

To: Bicycle-Pedestrian Advisory Committee

Date: December 4, 2024

I. OVERVIEW OF WISCONSIN STATUTES GOVERNING ELECTRIC SCOOTERS.

Most electric scooters regulations are contained in Wisconsin Statutes Chapters 340-349. This document provides a non-exhaustive overview of applicable statutes.

Electric Scooter Definition:

Wisconsin Statute § 340.01(15):

“Electric scooter” means a device weighing less than 100 pounds that has handlebars and an electric motor, is powered solely by the electric motor and human power, and has a maximum speed of not more than 20 miles per hour on a paved level surface when powered solely by the electric motor. “Electric scooter” does not include an electric personal assistive mobility device, motorcycle, motor bicycle, electric bicycle, or moped.

Rules of the Road for Electric Scooters:

The main “rules of the road” applicable to electric scooters are in Ch 346 of the Wisconsin Statutes. Some statutes pertain directly to electric scooters while other general traffic laws, e.g., adherence to traffic signs and signals, are applied via **Wisconsin Statute § 346.02(12)**:

An electric scooter and an electric personal assistive mobility device shall be considered a vehicle for purposes of ss. 346.04 to 346.10, 346.12, 346.13, 346.15, 346.16, 346.18, 346.19, 346.20, 346.215 (3), 346.23 to 346.28, 346.31 to 346.35, 346.37 to 346.40, 346.44, 346.46, 346.47, 346.48, 346.50 to 346.55, 346.57, 346.59, 346.62, 346.65 (5m), 346.67 to 346.70, 346.78, 346.80, 346.87, 346.88, 346.90, 346.91, and 346.94 (4), (5), (9), and (10), except those provisions which by their express terms apply only to motor vehicles or which by their very nature would have no application to electric scooters or electric personal assistive mobility devices.

Below are the titles of those statutes enumerated in Wis. Stat. § 346.02(12):

- 346.04 Obedience to traffic officers, signs and signals; fleeing from officer.
- 346.05 Vehicles to be driven on right side of roadway; exceptions.
- 346.06 Meeting of vehicles.
- 346.07 Overtaking and passing on the left.
- 346.072 Passing stopped emergency or roadside service vehicles.
- 346.075 Overtaking certain vehicles and devices.
- 346.08 When overtaking and passing on the right permitted.
- 346.09 Limitations on overtaking on left or driving on left side of roadway.
- 346.10 When passing at a railroad crossing, intersection, bridge, viaduct or tunnel prohibited.

- 346.12 Driving through safety zones prohibited.
- 346.13 Driving on roadways laned for traffic.
- 346.15 Driving on divided highway.
- 346.16 Use of controlled-access highways, expressways and freeways.
- 346.18 General rules of right-of-way.
- 346.19 What to do on approach of emergency vehicle.
- 346.20 Right-of-way of funeral processions and military convoys.
- 346.215 Emergency vehicles operated as escorts and rights-of-way related to escorted vehicles.
- 346.23 Crossing controlled intersection or crosswalk.
- 346.24 Crossing at uncontrolled intersection or crosswalk.
- 346.25 Crossing at place other than crosswalk.
- 346.26 Blind pedestrian on highway.
- 346.27 Persons working on highway.
- 346.28 Pedestrians to walk on left side of highway; drivers to yield on sidewalks.
- 346.31 Required position and method of turning at intersections.
- 346.32 Required position for turning into private road or driveway.
- 346.33 U-turns.
- 346.34 Turning movements and required signals on turning and stopping.
- 346.35 Method of giving signals on turning and stopping.
- 346.37 Traffic-control signal legend.
- 346.38 Pedestrian control signals.
- 346.39 Flashing signals.
- 346.40 Whistle signals.
- 346.44 All vehicles to stop at signal indicating approach of train.
- 346.46 Vehicles to stop at stop signs and school crossings.
- 346.47 When vehicles using alley or nonhighway access to stop.
- 346.48 Vehicles to stop for school buses displaying flashing lights.
- 346.50 Exceptions to stopping and parking restrictions.
- 346.503 Parking spaces for vehicles displaying special registration plates or special identification cards.
- 346.505 Stopping, standing or parking prohibited in parking spaces reserved for vehicles displaying special registration plates or special identification cards.
- 346.51 Stopping, standing or parking outside of business or residence districts.
- 346.52 Stopping prohibited in certain specified places.
- 346.53 Parking prohibited in certain specified places.
- 346.54 How to park and stop on streets.
- 346.55 Other restrictions on parking and stopping.
- 346.57 Speed restrictions.
- 346.59 Minimum speed regulation.
- 346.62 Reckless driving.
- 346.65 Penalty for violating sections 346.62 to 346.64.
- 346.67 Duty upon striking person or attended or occupied vehicle.
- 346.675 Vehicle owner's liability for failing to stop at the scene of an accident.
- 346.68 Duty upon striking unattended vehicle.
- 346.69 Duty upon striking property on or adjacent to highway.
- 346.70 Duty to report accident; assistance following accident.
- 346.78 Play vehicles not to be used on roadway.
- 346.80 Riding bicycle, electric scooter, or electric personal assistive mobility device on roadway.
- 346.87 Limitations on backing.

