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**AB-1112 Shared mobility devices: local regulation.** (2019-2020)

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Date Published: 06/19/2019 09:00 PM

AMENDED IN SENATE JUNE 19, 2019

AMENDED IN SENATE JUNE 03, 2019

AMENDED IN ASSEMBLY MAY 07, 2019

AMENDED IN ASSEMBLY APRIL 08, 2019

AMENDED IN ASSEMBLY MARCH 28, 2019

CALIFORNIA LEGISLATURE— 2019–2020 REGULAR SESSION

**ASSEMBLY BILL****NO. 1112****Introduced by Assembly Member Friedman****February 21, 2019**

An act to add Division 16.8 (commencing with Section 39050) to the Vehicle Code, relating to shared mobility devices.

## LEGISLATIVE COUNSEL'S DIGEST

AB 1112, as amended, Friedman. Shared mobility devices: local regulation.

Existing law generally regulates the operation of bicycles, electric bicycles, motorized scooters, and electrically motorized boards. Existing law allows local authorities to regulate the registration, parking, and operation of bicycles and motorized scooters in a manner that does not conflict with state law.

This bill would define a "shared mobility device" as a bicycle, electric bicycle, motorized scooter, electrically motorized board, or other similar personal transportation device, that is made available to the public for shared use and transportation, as provided. The bill would require shared mobility devices to include a single unique alphanumeric ID. The bill would allow a local authority to require a shared mobility device provider to provide the local authority with deidentified and aggregated trip ~~data~~ *data and operational data, including* as a condition for operating a shared mobility device program. The bill would prohibit the sharing of individual trip data, except as provided by the Electronic Communications Privacy Act. The bill would ~~prohibit a local authority from imposing any unduly restrictive requirements on mobility device providers that have the effect of prohibiting the operation of all shared mobility providers in its jurisdiction. The bill would allow a local authority to require shared mobility device providers to deploy shared mobility devices in accordance with fleet caps, reasonable insurance and indemnification requirements, equitable access requirements, and speed limits, as a condition of operating a shared mobility fleet. The bill would prohibit a local authority from subjecting users of shared mobility devices to requirements more restrictive than those applicable to users of personally owned similar transportation devices.~~ *allow a local authority to enact reasonable regulations on shared mobility devices and providers within its jurisdiction, including, but not limited to, requiring a shared mobility service provider to obtain a permit. The bill*

*would allow a local authority to ban persons from deploying and offering shared mobility devices for hire on its public right of way, subject to the California Environmental Quality Act.*

The bill would include findings that uniformity in certain aspects of local regulation of shared mobility devices and providers proposed by this bill addresses a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities and counties, including charter cities and counties.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Division 16.8 (commencing with Section 39050) is added to the Vehicle Code, to read:

**DIVISION 16.8. Local Regulation of Motorized Scooters**

**39050.** The Legislature finds and declares that a basic level of statewide standards for local regulation of 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.

**39051.** For the purposes of this division, the following definitions apply, unless the context requires otherwise:

(a) ~~"Aggregate"~~ *"Aggregated data"* 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"~~ *"Deidentified data"* means ~~information data~~ that cannot reasonably identify, relate to, describe, be capable of being associated with, or be linked, directly or indirectly, to a particular ~~consumer, user~~, provided that an entity that uses deidentified ~~information data~~ meets all of the following criteria:

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

(2) Has implemented business *and security* processes that specifically prohibit reidentification of the ~~information data~~.

(3) Has implemented business *and security* processes to prevent inadvertent release of deidentified ~~information data~~.

(4) Makes no attempt to reidentify the information.

