

AMENDED IN SENATE JULY 22, 2020

AMENDED IN SENATE JUNE 19, 2019

AMENDED IN SENATE JUNE 3, 2019

AMENDED IN ASSEMBLY MAY 7, 2019

AMENDED IN ASSEMBLY APRIL 8, 2019

AMENDED IN ASSEMBLY MARCH 28, 2019

CALIFORNIA LEGISLATURE—2019–20 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. An act to add Article 3 (commencing with Section 22880) to Chapter 10 of Division 11 of the Vehicle Code, relating to micromobility devices.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1112, as amended, Friedman. ~~Shared mobility devices: local regulation.~~ *Micromobility devices: relocation.*

Existing law authorizes a peace officer to order the removal and storage of a vehicle under various circumstances, including when the vehicle is parked in a manner obstructing traffic or blocking access to a fire hydrant. Existing law generally regulates the operation of bicycles, electric bicycles, and motorized scooters. Under existing law, a violation of the Vehicle Code is a crime.

This bill would prohibit an unauthorized person from removing an unattended micromobility device from a highway to a storage facility,

garage, or other place. The bill would authorize a person to relocate an illegally parked micromobility device a short distance in order to clear a highway, sidewalk, doorway, or public bicycle path or trail for vehicle or pedestrian traffic. The bill would allow a peace officer to relocate an illegally parked micromobility device to a properly parked location. If relocation is impracticable, the bill would allow a peace officer to remove a micromobility device in the same manner as a vehicle. Because a violation of these provisions would be a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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 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 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~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Article 3 (commencing with Section 22880) is
2 added to Chapter 10 of Division 11 of the Vehicle Code, to read:

3
4 Article 3. Relocation of Micromobility Devices

5
6 22880. (a) A micromobility device is not a vehicle and the
7 provisions of Article 1 (commencing with Section 22650), Article
8 2 (commencing with 22850), and Chapter 11 (commencing with
9 Section 22950) do not apply to, and do not authorize the removal
10 of, a micromobility device, except in limited situations as provided
11 in subdivision (d).

12 (b) An unauthorized person may not remove an unattended
13 micromobility device from a highway to a storage facility, garage,
14 or other place. However, a person may relocate an illegally parked
15 micromobility device a short distance in order to clear a highway,
16 sidewalk, doorway, or public bicycle path or trail for vehicle or
17 pedestrian traffic.

18 (c) A peace officer, local authority, or agent thereof may
19 relocate an illegally parked micromobility device to a properly
20 parked location.

21 (d) A peace officer, local authority, or agent thereof may remove
22 a micromobility device to a storage facility in the same manner
23 as a vehicle pursuant to Article 1 (commencing with Section 22650)
24 and Article 2 (commencing with 22850) if relocation pursuant to
25 subdivision (c) is impracticable. The provisions of Section 22650
26 apply to any removal under this paragraph.

27 (e) As used in this section, “micromobility device” means a
28 bicycle, electric bicycle, or motorized scooter as defined in Division
29 1 (commencing with Section 100).

30 SEC. 2. No reimbursement is required by this act pursuant to
31 Section 6 of Article XIII B of the California Constitution because
32 the only costs that may be incurred by a local agency or school
33 district will be incurred because this act creates a new crime or

1 *infraction, eliminates a crime or infraction, or changes the penalty*
2 *for a crime or infraction, within the meaning of Section 17556 of*
3 *the Government Code, or changes the definition of a crime within*
4 *the meaning of Section 6 of Article XIII B of the California*
5 *Constitution.*

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

8

9 ~~DIVISION 16.8. LOCAL REGULATION OF MOTORIZED~~
10 ~~SCOOTERS~~

11

12 ~~39050. The Legislature finds and declares that a basic level of~~
13 ~~statewide standards for local regulation of shared mobility devices~~
14 ~~encourages innovation and ensures basic expectations for~~
15 ~~consumers. Except as expressly stated, it is not the intent of the~~
16 ~~Legislature that this division limit regulations a local authority~~
17 ~~may otherwise implement beyond the minimum standards outlined~~
18 ~~in this division.~~