- 346.88 Obstruction of operator's view or driving mechanism.
- 346.90 Following emergency vehicle.
- 346.91 Crossing fire hose.
- 346.94 Miscellaneous prohibited or restricted acts.

The operating while intoxicated ("OWI") statute is **NOT** included in the above list. Wis. Stat. § 346.63. Therefore, while most rules of the rules of the road apply to electric scooters, a person cannot get an OWI on an electric scooter.

Additional rules of the road apply to electric scooters. For example, electric scooters are exempt from registration but must follow certain lighting and equipment requirements. See Wis. Stat. §§ 341.058 and 347.489.

Power of Cities to Regulate Scooters:

Wisconsin Statute § 349.237:

The governing body of any municipality or county may, by ordinance, regulate the rental and operation of electric scooters in a manner consistent with the regulation of bicycles in the municipality or county, except that the governing body of any municipality or county may do any of following:

- (1) Restrict or prohibit the operation of electric scooters on any roadway under its jurisdiction having a speed limit of more than 25 miles per hour.
- (2) Restrict or prohibit the operation of electric scooters on any sidewalk or bicycle way under its jurisdiction.
- (3) Establish requirements for and limitations on the parking of electric scooters on roadways, sidewalks, bicycle lanes, or bicycle ways under its jurisdiction.
- (4) Restrict or prohibit the short-term commercial rental of electric scooters to the general public.

Wisconsin Statute § 349.23(3):

The governing body of any city, town, village or county may by ordinance prohibit the use of bicycles and motor bicycles on a roadway over which they have jurisdiction, after holding a public hearing on the proposal.

II. LOCAL GOVERNMENT REGULATION.

City of La Crosse Municipal Code:

Section 44-198. - Skateboards, roller skates, roller skis, play vehicles, in-line skates and motorized scooters, mini-bikes, skateboards and go-carts. Sec. 44-198(e):

No person shall operate any motorized scooter, motorized mini-bike, motorized skateboard or motorized go-cart on any street, sidewalk or public property in the City. A motorized scooter is a vehicle that is designed to be stood or sat upon by the operator and that has two wheels and is powered by an internal combustion engine or electric motor that is capable of propelling the device with or without human propulsion. A motorized scooter shall not include a device defined as an electric personal assistive mobility device under Wis. Stats. § 340.01(15pm).

Section 44-2. - State traffic laws adopted. Sec. 44-2(a):

Except as otherwise specifically provided in this Code, the statutory provisions in Wis. Stats. chs. 340—348, 350 and 351, describing and defining regulations with respect to vehicles and traffic, exclusive of any provisions therein relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment are hereby adopted and by reference made a part of this Code as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this Code. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made part of this Code in order to secure uniform statewide regulation of traffic on the highways, streets and alleys of the State of Wisconsin.