*(c) "Operational data" means data pertaining to the general status of a shared mobility device fleet including, but not limited to, the location of shared mobility devices that are not engaged by users, which devices are in use, the number of complaints received by a shared mobility device service provider, and fleet maintenance logs.*

~~(e)~~

*(d) "Shared mobility device" means an electrically motorized board as defined in Section 313.5, a motorized scooter as defined in Section 407.5, an electric bicycle as defined in Section 312.5, a bicycle as defined in Section 231, or other similar personal transportation device, except as provided in subdivision (b) of Section 415, 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 digital platform.*

~~(d)~~

*(e) "Shared mobility device service provider" or "provider" means a person or entity, other than a government 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)~~

*(f) "Trip data" means deidentified and aggregated data ~~elements~~ related to trips taken by users of a shared mobility device including, but not limited to, Global Positioning System, time stamp, or route data.*

~~(f)~~

(g) "Individual trip data" means data ~~elements~~ related to ~~trips taken by users~~ *a trip taken by a user* of a shared mobility device including, but not limited to, Global Positioning System, time stamp, or route data that are not deidentified and aggregated. Individual trip data ~~is are~~ "electronic device information" as defined in subdivision (g) of Section 1546 of the Penal Code and ~~is are~~ subject to the protections established in Chapter 3.6 (commencing with Section 1546) of Title 12 of Part 2 of the Penal Code.

**39052.** All shared mobility devices operated in the state shall include a single unique alphanumeric ID assigned by the provider that is visible from a distance of ~~five ten~~ 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 mobility device.

**39056.** A local authority may require a shared mobility device provider, *including* as a condition for operating a shared mobility device program, to provide to the local authority trip data for all trips *in which any part occurs* within the jurisdiction of the local authority on any shared mobility ~~device.~~ *device and to provide the local authority with operational data for any shared mobility devices within the jurisdiction of the local authority.* 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.

~~39057.(a) In regulating shared mobility devices and providers, a local authority shall not impose any unduly restrictive requirements that have the effect of prohibiting the operation of all shared mobility providers in its jurisdiction. A local authority may require a shared mobility provider, as a condition for operating a shared mobility device fleet, to deploy shared devices in accordance with the following requirements, including, but not limited to:~~

~~(1) Fleet caps that reasonably limit the number of shared mobility devices permitted to operate within its jurisdiction.~~

~~(2) Reasonable insurance and indemnification requirements.~~

~~(3) Required or incentivized deployment in specific regions of the local authority's jurisdiction, based on factors including, but not limited to, economic indicators, in order to ensure equitable access to shared mobility devices, provided that the local authority correspondingly reduces or eliminates associated fees and costs.~~

~~(4) Limits on maximum device speed, provided that these limits on roads and bicycle lanes are not below applicable statewide speed limits.~~

~~(b) The local authority may impose fees based on the reasonable and necessary costs incurred by the local authority as a result of administering shared mobility device programs within its jurisdiction.~~

~~39058. In regulating shared mobility devices and providers, a local authority shall not subject the users of shared mobility devices to requirements more restrictive than those applicable to users of personally owned similar transportation devices, including, but not limited to, personally owned electric bicycles and electric scooters.~~

**39057. (a)** A local authority may enact reasonable regulations on shared mobility devices and providers within its jurisdiction, including, but not limited to, the following:

*(1) Requiring that, before distribution of a shared mobility device, a shared mobility service provider shall enter into an agreement with, or obtain a permit from, the local authority with jurisdiction over the area.*

*(2) Adoption of operation, parking, maintenance, and safety rules regarding the use of shared mobility devices.*

*(3) Adoption of requirements to protect public health, safety, and welfare, ensure accessibility, support environmental sustainability, and ensure equitable access to historically disadvantaged communities or individuals within the local authority's jurisdiction.*

*(b) A local authority may, through ordinance, ban persons from deploying and offering for hire shared mobility devices on its public right of way. An ordinance described in this subdivision is subject to the requirements of state law, including, but not limited to, Division 13 (commencing with Section 21000) of the Public Resources Code, as having a significant effect on the environment.*

*(c) The local authority may impose fees based on the reasonable and necessary costs incurred by the local authority as a result of administering shared mobility device programs within its jurisdiction.*

**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 an 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 shared mobility devices 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 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.



