPTED UNDER THIS SECTION.

5 (k) Presumption.--For the purposes of this section, it shall
6 be presumed to be a reasonable exercise of police power to
7 regulate and enforce the use of electric low-speed scooters
8 consistent with this section and the regulation of pedalcycles,
9 as applicable.

10 (l) Title or registration requirements.--Notwithstanding
11 Subchapter A of Chapter 11 (relating to certificate of title) or
12 Subchapter A of Chapter 13 (relating to general provisions), an
13 electric low-speed scooter authorized under this section shall
14 not be required to comply with certificate of title or vehicle
15 registration requirements under this title.

16 (m) Motor vehicles.--Notwithstanding any other provision of
17 law, an electric low-speed scooter authorized under this section
18 shall not be construed as a motor vehicle.

19 (n) Report.--A city of the second class or an authorized
20 municipality, in coordination with the department, shall prepare
21 an annual report on the deployment of electric low-speed
22 scooters under an electric low speed scooter A program. The <--
23 report shall be posted on the publicly accessible Internet
24 websites of the department and the city of the second class or
25 authorized municipality. The report shall include the number of
26 rides, the number of accidents, frequency of use and any
27 ordinance, regulation or policy adopted under subsection (j).
28 The city of the second class or authorized municipality shall
29 submit the report to the chairperson and minority chairperson of
30 the Transportation Committee of the Senate and the chairperson

1 and minority chairperson of the Transportation Committee of the
2 House of Representatives.

3 (o) Financial responsibility.--A city of the second class or
4 authorized municipality shall require financial responsibility
5 for a commercial electric scooter enterprise participating in an<--
6 electric low speed scooter A program as follows: <--

7 (1) A commercial electric scooter enterprise shall
8 maintain the following insurance for the duration of the
9 program:

10 (i) Commercial general liability insurance coverage
11 with a limit of at least \$2,000,000 for each occurrence
12 and \$2,000,000 in the aggregate.

13 (ii) Automobile insurance coverage with a limit of
14 at least \$1,000,000 for each occurrence and \$1,000,000 in
15 the aggregate.

16 (iii) When the commercial electric scooter
17 enterprise employs an individual, workers' compensation
18 coverage of no less than required by Federal or State
19 law.

20 (2) A commercial electric scooter enterprise shall
21 provide proof of insurance coverage to a city of the second
22 class or an authorized municipality to satisfy the
23 requirements under this subsection.

24 (3) In addition to any fines that may be imposed, a city
25 of the second class or an authorized municipality may impose
26 a civil penalty on a commercial electric scooter enterprise
27 that does not provide the insurance required under this
28 subsection in an amount not to exceed \$1,000 per day the
29 commercial electric scooter enterprise is operated without
30 providing the required insurance. A civil penalty collected

1 under this paragraph by a city of the second class or an
2 authorized municipality shall be used for the safety,
3 operation and management of electric low-speed scooters or
4 pedalcycles.

5 (p) Definitions.--As used in this section, the following
6 words and phrases shall have the meanings given to them in this
7 subsection unless the context clearly indicates otherwise:

8 "Authorized municipality." A city of the second class A or a
9 city of the third class.

10 "Commercial electric scooter enterprise." A person that
11 makes electric low-speed scooters available for rent to the
12 public for use as determined by a city of the second class or an
13 authorized municipality.

14 "Electric low-speed scooter." As follows:

15 (1) A device weighing less than 100 pounds that:

16 (i) has handlebars and an electric motor;

17 (ii) has a floorboard which can be stood upon while
18 riding or a seat which can be sat upon while riding; and

19 (iii) is solely powered by the electric motor or
20 human power, or both.

21 (2) The term does not include a pedalcycle with electric
22 assist, an electric personal assistive mobility device, a
23 motorcycle, a motorized pedalcycle or a motor-driven cycle.

24 "Program." An electric low-speed scooter program authorized
25 under subsection (b).

26 Section 2. This act shall take effect as follows:

27 (1) The following shall take effect immediately:

28 (i) The addition of 75 Pa.C.S. § 3515(b)(4).

29 (ii) This section.

30 (2) The remainder of this act shall take effect in 60

1 days.