

Date of Hearing: April 30, 2019

ASSEMBLY COMMITTEE ON PRIVACY AND CONSUMER PROTECTION

Ed Chau, Chair

AB 1112 (Friedman) – As Amended April 8, 2019

SUBJECT: Motorized scooters: local regulation

SUMMARY: This bill would authorize a local authority to regulate scooter share operators (operators) by, among other things, requiring an operator to pay fees that do not exceed the reasonable cost to the local authority of regulating the operator, assessing limited penalties for moving or parking violations involving the use of motorized scooters, and requiring an operator to provide to the local authority trip data for all trips starting or ending within the jurisdiction of the local authority. Specifically, **this bill would:**

- 1) Authorize a local authority to regulate the operation of motorized scooters and shared scooters within its jurisdiction, as specified. The regulations for shared scooters may include, but are not limited to, any of the following:
 - Requiring an operator to pay fees, provided that the total amount of any fees collected do not exceed the reasonable and necessary cost to the local authority of administering the scooter share program.
 - Requiring an operator to indemnify the local authority for claims, demands, costs, including reasonable attorney's fees, losses, or damages brought against the local authority, and arising out of any negligent act, error, omission, or willful misconduct by the operator or its officers or employees, except to the extent that claims, demands, costs, losses, or damages arise out of the local authority's own negligence or willful misconduct.
 - In the interests of safety and right-of-way management, designating locations where scooter share operators are prohibited from staging shared scooters, except that at least one location shall be permitted on each side of each city block in commercial zones and business districts.
 - Promulgating and assessing penalties for moving or parking violations involving a shared scooter on the person responsible for the violation, except that any penalty shall not exceed a penalty assessed to riders of bicycles.
- 2) Authorize a local authority to require an operator, as a condition for operating a scooter share program, to provide to the local authority trip data for all trips starting or ending within the jurisdiction of the local authority, provided that, to protect personal privacy, any data provided to the local authority complies with all of the following:
 - The trip data is provided by an application programming interface, subject to the scooter share operator's license agreement for the interface, that is subject to a publicly published privacy policy of the local authority or its designee, as applicable, disclosing what data is collected and how the data is used and shared with any third parties.

- The trip data provided is safely and securely stored by the local authority, which shall implement administrative, physical, and technical safeguards to protect, secure, and, if appropriate, encrypt or limit access to, the data.
 - The trip data provided shall be treated as personal, trade secret, and proprietary business information, shall be exempt from public disclosure pursuant to any public records request, and shall not be treated as owned by the local authority.
 - The trip data shall not be shared with law enforcement, except pursuant to valid legal process, and shall not be shared to third parties without the scooter share operator's consent, as specified.
- 3) Require all operators to maintain: (1) commercial general liability coverage with a limit of no less \$1,000,000 per occurrence, and \$5,000,000 aggregate; (2) automobile insurance with a combined single limit of no less than \$1,000,000; and, (3) workers compensation insurance, as specified.
 - 4) Require all shared scooters to have a single unique alphanumeric ID, as specified.
 - 5) Prohibit a local authority from imposing any unduly restrictive requirement on a scooter share operator, including requiring operation below cost, and shall not subject the riders of shared scooters to requirements more restrictive than those applicable to riders of privately owned motorized scooters or bicycles.
 - 6) Define following terms for the purposes of the bill:
 - “Shared scooter” to mean any motorized scooter offered for hire.
 - “Scooter share operator” to mean a person offering shared scooters for hire.
 - “Scooter share program” to mean the offering of shared scooters for hire.
 - “Trip data” to mean any data elements related to trips taken by users of a shared scooter of an operator, including, but not limited to, Global Positioning System (GPS), timestamp, or route data.
 - 7) Make various legislative findings and declarations related to shared scooter programs, and would specifically provide that it is not the intent of the Legislature that to limit regulations a local authority may otherwise implement beyond the minimum standards outlined in this bill.

EXISTING LAW:

- 1) Provides that a county or city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws. (Cal. Const. art. XI, Sec. 7.)
- 2) Provides, pursuant to the Data Breach Notification Law (DBNL), that a business that owns, licenses, or maintains personal information (PI) about a California resident shall implement and maintain reasonable security procedures and practices appropriate to the nature of the

information, to protect the personal information from unauthorized access, destruction, use, modification, or disclosure. (Civ. Code Sec. 1798.81.5.)