# California

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### AB-1286 Shared mobility devices: agreements. (2019-2020)

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Date Published: 06/06/2019 09:00 PM

AMENDED IN SENATE JUNE 06, 2019

AMENDED IN ASSEMBLY MAY 01, 2019

AMENDED IN ASSEMBLY APRIL 25, 2019

AMENDED IN ASSEMBLY APRIL 08, 2019

CALIFORNIA LEGISLATURE— 2019–2020 REGULAR SESSION

**ASSEMBLY BILL**

**NO. 1286**

**Introduced by Assembly Member Muratsuchi**

**February 21, 2019**

An act to add Title 10.1 (commencing with Section 2505) to Part 4 of Division 3 of the Civil Code, relating to mobility devices.

#### LEGISLATIVE COUNSEL'S DIGEST

AB 1286, as amended, Muratsuchi. Shared mobility devices: agreements.

Existing law regulates contracts for particular transactions, including those in which one person agrees to give to another person the temporary possession and use of personal property, other than money for reward, and the latter agrees to return the property to the former at a future time.

This bill would require a shared mobility service provider, as defined, to enter into an agreement with, or obtain a permit from, the city or county with jurisdiction over the area of use. The bill would require that the provider maintain a specified amount of commercial general liability insurance and would prohibit the provider from including specified provisions in a user agreement before distributing a shared mobility device within that jurisdiction. The bill would define shared mobility device to mean an electrically motorized board, motorized scooter, electric bicycle, bicycle, or other similar personal transportation device, except as provided.

This bill would require a city or county that authorizes a shared mobility device provider to operate within its jurisdiction on or after January 1, 2020, to adopt operation, parking, ~~maintenance, and safety rules~~ *and maintenance rules, as provided*, regarding the use of the shared mobility devices in its jurisdiction before the provider may offer shared mobility devices for rent or use. The bill would require a city or county that authorized a provider to operate within its jurisdiction before January 1, 2020, and continues to provide that authorization to adopt ~~those~~ operation, parking, ~~maintenance, and safety rules~~ *and maintenance rules, as provided*, by January 1, 2021.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Title 10.1 (commencing with Section 2505) is added to Part 4 of Division 3 of the Civil Code, to read:

**TITLE 10.1. Shared Mobility Devices**

**2505.** (a) For purposes of this title:

(1) "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.

(2) "Shared mobility 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.

(b) Before distribution of a shared mobility device, a shared mobility service provider shall enter into an agreement with, or obtain a permit from, the city or county with jurisdiction over the area of use. The agreement or permit shall, at a minimum, require that the provider comply with both of the following requirements:

(1) ~~Requires~~ *Require* that the shared mobility service provider ~~to~~ maintain commercial general liability insurance coverage with a carrier doing business in California, with limits not less than one million dollars (\$1,000,000) for each occurrence for bodily injury or property damage, including contractual liability, personal injury, and product liability and completed operations, and not less than five million dollars (\$5,000,000) aggregate for all occurrences during the policy period. The insurance shall not exclude coverage for injuries or damages caused by the shared mobility service provider to the shared mobility device user.

(2) The shared mobility provider agreement between the provider and a user shall not contain a provision by which the user waives, releases, or in any way limits their legal rights or remedies under the agreement.

(c) (1) A city or county that authorizes a provider to operate within its jurisdiction on or after January 1, 2020, shall adopt *rules for the* operation, parking, ~~maintenance, and safety rules regarding the use and maintenance~~ of shared mobility devices before a provider may offer any shared mobility device for rent or use in the city or ~~county~~ *county by any of the following:*

(A) *Ordinance.*

(B) *Agreement.*

(C) *Permit terms.*

(2) A city or county that authorized a provider to operate within its jurisdiction before January 1, 2020, and continues to provide that authorization shall adopt *rules for the* operation, parking, ~~maintenance, and safety rules regarding the use and maintenance~~ of shared mobility devices by January 1, ~~2021~~ *2021, by any of the following:*

(A) *Ordinance.*

(B) *Agreement.*

(C) *Permit terms.*

(3) A provider shall comply with all ~~operation, parking, maintenance, and safety rules~~ *applicable rules, agreements, and permit terms* established pursuant to this subdivision.

(d) Nothing in this section shall prohibit a city or county from adopting any ordinance or regulation that is not inconsistent with this title.

**SEC. 2.** The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.