Many other municipalities adopt state traffic law similarly to La Crosse Municipal Code Sec. 44-2, including, but not limited to: Appleton, Eau Claire, Green Bay, Kenosha, Madison, Oshkosh, Racine, and Waukesha. In addition, some of these municipalities have more specific ordinances concerning general electric scooter usage and some directly regulate commercial rental of electric scooters. Excerpts from the following Municipal Codes are copied below for review: Appleton, Green Bay, Madison, Oshkosh, and Racine.

Appleton:

Sec. 19-161. Definitions.

Electric scooter means a device weighing less than 100 pounds that has handlebars and an electric motor, is powered solely by the electric motor and human power, and has a maximum speed of not more than 20 miles per hour on paved level surface when powered solely by the electric motor.

Sec. 19-182. Applicability of traffic regulations to persons operating bicycles and electric scooters.

Every person operating a bicycle or electric scooter upon a roadway shall be subject to all of the duties applicable to the driver of a vehicle by the laws of this state declaring rules of the road applicable to vehicles or by the traffic ordinances of the City applicable to the driver of a vehicle,

except as to special regulations in this article and except as to those provisions of laws and ordinances which by their nature have no application.

Sec. 19-183. Riding bicycle or electric scooter on sidewalk.

- (a) Bicyclists and electric scooter operators exercising due care may operate their bicycle or electric scooter upon the sidewalk, except on the sidewalks on College Avenue between Drew Street and Badger Avenue (this exception shall not apply to law enforcement officers operating designed police bicycles).
- (b) It shall be unlawful for any person operating a bicycle or electric scooter on the sidewalk to attempt to pass another person going in the same direction on the walk without giving an audible signal as warning and until it becomes evident that the person so warned is aware of the approach of such person operating the bicycle or electric scooter. Pedestrians shall at all times have the right-of-way upon sidewalks and, if necessary, the person operating such bicycle or electric scooter shall vacate the sidewalk or dismount and walk the bicycle or electric scooter to prevent an accident. Any person operating a bicycle or electric scooter upon the sidewalk must have the bicycle or electric scooter under control at all times.
- (c) Electric scooters shall not be operated in all City-owned parking ramps.

Green Bay:

Sec. 40-139. Electric scooter regulations.

- (a) *Defined.* Electric scooter means a device weighing less than 100 pounds that has handlebars and an electric motor, is powered solely by the electric motor and human power, and has a maximum speed of not more than 15 miles per hour on paved level surface when powered solely by the electric motor.
- (b) *State laws applicable.* Every person using an electric scooter upon a public roadway shall be subject to the provisions of all ordinances and state laws applicable to the operator of any vehicle, except those provisions with reference to the equipment of vehicles and those provisions that, by their nature, would have no application.
- (c) *Where prohibited.* No electric scooters shall be operated on any public sidewalks, any City-owned parking ramps, or any roadway, trail, path, or property where a sign is erected indicating that bicycles and/or electric scooters are prohibited. In addition, no electric scooter shall be operated on any of the following streets under any circumstances:
 - (1) Mason Street (Tilleman Bridge) from the intersection of Tenth Avenue to Jackson Street.
 - (2) Ashland Avenue from the intersection of Ninth Street to Third Street.
- (d) *Riding on roadway.*