- 3) Requires, pursuant to the DBNL, a person, business, or agency in California that owns or licenses computerized data that includes PI to notify any California resident whose unencrypted PI was acquired, or reasonably believed to have been acquired, by an unauthorized person by a breach of the security of the system or data. The notice must be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement, as specified. (Civ. Code Secs. 1798.29(a), (c); 1798.82(a), (c).)
- 4) Establishes the California Consumer Privacy Act of 2018 (CCPA) and provides various rights to consumers pursuant to the act. Subject to various general exemptions, a consumer has, among other things:
 - the right to know what PI a business collects about consumers, as specified, including the categories of third parties with whom the business shares PI;
 - the right to know what PI a business sells about consumers, as specified, including the categories of PI that the business sold about the consumer and the categories of third parties to whom the PI was sold, by category or categories of PI for each third party to whom the PI was sold;
 - the right to access the specific pieces of information a business has collected about the consumer;
 - the right to delete information that a business has collected from the consumer; and,
 - the right to opt-out of the sale of the consumer’s PI if over 16 years of age, and the right to opt-in, as specified, if the consumer is a minor; and,
 - the right to equal service and price, despite exercising any of these rights. (Civ. Code Sec. 1798.100 et seq.)
- 5) Defines “motorized scooter” to mean any two-wheeled device that has handlebars, has a floorboard that is designed to be stood upon when riding, and is powered by an electric motor, and sets forth regulations related to the operation of motorized scooters including, among other things:
 - That a person riding a motorized scooter upon a highway has all the rights and is subject to all the provisions applicable to the driver of a vehicle, including, but not limited to, provisions concerning driving under the influence of alcoholic beverages or drugs.
 - That motorized scooters have certain braking systems, bicycle lamps, and reflectors, as specified.
 - That a person operating a motorized scooter upon a roadway at a speed less than the normal speed of traffic must ride as close as practicable to the right-hand curb or edge of the roadway, except as specified.

- That persons operating a motorized scooter must use bike lanes when available, as specified.
- That operators of motorized scooters are prohibited from doing any of the following, among other things:
 - Operating a motorized scooter in excess of 25 miles per hour, as specified, with a passenger, on a sidewalk, or carrying any package, bundle, or article that prevents the operator from keeping at least one handle on the handlebars.
 - For operators under the age of 18, operating a motorized scooter without wearing a bicycle helmet, as specified.
 - Operating a motorized scooter without a valid driver's license or instruction permit.
 - Leaving a motorized scooter lying on its side on any sidewalk, or park a motorized scooter on a sidewalk in any other position, so that there is not adequate path for pedestrian traffic.
- That this article implementing such regulations does not prevent a local authority from regulating the registration of motorized scooter and the parking and operation of motorized scooters on pedestrian or bicycle facilities and local streets and highways, if that regulation is not in conflict with this code. (Veh. Code Secs. 407.5; 21220 - 21235.)

FISCAL EFFECT: None. This bill has been keyed nonfiscal by the Legislative Counsel.

COMMENTS:

- 1) **Purpose of the bill:** This bill seeks to create a basic level of statewide standards for local regulation of motorized shared scooters, including with respect to trip data. This bill is author-sponsored.
- 2) **Author's statement:** According to the author, “[c]urrently, there is a patchwork of ordinances regulating e-scooters with varying requirements that make it difficult for riders to understand whether they are in compliance. AB 1112 establishes uniform regulations. This bill brings the state Vehicle Code into alignment with California’s ambitious transportation and climate goals by establishing statewide guidance for e-scooters and e-scooter share companies. AB 1112 does not limit any regulations a local authority can otherwise implement beyond the minimum standards specified in the bill.”
- 3) **Shared mobility devices offer the promise of alleviating many urban transportation woes, but not without creating other problems:** The focus of this bill is shared scooters, which are one type of shared mobility device available to consumers today. Shared mobility devices are a new transportation option where devices like bikes, electric bikes, and electric scooters are shared among users. They are typically enabled by technology or a mobile application, and these services are frequently run by private companies. Providing more low-emission mobility options can create a more diverse, convenient, and accessible transportation network that may reduce emissions and congestion, and improve quality of life in cities.

