

Effective 5/1/2024

41-6a-1115.1 Scooter-share programs -- Local ordinances regulating motor assisted scooters.

- (1) For the purposes of this section:
 - (a) "Local authority" means a county, city, or town.
 - (b) "Scooter-share operator" means a person offering a shared scooter for hire.
 - (c) "Scooter-share program" means the offering of a shared scooter for hire.
 - (d) "Shared scooter" means a motor assisted scooter offered for hire.
- (2) A local authority may regulate the operation of a motor assisted scooter within its jurisdiction.
- (3) A local authority may authorize the operation of a motor assisted scooter on sidewalks and regulate the operation, including the maximum speed on the sidewalks.
- (4) A regulation adopted by a local authority pursuant to this section regarding the operation of a motor assisted scooter shall be consistent with the regulation of bicycles and this title.
- (5)
 - (a) A local authority may regulate the operation of a scooter-share program within its jurisdiction. Regulation of scooter-share programs shall be consistent with this Subsection (5).
 - (b) A shared scooter shall bear a single unique alphanumeric identification visible from a distance of five feet, that may not be obfuscated by branding or other markings, and that shall be used throughout the state, including by local authorities, to identify the shared scooter.
 - (c) A scooter-share operator shall maintain the following insurance coverage dedicated exclusively for operation of shared scooters:
 - (i) commercial general liability insurance coverage with a limit of at least \$1,000,000 each occurrence and \$5,000,000 aggregate;
 - (ii) automobile insurance coverage with a limit of at least \$1,000,000 each occurrence and \$1,000,000 aggregate;
 - (iii) umbrella or excess liability coverage with a limit of at least \$5,000,000 each occurrence and \$5,000,000 aggregate; and
 - (iv) when the scooter-share operator employs an individual, workers' compensation coverage of no less than required by law.
 - (d) Penalties for a moving or parking violation involving a motor assisted scooter or a shared scooter shall be assessed to the person responsible for the violation, and may not exceed penalties assessed to a rider of a bicycle.
 - (e) A scooter-share operator may be required to pay fees, provided that the total amount of the fees collected may not exceed the reasonable and necessary cost to the local authority of administering scooter-share programs, including a reasonable fee for the use of the right-of-way, commensurate and proportional to fees charged for similar uses.
 - (f) A scooter-share operator may be required to indemnify the local authority for claims, demands, costs, including reasonable attorney fees, losses, or damages brought against the local authority, and arising out of a negligent act, error, omission, or willful misconduct by the scooter-share operator or the scooter-share operator's employees, except to the extent the claims, demands, costs, losses, or damages arise out of such local authority's negligence or willful misconduct.
 - (g) In the interests of safety and right-of-way management, a local authority may designate locations where scooter-share operators may not stage shared scooters, provided that at least one location shall be permitted on each side of each city block in commercial zones and business districts.
 - (h) A local authority may require scooter-share operators, as a condition for operating a scooter-share program, to provide to the local authority anonymized fleet and ride activity data for

completed trips starting or ending within the jurisdiction of the local authority on a vehicle of the scooter-share operator or of any person or company controlled by, controlling, or under common control with the scooter-share operator, provided that, to ensure individual privacy the trip data:

- (i) is provided via an application programming interface, subject to the scooter-share operator's license agreement for such interface, in compliance with a national data format specification;
 - (ii) provided shall be treated as trade secret and proprietary business information, and may not be shared to third parties without the scooter-share operator's consent, and may not be treated as owned by the local authority; and
 - (iii) shall be considered private information, and may not be disclosed under Title 63G, Chapter 2, Government Records Access and Management Act, pursuant to a public records request received by the local authority without prior aggregation or obfuscation to protect individual privacy.
- (i) In regulating a shared scooter or a scooter-share program, a local authority may not impose any unduly restrictive requirement on a scooter-share operator, including:
- (i) requiring operation below cost; or
 - (ii) subjecting riders of shared scooters to requirements more restrictive than those applicable to riders of privately owned motor assisted scooters or bicycles.

Amended by Chapter 438, 2024 General Session