Dockless Scooters & Bikes… Future, Fad or Nuisance?

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The Upside
The Downside

My neighborhood…
Ocean Beach
And then one day....
Now what?
- Pressure to be first; at all costs
- Software beta testing
- West Hollywood
- Beverly Hills
- Newport Beach
- Huntington Beach
- Santa Clara
Pilot Programs

- April 2018 – required companies to have a permit
- Required commitment to safety and accountability
- Required insurance, limited max #, user protections, vehicle specifications, riding and storage requirements, and data sharing
Over a dozen fully completed permit applications were received

All the major players submitted proposals

Los Angeles

• 1 year pilot
• Speed limits, parking requirements, maintenance procedures
• Multi-lingual apps
• Handicap accessible
Santa Monica

- 16 month pilot program
- Interactive safety requirements, like push notifications
- Data share with City
- Even distribution
- 24 hour hotline

Long Beach

- Extended current program
- Speed limits based upon geofencing
- Parking restrictions
- 4 x 40 staging
San Diego

- Still in proposal stage
- Speed limits based upon geofencing
- Banned from hospital and school zones
- 4 x 40 staging
- Data sharing
- Retrieval duties imposed

San Jose

- Reg’s established
- 12 mph speed limit
- Parking requirements
- 20% service to areas of concern
- Low income discounts
Sacramento

- Proposed regs
- 15 mph speed limit
- 48 hr time line to remove obstructions
- 20% disbursed to “opportunity areas”

Oakland

- Regs established
- Equitable distribution
- Low income rates
- No limits on #
California leading the way

Leg History

- First motorized scooter definition – 1999
- Further definitions in the Vehicle Code on motorized scooter and insurance disclosure – 2002
Leg History

• Bird bill – “standup electric scooters” – AB 2989 – authorizes local authority to allow motorized scooters with speed limit of 35 mph
• Only requires helmet under 18
• **Opposed by** City/County of SF, Walk Long Beach, Los Angeles Walks, Walk SF and others

Shared Mobility Device Bill
AB 1286
Shared Mobility Device Bill
AB 1286

• “Shared mobility device” means an electronically motorized board motorized scooter electric bicycle, motorized skateboard or other personal transportation device, which is not a motor vehicle as defined by Cal. Vehicle Code 415, that is made available to the public for shared use and transportation in exchange for financial compensation via a digital application or other electronic or digital platform.

Shared Mobility Device Bill
AB 1286

• Adopt minimum insurance requirements
• Prohibit “click and accept” waivers of legal rights and forums
• Requires cities and counties to adopt operation, parking, maintenance and safety rules
Why?

• Insurance requirements - $5M minimum from admitted carrier in CA
  – You’ll be indemnified by real insurance
• Eliminates waivers of liability and forced arbitration
  – You won’t be sued as much
• Requires rules to be in place before they’re dropped in your town
  – Many are already doing this and it encourages the current framework to expand/improve

Real world implications

• San Diego man killed last month; another severely injured resulting in major surgeries; MDs in ERs are saying injuries are coming “fast and furious”
• Boy in Chula Vista struck from behind and killed at 4am
• 249 patients went to the ER for scooter injuries
• 96% were injured as riders
• only 5.7% wore helmets
• 40% suffered head injuries
• 31% had fractures
• 27.7% had contusions.

Injuries are happening...

• Maintenance is virtually non-existent
• Lime “juicers” having battery fires

• The calls we get often get include faulty brakes and scooters separating
• Terms of use include “click and accept” waivers of all legal rights
• Waives all liability; all warranties; “as is”

• Requires forced arbitration

• One company’s TOS is 18,404 words long = 261 cell phone screen pages

• $100 limitation on liability

• AB 1286 does not allow such provisions in the TOS

• Levels the playing field

• When someone gets hurt by a defectively maintained scooter/bike and can’t sue the company where will they turn?
• We lead the nation on ride-share insurance

• Injured victims are in insurance limbo and personal liability carriers will be excluding these claims

• And when a company creates a system, profits from it, aren't they in the best position to fix it and make it right?

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