That is not to say that incorporating shared mobility devices into California communities has been without problems. As with all new technologies, shared mobility devices can also pose significant challenges regarding the management of public-rights-of-way, encouraging public safety, and adapting old regulations to new business models. Shared electric bikes and scooters, with their promise of improving congestion and offering low-cost, green transportation in urban areas, have been widely criticized as riders fail to properly operate them.

Last July, after Beverly Hills approved a six-month ban on shared mobility devices, it quickly began impounding electric scooters throughout the city. In discussions at a special meeting in July, council members said they were furious at how scooter companies had launched in cities without warning.

Recently, the Sacramento Bee reported that two people died in electric scooter crashes in California, prompting new safety concerns as the shared mobility devices become more common on city streets. “A 53-year-old man died in San Diego after he lost control and hit a tree. The victim, who had been riding on the sidewalk, suffered serious head injuries, police said. He was not wearing a helmet. [...] A 41-year-old man on an electric scooter died in Santa Monica last week when he fell off a scooter and was hit by a car.” (Bizjak, *How dangerous are electric scooters? Two deaths in California show the risks are real*, Sacramento Bee (Mar. 20, 2019).)

This bill seeks to offer uniform guidelines for local authorities in the regulation of shared scooter programs, and in doing so, require minimum amounts of insurance and expressly authorize local governments to access certain penalties, require specific trip data, and designate locations where operators are prohibited from staging shared scooters, as specified.

- 4) **Limited to scooters, despite many shared devices presenting same opportunities and challenges:** This Committee recently heard and approved AB 1286 (Muratsuchi), which, similar to this bill would create uniform regulations with regard to shared scooters. In contrast to this bill, however, AB 1286 would apply to “shared mobility devices” in general. As recently amended, that bill applies to electronically motorized boards, motorized scooters, bicycles, and other similar personal transportation devices, as specified, that are made available to the public by a shared mobility service provider for shared use and transportation in exchange financial compensation via a digital application or other electronic or digital platform.

While AB 1286 seeks to require that local governments who choose to have shared mobility devices in their community implement safety, parking, maintenance, and operational rules prior to shared mobility devices being dispersed in communities, this bill takes a different approach. AB 1112 would largely *prohibit* local governments from adopting certain policies or regulations. Yet, as noted in the legislative findings of AB 1112, the bills share similar goals:

The Legislature finds and declares that a basic level of statewide standards for local regulation of motorized scooters is desirable because it encourages innovation and ensures basic expectations for consumers, but that this division in no way is meant to limit any regulations a local authority can otherwise implement beyond the minimum standards outlined in this division.

Similarly, as expressed by the Consumer Attorneys of California, sponsors of AB 1286, “E-scooters and bikes have appeared in major California cities often overnight – leaving cities and counties in the dust as they attempt to catch up and create regulations. What results is a patchwork of conflicting laws and regulations. For example, San Francisco, Santa Monica and others have issued regulations and a permit process. West Hollywood, Beverly Hills, Newport Beach, Huntington Beach and others have gone the opposite way and have placed bans on scooters after scooter companies dumped their product in the cities without approval. Other cities have taken no action and are waiting to see what actions neighboring cities take. Scooters may provide an eco-friendly, low-cost transportation option, but the lack of uniform consumer protections is very problematic.”

That being said, while there is a fair amount of overlap between these two bills, there are also distinct differences. Both bills require operators to carry certain levels of insurance, although in different amounts. AB 1286 also leaves the regulation of shared mobility devices largely up to local control, whereas AB 1112 would limit how local governments can regulate shared scooters (as discussed more below in Comment 7). This bill would also apply certain standards to the collection and sharing of “trip data,” a topic on which AB 1286 is silent.