- (1) Every person using an electric scooter upon a two-way public street shall ride as near as practicable to within five feet of the right curb or edge of the roadway, except when passing another vehicle or making a left-hand turn; and when riding in groups, users of electric scooters shall ride in single file, except on residential streets which are not divided by painted or other marked extra lines where they may ride two abreast. On one-way roads, the user may ride as near as practicable to within five feet of the left-hand curb or edge of the roadway.
 - (2) Persons using electric scooters shall not impede the normal movement of motor vehicle traffic.
- (e) *Bicycle ways.* Operation of electric scooters shall be permitted on any ways, lanes, trails, paths, or other property designated for the use and operation of bicycles.
 - (f) *Clinging to other vehicles.* No person using an electric scooter shall cling to or attach themselves or an electric scooter to any moving vehicle.
 - (g) *Contests with other vehicles; stunt riding.* No person using an electric scooter shall participate in any race, speed, or endurance contest with any other moving vehicle on a city roadway or practice any fancy or acrobatic riding or stunts while operating such electric scooter.
 - (h) *Observance of traffic regulations and speed limits.* Every person using an electric scooter upon a public roadway shall obey all the instructions of official traffic-control devices, signs, and signals applicable to vehicles and shall not operate an electric scooter at a speed greater than the speed limit.
 - (i) *Yielding to traffic.* The operator of a vehicle shall yield the right-of-way to a person using an electric scooter in the same manner as for bicyclists and pedestrians. When using an electric scooter, every person shall, upon entering a public roadway, yield the right-of-way to motor vehicles, except that a person using an electric scooter shall be subject to the same regulations as bicyclists and pedestrians. Operators of electric scooters shall offer the right of way to bicycles in bike lanes and on bike paths.
 - (j) *Towing of persons, vehicles, trailers, prohibited.* The operator of an electric scooter shall not tow, drag, or caused to be drawn behind the electric scooter any coaster, sled, toy vehicle, trailer, person on in-line skates, or any other type of conveyance.
 - (k) *Carrying of passengers.* No electric scooter shall be used to carry more persons at one time than the number for which it is designed and equipped.
 - (l) *Age limits.* No person less than eight years of age shall operate an electric scooter on City roadways, except that persons six or seven years of age may do so during daylight hours if accompanied by an adult capable of remaining close enough to ensure the safe operation of the scooter by the six- or seven-year-old, such as by walking or running alongside, using their own electric scooter or bicycle, or engaging in a similar activity. This subsection is intended to permit usage of electric scooters by families.

- (m) *Headphones prohibited.* Operators of electric scooters shall not wear any headphones, earphones, or earbuds covering or inserted into both ears while operating an electric scooter.
- (n) *Equipment regulations; lamps and reflectors.* Every person using electric scooters between one-half hour after sunset and one-half hour before sunrise shall be equipped with a lamp firmly attached to the front of such electric scooter exhibiting a white light to the front, and with a reflector or a lamp mounted on the rear of the vehicle visible at a distance of 500 feet. The reflector shall not be less than three inches in diameter.

Madison:

Section 12.796 DOCKLESS TRANSPORTATION SYSTEMS.

- (1) Definitions. In this section:

"Dockless" means a system of self-service vehicles made available for shared use to individuals on a temporary basis, which are GPS enabled, and may be tracked and remotely disabled, and which may be rented via a smart-phone application, vendor website, vendor customer service number, or a pre-paid personal identification number and which do not require structures at permanent, fixed locations where rides must begin and end.

"Motorized scooter" means a vehicle that is designed to be stood or sat upon by the operator and that has two (2) small diameter wheels in tandem, upright t-shaped handlebars and is powered by an internal combustion engine or electric motor capable of propelling the device with or without human power.

"Owner" means any person who owns, offers to rent or lease, collects, distributes, repairs, services, charges or otherwise asserts control of a dockless motorized scooter system.

"Person" means any individual, sole proprietorship, firm, corporation, limited liability company, partnership, association, or organization of any kind.

