

SUBJECT: Local authority to prohibit motor-assisted scooters on sidewalks

COMMITTEE: Transportation — committee substitute recommended

VOTE: 6 ayes — Krusee, Hamric, Casteel, Deshotel, Hill, West
0 nays
3 absent — Phillips, Callegari, Flores

WITNESSES: For — Gary Adams, City of University Park, Texas Police Chiefs Association; Gary Brye, Texas Police Chiefs Association; Todd Renshaw, City of Frisco, Texas Police Chiefs Association
Against — None
On — Mike Craig, Texas Department of Transportation

BACKGROUND: Transportation Code, ch. 551, subch. D, added by the 78th Legislature in 2003, regulates the operation of neighborhood electric vehicles and motor-assisted scooters on roadways. Sec. 551.303 prohibits such vehicles from being operated on streets or highways with speed limits of more than 35 miles per hour.

"Motor-assisted scooters" are defined as self-propelled devices with at least two wheels, a braking system, a gas or electric motor less than 40 cubic centimeters, a dock for the operator to sit or stand on, and the capacity to be propelled by human power alone.

Section 551.303 of the Transportation Code authorizes municipalities and counties to prohibit the operation of motor-assisted scooters and neighborhood electric vehicles on streets and highways in the interest of public safety. It also authorizes the Texas Department of Transportation (TxDOT) to prohibit the operation of such vehicles on highways in the interest of public safety.

DIGEST: CSHB 1596 would authorize counties and municipalities to prohibit the operation of motor-assisted scooters not only on streets and highways but also on sidewalks if the restriction were determined to serve the interest of

public safety. The bill also would authorize TxDOT to prohibit the operation of motor-assisted scooters on highways for safety reasons.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2005.

**SUPPORTERS
SAY:**

Local governments should be able to decide whether to restrict the use of motor scooters on sidewalks in the interest of public safety. The U.S. Consumer Product Safety Commission (CPSC) reported that there were 4,390 injuries from scooters in 2000, 39 percent of which were to children under 15 years of age. HB 1596 would help protect the safety of some of our state's most vulnerable citizens – children and the elderly.

The regulation of motor scooters would be better addressed by local governmental bodies because of their proximity to their communities. Officials of municipalities and counties would be better able to consider the particular needs of their communities and have more direct accountability to the citizenry.

Motor scooters on sidewalks have not presented a safety issue in some municipalities around the state, so allowing counties and municipalities to govern the operation of motor scooters would help prevent the imposition of regulations where they were not necessary.

Sidewalks are intended for the exclusive use of pedestrians, who should be able to walk along them without traffic from motor vehicles, including scooters. HB 1596 would preserve the right of pedestrians safely to walk on sidewalks.

Motor scooters pose more of a threat to pedestrians on sidewalks than do bicycles. The motor scooters addressed by the bill can reach speeds of more than 20 miles per hour and have been linked to many injuries to pedestrians on sidewalks. Because bicycles can be restricted from sidewalks, it only follows that motor scooters should be subject to the same restriction.

**OPPONENTS
SAY:**

Injuries from scooters could be prevented by promoting the use of proper safety gear rather than banning scooters from sidewalks. The CPSC recommends that scooter riders wear helmets and knee and elbow pads, as they have been shown to prevent injury to scooter riders. Increasing

awareness about scooter safety is a preferable alternative to restricting scooters from sidewalks.

Many scooter-related deaths have resulted from a scooter rider being hit by a car or truck. Prohibitions on the operation of scooters on sidewalks could drive scooter riders onto dangerous streets. It is safer for scooter riders to be able to operate their scooters on sidewalks because of the absence of larger motor vehicles that pose a threat to scooter riders.

**OTHER
OPPONENTS
SAY:**

The bill would not go far enough in the regulation of motor-assisted scooters. Currently, the law does not require that motor scooters be registered with the state, nor does it require that scooter riders obtain licenses. Any individual can purchase and operate a motor-assisted scooter regardless of age or skill level. At the very least, the bill should require that operators of motor-assisted scooters participate in a class on scooter safety.

NOTES:

The committee substitute added a subchapter to Chapter 551 of the Transportation Code concerning motor-assisted scooters rather than amending Section 551.303 with additional subsections on the operation of motor-assisted scooters. The substitute also clarified that the bill only refers to motor-assisted scooters – not to any motor vehicle.