To better achieve the author’s goal of promoting uniform statewide standards for local regulation, a goal that is shared with the author of AB 1286 as well, the author has accepted amendments suggested by the Committee in Comment 7 to apply the provisions of this bill to “shared mobility devices” more generally, and not just shared scooters. The amendments will: (1) apply the provisions of the bill to shared mobility devices, as defined by AB 1286 (Muratsuchi), instead of scooters; (2) strike the insurance requirements in this bill; and, (3) strike the prohibitions on the regulation of these devices imposed on local governments, except as described below in Comment 6.

- 5) **Trip data should only be provided in a manner that does not individually identify riders:** This bill would expressly allow a local government to condition approval of a shared scooter program upon receipt of trip data, and define “trip data” to mean any data elements related to trips taken by users of a shared scooter of an operator, including, but not limited to, GPS, timestamp, or route data.

Part of the technology involved with shared scooters and other similar devices requires that the operator have access to location data at the beginning and end of each trip, so that the devices can be retrieved for charging and maintenance. In addition, many providers of these devices keep continuous trip data, which necessarily raises questions as to what can be done with that trip data and how that might impact the privacy of the rider. Take for example, Los Angeles, which recently launched a one year program approving certain shared mobility devices within its jurisdiction. Under new city rules, every company with a permit to rent out scooters or shared bicycles must send data to transportation officials for every trip the shared mobility devices make.

Los Angeles officials argue that location data will help the city determine which companies are failing to follow operating rules that cap the number of devices and restrict where they can be parked, and that tracking the bikes and scooters electronically will also be faster and cheaper than paying employees to look for them. As noted in a recent Los Angeles Times article, this type of tracking arguably constitutes government surveillance:

Uber, which operates Jump scooters, and several data privacy organizations have said the city's policy constitutes government surveillance, and would yield far more information about bicyclists and scooter riders than is available for drivers or transit commuters.

Many scooter trips in Los Angeles are tourist joyrides, but public officials say the zippy, electric devices could become a meaningful transportation alternative that helps commuters get to transit stops and run errands without driving.

The city will require companies to share information on the start point, end point and travel time of each bike or scooter trip within 24 hours after it ends, and whether the vehicle entered zones where riding or parking are restricted.

The data would not include a rider's name, but even in sprawling metropolitan areas, paths between home, work and school are typically unique, experts say. Someone with basic coding skills and access to the data could easily connect a trip to an individual person. (Nelson, *L.A. wants to track your scooter trips. Is it a dangerous precedent?*, L.A. Times (Mar. 15, 2019).)

This Committee has frequently expressed concern regarding the collection and sale of geolocation data. Most recently, the California Consumer Privacy Act of 2018 includes geolocation data in its definition of "PI," so long as it "identifies, relates to, describes, is capable of being associated with, or could be reasonably linked, directly or indirectly, with a particular consumer or household. (Civ. Code Sec. 1798.140(o).) Thus, if trip data can reasonably be linked with a particular rider, this information would be considered PI under the CCPA, and the rider would have rights associated with it, including the right to opt-out of the selling (or any type of disclosure for valuable consideration) of their information, and would also be able to request that the scooter share operator delete that information.

That being said, trip data is clearly useful for a local government to determine how shared mobility devices will be best utilized in a community. Trip data can help ensure that appropriately lanes are created to deal with congestion and appropriate docking stations are installed in high-use areas to ensure that sidewalks are minimally impacted for pedestrians.

Local governments need not have access to *personally identifiable* location data, however, for transportation planning. Indeed, blanket access to such information would likely be in violation of the California Electronic Communications Privacy Act (CalECPA), which generally prohibits any government entity from compelling the production of or access to electronic device information from any person or entity other than the authorized possessor of the device, absent a warrant, as specified. (Pen. Code Sec. 1546 et seq.) In addition, this bill would deem trip data as personal, trade secret, and proprietary business information, of the businesses, and not subject to any public records act request. These ideas are not compatible with the policy of California, as established by the CCPA, which gives the individual (or the rider, in this case) the ability to control the collection and sale of their personal location information.

On this point, California Walks, who is opposed to this bill unless amended, writes "[w]e agree that trip data should be shared with local jurisdictions in order to make the best and most informed decision for transportation planning. While we agree with the outcome, we believe more language to protect the rights of community members is needed. This includes addition of a third party to help aggregate and anonymize data, time limits on how long data

can kept on file, and who the data can and can't be shared with, to help address concerns for data sharing, as currently presented in bill language.”