- (2) Prohibitions. No person may operate, own, offer to rent or lease, collect, distribute, repair, service, charge, or otherwise assert control of a dockless motorized scooter in the City upon the highway including public streets and sidewalks. No person shall park or place a dockless motorized scooter in the City upon the highway including public streets and sidewalks.
- (3) Exception. Notwithstanding the foregoing, a dockless motorized scooter system shall be permitted if authorized through a pilot study administered by the City Department of Transportation. Participation in the pilot study may only occur upon application and approval of the Director of the City Department of Transportation or their designee. This pilot study shall become effective only on or after the date amendments to state statutes authorize motorized scooters to be operated and parked upon public highways in the State of Wisconsin.
- (4) Removal and Disposal of Dockless Motorized Scooters.
 - (a) Removal and Impoundment. If the Chief of Police, Director of Transportation, or any of their designees finds on any highway, street, sidewalk, or public place within the city, any dockless motorized scooter in violation of this Section 12.796,

they may have the dockless motorized scooter immediately removed to a suitable place of impoundment. Upon removal of the vehicle the authorized agent of the City or their designee shall notify the Chief of Police or their designee of the dockless motorized scooter and of the location of the impounded vehicle. Any vehicle in violation of sub. (2) shall be removed and impounded until lawfully claimed or disposed of under the provisions of sub. (c). However, if it is deemed by the Chief of Police or their designee that the cost of towing and storage charges for the impoundment would exceed the value of the vehicle, the vehicle may be junked or sold by the City prior to expiration of the impoundment period upon determination by the Chief of Police or their designee that the vehicle is not stolen or otherwise wanted for evidence or other reason. All substantially complete vehicles in excess of nineteen (19) model years of age shall be disposed of in accordance with sub. (c).

- (b) Storage, Notice, and Reclaimer. Any dockless motorized scooter which is impounded and not disposed of under sub. (a) of this subsection shall be retained in storage for a minimum period of ten (10) days after certified mail notice has been sent to the owner, if known or readily ascertainable, to permit reclamation of the vehicle after payment of accrued charges. Such notice shall set forth the vehicle's identifying information, the place where the vehicle is being held, and shall inform the owner of their right to reclaim the vehicle. The notice shall state that the failure of the owner to exercise their rights to reclaim the vehicle under this ordinance shall be considered a waiver of all right, title and interest in the vehicle and a consent to the sale of the vehicle. Any dockless motorized scooter which may be lawfully reclaimed may be released upon the payment of all accrued charges, including towing, storage and notice charges, including but not limited to any towing forfeiture imposed under Sec. 12.1331 of these ordinances, and upon presentation of the vehicle title or other satisfactory evidence to the Chief of Police or their designee to prove an ownership or lienholder interest in said vehicle.
 - (c) Disposal. Any dockless motorized scooter not reclaimed by its owner may be sold. The City may dispose of the vehicle by sealed bid or auction sale. At such sale, the highest bid for any such vehicle shall be accepted unless the same is considered inadequate by the Chief of Police or designee, in which event all bids may be rejected. If all bids are rejected, or no bid is received, the City may either readvertise the sale, adjourn the sale to a definite date, sell the vehicle at a private sale, or junk the vehicle. Any interested person may offer bids on each vehicle to be sold. Public notice of said sales shall be posted at the City of Madison Police Department headquarters. The posting shall be in the same form as the certified mail notice sent to the owner. The purchaser shall have ten (10) days to remove the vehicle from the storage area, but shall pay a reasonable storage fee established by the City for each day that the vehicle remains in storage after the second business day subsequent to the sale date. Ten (10) days after the sale, the purchaser shall forfeit all interest in the vehicle, and the vehicle shall be considered to be abandoned and may be sold again. Any listing of vehicles to be sold by the City shall be made available to any interested person or organization which makes a written request for such list. The City may charge a fee for the list.
- (5) Owner Responsible For Costs. The owner of any dockless motorized scooter removed under this provision shall be responsible for all costs of impounding, storing, and disposing of the dockless motorized scooter which shall be in addition to any forfeiture

imposed for a violation of this ordinance and any towing forfeiture imposed under Sec. 12.1331 of these ordinances. Costs not recovered from the sale of the dockless motorized scooter may be recovered in a civil action by the City against the owner. The City assumes no responsibility for damage to dockless motorized scooters impounded under the provisions of Sec. 12.796.