19 ~~39051. For the purposes of this division, the following~~
20 ~~definitions apply, unless the context requires otherwise:~~

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

26 (b) ~~“Deidentified data” means data that cannot reasonably~~
27 ~~identify, relate to, describe, be capable of being associated with,~~
28 ~~or be linked, directly or indirectly, to a particular user, provided~~
29 ~~that an entity that uses deidentified data meets all of the following~~
30 ~~criteria:~~

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

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

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

37 (4) ~~Makes no attempt to reidentify the information.~~

38 (e) ~~“Operational data” means data pertaining to the general~~
39 ~~status of a shared mobility device fleet including, but not limited~~
40 ~~to, the location of shared mobility devices that are not engaged by~~

1 users, which devices are in use, the number of complaints received
2 by a shared mobility device service provider, and fleet maintenance
3 logs.

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

13 (e) ~~“Shared mobility device service provider” or “provider”~~
14 ~~means a person or entity, other than a government entity, that~~
15 ~~offers, makes available, or provides a shared mobility device in~~
16 ~~exchange for financial compensation or membership via a digital~~
17 ~~application or other electronic or digital platform.~~

18 (f) ~~“Trip data” means deidentified and aggregated data related~~
19 ~~to trips taken by users of a shared mobility device including, but~~
20 ~~not limited to, Global Positioning System, time stamp, or route~~
21 ~~data.~~

22 (g) ~~“Individual trip data” means data related to a trip taken by~~
23 ~~a user of a shared mobility device including, but not limited to,~~
24 ~~Global Positioning System, time stamp, or route data that are not~~
25 ~~deidentified and aggregated. Individual trip data are “electronic~~
26 ~~device information” as defined in subdivision (g) of Section 1546~~
27 ~~of the Penal Code and are subject to the protections established in~~
28 ~~Chapter 3.6 (commencing with Section 1546) of Title 12 of Part~~
29 ~~2 of the Penal Code.~~

30 ~~39052. All shared mobility devices operated in the state shall~~
31 ~~include a single unique alphanumeric ID assigned by the provider~~
32 ~~that is visible from a distance of ten feet, that is not obfuscated by~~
33 ~~branding or other markings, and that is used throughout the state,~~
34 ~~including by local authorities, to identify the shared mobility~~
35 ~~device.~~

36 ~~39056. A local authority may require a shared mobility device~~
37 ~~provider, including as a condition for operating a shared mobility~~
38 ~~device program, to provide to the local authority trip data for all~~
39 ~~trips in which any part occurs within the jurisdiction of the local~~
40 ~~authority on any shared mobility device and to provide the local~~

1 authority with operational data for any shared mobility devices
2 within the jurisdiction of the local authority. Individual trip data
3 shall not be shared with the local authority, except as provided by
4 Chapter 3.6 (commencing with Section 1546) of Title 12 of Part
5 2 of the Penal Code.

6 39057. (a) A local authority may enact reasonable regulations
7 on shared mobility devices and providers within its jurisdiction,
8 including, but not limited to, the following:

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

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

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

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

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

30 39060. It is the intent of the Legislature to promote and
31 encourage the use of zero-emission shared mobility devices, which
32 have been proven to be an environmentally sustainable replacement
33 for automobile trips. In accordance with this policy, the Legislature
34 finds and declares that uniformity in certain aspects of local
35 regulation of shared mobility devices is of vital statewide
36 importance, and thus a matter of statewide concern. Thus, the
37 Legislature finds and declares that the provisions of this division,
38 providing for uniformity in certain aspects of local regulation of
39 shared mobility devices and providers address a matter of statewide
40 concern rather than a municipal affair as that term is used in Section

1 ~~5 of Article XI of the California Constitution. Therefore, this~~
2 ~~division applies to all cities and counties, including charter cities~~
3 ~~and counties.~~

O