Uber Technologies, Inc. writes that they would support this bill if amended to better allow de-identified data to local governments to better protect consumer privacy.

Addressing these concerns, the author has agreed to amendments (reflected in Comment 7, below) that would allow local governments to condition their approval of a shared mobility device program to share specified trip data with local governments. This trip data would be limited to de-identified data, provided to the local government in the aggregate. Such amendments should ensure that local governments are not in violation of CalECPA, while also ensuring that they have the necessary information to plan for transportation appropriately. The amendments would also strike all references to the trip data as being “proprietary” or “trade secret,” thereby making the bill more compatible with the CCPA, which acknowledges that the individual consumer has rights with regard to location data.

The Consumer Attorneys of California argues in opposition to the bill in print, “[t]his bill will limit a city’s ability to set its own data policies regarding scooter activity within its jurisdiction. AB 1112 would improperly classify trip data as ‘proprietary information’ of the scooter company and bar that data from public records requests. A person physically injured in a scooter crash would be prevented from filing a public records request with the city and would instead be forced to retain an attorney and spend \$435 to commence a civil suit just to obtain their trip information. Also, under this bill, a city would be prevented from distributing trip information with third parties, including law enforcement, without the consent of the scooter company. This provides scooter companies essentially unlimited control to keep trip information secret, regardless of a consumer or law enforcement’s need for that information. These data storage provisions also frustrate every city’s ability to disseminate information in ways which better enable it to provide for the general welfare.”

Staff notes that the amendments accepted by the author will ensure that a local government has access to the trip data that is necessary to the development of appropriate transportation planning, in a more consistent manner with other established California laws and policies, namely CalECPA and the CCPA. Further, under these laws, law enforcement would not be able to access this information from anyone other than the rider without a warrant, or other limited circumstances authorized by CalECPA.

- 6) **Limitations on local governments’ ability to regulate shared scooters:** The California Constitution allows a city or county to “make and enforce within its limits, all local, police, sanitary and other ordinances and regulations not in conflict with general laws, known as the police power of cities.” (Cal. Const. art. XI, Sec. 7.) It is from this fundamental power that local governments derive their authority to regulate land uses through planning, zoning ordinances, and use permits.

While, for the most part, this bill provides suggestions for how local governments can permissibly regulate shared scooters, these regulations are already within local governments’ authority. The bill would prohibit, however, local governments from imposing fees or penalties riders or providers of shared scooter riders or operators that are in excess of the fees imposed on bicycle riders. As originally drafted, this prohibition was designed to ensure that local governments were not imposing regulatory burdens on shared scooter operators in an effort to intentionally drive up the costs of operating in a way that would make it

economically infeasible for a shared scooter operator to exist in any given community. In opposition to those provisions, the City and County of San Francisco writes, “as currently written, the bill seeks to establish parity in regulating company operated shared scooters to that of a privately owned motorized scooter or bicycle, despite the fact that using a scooter owned by an operator is a significantly different experience than owning and maintaining your own scooter or bicycle. In addition, both electric and traditional bicycles are manufactured according to federal safety standards for consumer products, whereas electric scooters are not, and therefore pose additional safety risks that regulators must consider.”

Additionally, The League of California Cities writes in opposition to the bill, as currently in print:

AB 1112 fails to recognize the progress cities have made to adapt and incorporate new transportation technologies in a way that benefits the services while protecting residents. This bill would prohibit cities from subjecting riders of shared scooters to requirements more restrictive than riders of privately owned motorized scooters or bicycles. It would also prohibit cities from requiring scooter share corporations from paying fees that exceed undefined “reasonable costs” for regulating the services. The bill also limits general liability coverage to \$1 million per occurrence or \$5 million per aggregate, eliminating local laws that already have \$5 million per occurrence and to set future insurance requirements as may be necessary. [...]

While a handful of corporations have been willing to work with cities and counties in deploying this technology in a responsible manner, a number of corporations have been running afoul of local regulation and law enforcement as companies skirt local laws to compete for market share. Absent minimum safety and consumer protections statewide, cities have been enforcing local laws that protect motorists, bicyclists, pedestrians, and scooter users while crafting pilot programs and ordinances to responsibly deploy scooter shared services as an alternative mode of transportation.