- (6) Penalty. Any person violating the provisions of Sec. 12.796 shall, upon conviction thereof, be subject to a forfeiture of not less than \$50 nor more than \$500 per day, per vehicle. For each second or subsequent violation, the forfeiture shall be not less than \$500 nor more than \$1,000, per day, per vehicle.
- (7) This ordinance shall not be construed to deter or limit the applicability and enforcement of any other ordinance of this City or statute of this state.

Oshkosh:

SECTION 27-66.4 ELECTRIC SCOOTER AND ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE REGULATIONS

(A) Definitions. The following words, when used in this section, shall have the following meanings:

- (1) "Electric Scooter" has the meaning given in section 340.01 of the Wisconsin Statutes.
- (2) "Electric Personal Assistive Mobility Device" has the meaning given in section 340.01 of the Wisconsin Statutes. Electric Personal Assistive Mobility Devices are also known to the public as Segways or Segway type devices.

(B) General Regulations for Operation of Electric Scooters and Electric Personal Assistive Mobility Devices. Consistent with the authority in Wis. Stat. 349.236 and Wis. Stat. 349.237, the following restrictions apply to the operation and rental of Electric Scooters and Electric Personal Assistive Mobility Devices:

- (1) State traffic laws applicable. Every person operating an Electric Scooter or an Electric Personal Assistive Mobility Device upon a public roadway shall be subject to the provisions of all ordinances and State laws applicable to the driver of any vehicle, including but not limited to obedience of traffic signals, yielding of right-of-way, and stopping and turning; except those provisions with reference to equipment of vehicle and except those provisions which by their nature would have no application.
- (2) Prohibition on Roadways with speed limits in excess of 25 mph. The operation of an Electric Scooter or an Electric Personal Assistive Mobility Device on a roadway having a speed limit of more than 25 miles per hour is prohibited except within designated bike lanes.
- (3) Prohibition on Sidewalks. The operation of an Electric Scooter or an Electric Personal Assistive Mobility Device on any sidewalk is prohibited. This provision does not apply to the operation of an Electric Scooter or an Electric Personal

Assistive Mobility Device on any sidewalk at a permanent or temporarily established driveway.

- (4) Drivers to stay on right side of road. Every Electric Scooter or an Electric Personal Assistive Mobility Device when operated on a public roadway shall be kept as close to the right hand curb as possible, except where bicycle lanes designate otherwise.
 - (5) Clinging to moving vehicles prohibited. It shall be unlawful for any person operating an Electric Scooter or an Electric Personal Assistive Mobility Device to cling to or attach him/herself or the device to any other moving vehicle upon a public roadway.
 - (6) Passengers and towing. In addition to the driver, an Electric Scooter or an Electric Personal Assistive Mobility Device designed to carry only the driver may not be used to carry or transport any other person or any trailer or other device attached to the Electric Scooter or the Electric Personal Assistive Mobility Device.
 - (7) Racing prohibited. No person operating an Electric Scooter or an Electric Personal Assistive Mobility Device upon a public roadway shall participate in any race or speed or endurance contests with any other vehicle.
 - (8) Acrobatic riding prohibited. No rider of any Electric Scooter or an Electric Personal Assistive Mobility Device shall remove both hands from the handlebars, or practice any acrobatic, trick or reckless riding on any public roadway or public parking lot, or private parking lot without permission of the owner.
 - (9) No parking on sidewalks. No Electric Scooter or Electric Personal Assistive Mobility Device shall be left or parked in the right-of-way unless the Electric Scooter or Electric Personal Assistive Mobility Device is properly parked within or fastened or chained to a bicycle rack. No Electric Scooter or Electric Personal Assistive Mobility Device shall be left in a manner to obstruct a sidewalk. Any Electric Scooter or Electric Personal Assistive Mobility Device in violation of this provision shall be subject to impoundment pursuant to Section 27-66.6.
- (C) Short-term Commercial Rental of Electric Scooter or an Electric Personal Assistive Mobility Device.
- (1) The short-term commercial rental of Electric Scooters and Electric Personal Assistive Mobility Devices to the public is prohibited.
 - (2) Notwithstanding the foregoing, the short-term commercial rental of Electric Scooters and Electric Personal Assistive Mobility Devices to the public shall be permitted if conducted through Docked Mobility Systems and authorized through a pilot program administered by the Department of Community Development. See Section 27-66.6 for further information regarding the Docked Mobility System Pilot Program.

