

## **BILL ANALYSIS**

Senate Research Center  
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C.S.S.B. 549  
By: West  
Transportation  
4/17/2019  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Many Texas cities have been beset with motorized scooters. Without planning or with little or no notice, scooters have been deposited on city sidewalks by companies without vendors contacting local officials.

There are U.S. cities that have outright banned the use of motor scooters. Others have limited marketing, placed restrictions on where they can be ridden or parked, or on how many can be available in one or another part of town. Local regulations have also required riders to wear helmets.

There is also little to no guidance on whether motor scooters can be ridden on sidewalks or limited to streets, nor rules regarding the direction which they must travel. Scooters have been left sprawled across sidewalks creating obstructions for mobility-impaired residents and pedestrians.

S.B. 549 would establish baseline regulations on the use of motor scooters, which are defined in existing statute as having at least two wheels, a place for the rider to stand or sit, brakes, a motor, or the ability to be human powered. Under S.B. 549, the Texas Department of Transportation and local jurisdictions would retain the ability to create additional regulations regarding the use and availability of motor scooters.

S.B. 549 would establish a minimum age for motor scooter riders and require them to have a valid driver's license. The bill also prohibits parking motor scooters where they would block roads or sidewalks. (Original Author's/Sponsor's Statment of Intent)

C.S.S.B. 549 amends current law relating to the operation of motor-assisted scooters.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 551.351(1), Transportation Code, to redefine "motor-assisted scooter" to include a self-propelled device with a gas motor with a displacement not exceeding 40 cubic centimeters or an electric motor with a power output not exceeding 2,000 watts.

SECTION 2. Amends Subchapter E, Chapter 551, Transportation Code, by adding Section 551.3515, as follows:

Sec. 551.3515. GENERAL OPERATION OF MOTOR-ASSISTED SCOOTERS. (a)  
Requires a person to be at least 16 years of age to operate a motor-assisted scooter.

(b) Prohibits a person from using a motor-assisted scooter to carry more than one person.

SECTION 3. Amends Section 551.352, Transportation Code, as follows:

Sec. 551.352. New heading: OPERATION ON ROADWAYS OR BICYCLE PATHS.

(a) Authorizes a person to operate a motor-assisted scooter only, rather than authorizing a motor-assisted scooter to be operated:

(1) on a path other than a sidewalk that is set aside primarily for the use of nonmotorized traffic, including bicycles and pedestrians; or

(2) on a roadway in a bicycle lane, except as provided by Subsection (b). Deletes existing text authorizing a person to operate a motor-assisted scooter only on a street or highway for which the posted speed limit is 35 miles per hour or less.

Deletes existing text authorizing the motor-assisted scooter to cross a road or street at an intersection where the road or street has a posted speed limit of more than 35 miles per hour.

(b) Authorizes a person to operate a motor-assisted scooter on a roadway without a bicycle lane if:

(1) the roadway has a speed limit of 35 miles per hour or less; and

(2) the person rides as near as practicable to the right curb or edge of the roadway, unless:

(A) the person is:

(i) operating the scooter on a one-way roadway, in which case the operator is required to ride as near as practicable to the left curb or edge of the roadway;

(ii) overtaking or passing another vehicle that is proceeding in the same direction;

(iii) preparing to execute a left turn; or

(iv) riding alongside not more than one other motor-assisted scooter and both operators are riding in a single lane and in a manner that does not impede the normal and reasonable movement of traffic on the roadway; or

(B) hazardous conditions make it reasonably necessary for the operator to avoid the curb or edge of the roadway. Deletes existing text authorizing a county or municipality to prohibit the operation of a motor-assisted scooter on a street, highway, or sidewalk if the governing body of the county or municipality determines that the prohibition is necessary in the interest of safety.

(c) Prohibits a person from operating a motor-assisted scooter at a speed that exceeds 15 miles per hour if the person is standing or 20 miles per hour if the person is seated.

(d) Requires a person operating a motor-assisted scooter to yield the right-of-way to a pedestrian.

(e) Redesignates existing Subsection (c) as Subsection (e).

(f) Redesignates existing Subsection (e) as Subsection (f).

Deletes existing text authorizing a person to operate a motor-assisted scooter on a path set aside for the exclusive operation of bicycles or on a sidewalk. Deletes existing text providing that except as otherwise provided by this section, a provision of this title applicable to the operation of a bicycle applies to the operation of a motor-assisted scooter.

SECTION 4. Amends Subchapter E, Chapter 551, Transportation Code, by adding Sections 551.354 and 551.355, as follows

Sec. 551.354. PARKING. Prohibits a person from parking a motor-assisted scooter in a manner that obstructs a roadway, path, or sidewalk, or an improvement or feature of a roadway, path, sidewalk, or building if the primary purpose of the improvement or feature is compliance with the requirements of the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et seq.).

Sec. 551.355. EFFECT OF SUBCHAPTER ON OTHER LAW. Authorizes a county or municipality to:

- (1) further restrict the speed at which a person is authorized to operate a motor-assisted scooter;
- (2) further restrict the locations a person is authorized to operate a motor-assisted scooter;
- (3) increase the minimum age requirement for the operator of a motor-assisted scooter;
- (4) impose a higher criminal or civil penalty for a violation of this subchapter (Motor-Assisted Scooters);
- (5) further restrict the locations a person is authorized to park a motor-assisted scooter;
- (6) require the operator of a motor-assisted scooter to wear a safety helmet; or
- (7) prohibit the operation of a motor-assisted scooter on a street, highway, or sidewalk if the governing body of the county or municipality determines that the prohibition is necessary in the public interest or is necessary for safety.

SECTION 5. Effective date: September 1, 2019.