Given the potential hazards shared motorized scooters present to motorists, bicyclists, pedestrians, and their own users, cities have taken steps to introduce this technology in a way that it can be embraced by local residents. Shared mobility is a local jurisdictional matter. In fact, cities are responsible for managing sidewalks, streets, and public spaces. Finally, cities are responsible for the enforcement of and compliance with local and state laws that govern the public right-of-way. Unfortunately, AB 1112’s elimination of local authority in this space would put the public’s safety, health, and welfare at risk.

- 7) **Author’s amendments:** As discussed in the Comments above, the author accepts the following amendments to address the various concerns raised by stakeholders. These amends, again, would apply the provisions of the bill to shared mobility devices, as provided by AB 1286 (Muratsuchi), instead of shared scooters and would ensure that local governments may receive trip data for transportation in a deidentified and aggregate form, to protect rider privacy.

Author’s amendments:

- 1) Page 2, lines 7 – 13 are amended to read: The Legislature finds and declares that a basic level of statewide standards for local regulation of ~~motorized scooters~~ *shared*

mobility devices encourages innovation and ensures basic expectations for consumers. Except as expressly stated, it is not the intent of the Legislature that this division limit regulations a local authority may otherwise implement beyond the minimum standards outlined in this division.

2) Page 3, strike lines 4 – 21 and insert:

“(a) Aggregate” means data that relates to a group of trips, from which the start points, stop points, routes, and times of individual trips have been removed and that cannot be used, or combined with other information to isolate details of an individual trip.

(b) “Deidentified” means information that cannot reasonably identify, relate to, describe, be capable of being associated with, or be linked, directly or indirectly, to a particular consumer, provided that a business that uses deidentified information:

(1) Has implemented technical safeguards that prohibit reidentification of the consumer to whom the information may pertain.

(2) Has implemented business processes that specifically prohibit reidentification of the information.

(3) Has implemented business processes to prevent inadvertent release of deidentified information.

(4) Makes no attempt to reidentify the information.

(c) “Shared mobility device” means an electrically motorized board as defined in Section 313.5 of the Vehicle Code, motorized scooter as defined in Section 407.5 of the Vehicle Code, electric bicycle as defined in Section 312.5 of the Vehicle Code, bicycle as defined in Section 231 of the Vehicle Code, or other similar personal transportation device, except as provided in subdivision (b) of Section 415 of the Vehicle Code, that is made available to the public by a shared mobility service provider for shared use and transportation in exchange for financial compensation via a digital application or other electronic or digital platform.

(d) “Shared mobility device service provider” or “provider” means a person or entity that offers, makes available, or provides a shared mobility device in exchange for financial compensation or membership via a digital application or other electronic or digital platform.

(e) “Trip data” means deidentified and aggregated data elements related to trips taken by users a shared mobility device including, but not limited to, any Global Positioning System, timestamp, or route data.

(f) “Individual trip data” means data elements related to trips taken by users of a shared mobility device including, but not limited to, any Global Positioning System, timestamp, or route data that are not deidentified and aggregate. Individual trip data shall be deemed “electronic device information” as defined in subdivision (g) section 1546 of the Penal Code and subject to the protections established in

Chapter 3.6 (commencing with Section 1546) of Title 12 of Part 2 of the Penal Code.

- 3) Page 3, lines 26 – 30 are amended to read: All shared ~~scoters~~ ***mobility devices*** operated in the state shall include a single unique alphanumeric ID assigned by the ~~operator~~ ***provider*** that is visible from a distance of five feet, that is not obfuscated by branding or other markings, and that is used throughout the state, including by local authorities, to identify the shared ~~scoter~~ ***mobility device***.
 - 4) Page 3, strike lines 31 – 39, through page 4 lines 1-38.
 - 5) Page 4, line 39 – line 2 on page 5 are amended to read: A local authority may require a ***shared mobility device provider*** ~~scoter share operator~~, as a condition for operating a ~~scoter share~~ ***shared mobility device*** program, to provide to the local authority trip data for all trips ~~starting or ending~~ within the jurisdiction of the local authority on any ***shared mobility device***. ***Individual trip data shall not be shared with the local authority, except as provided by Chapter 3.6 (commencing with Section 1546) of Title 12 of Part 2 of the Penal Code.***
 - 6) Page 5, strike lines 3 – 27.
 - 7) Page 5, lines 28 – 40, and lines 1-5 on page 6 are amended to read: In regulating shared ***mobility devices and providers*** ~~scoters or shared scoter programs~~, a local authority shall not impose any unduly restrictive requirement on a ~~provider scoter share operator~~ ***provider***, including requiring operation below cost or ***requiring providers to pay unreasonable fees***, and shall not subject the riders of shared ***mobility devices*** ~~scoters~~ to requirements more restrictive than those applicable to riders of ***personally owned similar transportation devices, such as personally owned electric bicycles or personally owned motorized scooters***.
39060. ***It is the intent of the Legislature to promote and encourage the use of zero-emission shared mobility devices, which have been proven to be a safe, affordable, and environmentally sustainable replacement for automobile trips. In accordance with this policy,*** the Legislature finds and declares that uniformity in certain aspects of local regulation of ~~motorized scoters shared mobility devices and commercial scoter share programs and operators~~ ***shared mobility devices and commercial*** is of vital statewide importance, and thus a matter of statewide concern. Thus, the Legislature finds and declares that the provisions of this division, providing for uniformity in certain aspects of local regulation of ~~motorized scoters and commercial scoter share programs and operators~~ ***shared mobility devices and providers***, address a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this division applies to all cities and counties, including charter cities and counties.
- 8) Page 6, strike lines 6 - 16.

To the extent that these two bills could result in conflicting laws, the authors should continue to work together as the bills move through the legislative process to ensure that uniform policies are developed for local governments to apply when approving shared mobility

devices for use in their jurisdictions. Such collaboration should arguably ensure that the goal of uniformity and consistency for local government and riders alike, a goal that both authors share, is met.

- 8) **Related legislation:** AB 1286 (Muratsuchi) *See* Comment 4. That bill is pending in the Assembly Judiciary Committee.
- 9) **Prior legislation:** AB 2989 (Flora, Ch. 552, Stats. 2018) authorized a local authority to allow for the operation of a motorized scooter on a highway with a speed limit of up to 35 miles per hour, as specified; specified that the existing maximum 15 mile per hour speed limit for the operation of a motorized scooter applies regardless of a higher speed limit applicable to the highway; and required operators under 18 years of age to wear a helmet.

AB 604 (Olsen, Ch. 777, Stats. 2015) defined “electrically motorized skateboards” and required these devices to meet certain operational requirements.

AB 1096 (Chiu, Ch. 568, Stats. 2015) defined various classes of electric bicycles and establishes parameters for their operation in California.

SB 441 (Chesbro, Ch. 722, Stats. 1999) defined “motorized scooters” and required these devices to meet certain operational requirements.

- 10) **Double-referral:** This bill was double-referred to the Assembly Committee on Transportation where it was heard on April 22, 2019, and passed on a 12 - 1 vote.

REGISTERED SUPPORT / OPPOSITION:

Support

Bay Area Council
 Bird
 California Hispanic Chambers of Commerce
 Central Coast Health Network
 Circulate San Diego
 Clinicas Del Camino Real
 Clinicas Del Valle De Salinas
 Congress of Racial Equality
 Environmental Defense Fund
 Fast Link DTLA
 Fixing Angelenos Stuck In Traffic
 Interfaith Movement For Human Integrity
 Los Angeles Metropolitan Churches
 National Action Network
 National Asian American Coalition
 National Diversity Coalition
 Sierra Club California
 Silicon Valley Leadership Group
 Southern Christian Leadership Conference

Uber Technologies, Inc. (if amended)
Up For Growth National Coalition

Opposition

California Walks (unless amended)
City of Pasadena
City of Santa Monica
City of Thousand Oaks
Consumer Attorneys of California
Electronic Frontier Foundation (unless amended)
League of California Cities
City of Pasadena
San Francisco Municipal Transportation Agency

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