SECTION 27-66.6 DOCKLESS AND DOCKED MOBILITY SYSTEMS

(A) Definitions. The following words, when used in this section, shall have the following meanings:

- (1) “Docked Mobility System” shall mean a system of Mobility Devices, made available for shared use to individuals on a short-term basis and require structures at permanent fixed locations where rides must begin and end.
- (2) “Dockless Mobility System” shall mean a system of Mobility Devices, made available for shared use to individuals on a short-term basis which do not require structures at permanent fixed locations where rides must begin and end.
- (3) “Mobility Device” means a vehicle, whether motorized or not, including a bicycle, electric scooter, and Electric Personal Assistive Mobility Devices, skateboards, or any other micro-mobility vehicle that is exempt from state registration under Wis. Stat. Ch. 341.
- (4) “Operator” Means any person who owns, leases, offers to rent, collects, distributes, repairs, services, charges, or otherwise control a Dockless Mobility System or Docked Mobility System.
- (5) “Person” Means any individual, firm, corporation, limited liability company, partnership or association.

(B) Prohibitions

- (1) No person shall operate a Dockless Mobility System within the City.
- (2) No person shall operate a Docked Mobility System within the City unless the Operator participates in a pilot program administered by the Department of Community Development. Participation in the pilot program shall only occur upon application to the Department of Community Development and approval by Common Council.

(C) Docked Mobility System Pilot Program

- (1) Application: Upon receipt of pilot program application, the Department of Community Development shall forward the application to the Common Council for consideration as an action item. The Department of Community Development shall also provide Common Council with a report and recommendation. Prior to forwarding the application to Common Council, the Department of Community Development may consult with the applicant, City Departments, City Boards or Commissions, or others deemed by the City as having information or interests that may assist the Common Council when making their decision on the application.
- (2) Denial of Application: Applications for the Docked Mobility System pilot program may be denied by the Common Council if it appears that the approval of the

application will for any reason be detrimental to the public health, safety, and welfare.

- (3) Appeals: Decisions of the Common Council shall represent the final decision of the City and such decisions may be appealed as otherwise allowed by law.
- (4) Revocation of Participation in Pilot Program: Any Operator's participation in a Docked Mobility System pilot program may be revoked by Common Council at any time, including but not limited to the Operator's violation of the pilot program requirements or Common Council's decision to end the pilot program.

(D) Removal and Disposal of Mobility Devices

- (1) Removal. If the Chief of Police, the Director of Public Works, or any of their designees finds on any highway, street, sidewalk, or public place within the City, any of the following, the Chief or Police or the Director of Public Works or other authorized agent may have the Mobility Device immediately removed to a suitable place of impoundment:
 - (a) A Mobility Device belonging to an Operator who is operating a Dockless Mobility System
 - (b) A Mobility Device that is in violation of the Docked Mobility System pilot program requirements.
 - (c) A Mobility Device that is parked in violation of any ordinance, and/or is parked for more than 24 hours on any highway, street, sidewalk, or public place.

If the Operator can be identified, a notice informing the Operator of the location of the Mobility Device and the procedure for reclaiming the Mobility Device shall be sent to the Operator within three regular business days.

- (2) Redemption Fee. Common Council shall set a Redemption Fee for impounded Mobility Devices.
- (3) Disposal. An impounded device shall be held a minimum of thirty days. If the impounded device is not redeemed by the Operator within thirty days by paying the Redemption Fee, then the Chief of Police, Director of Public Works, or any of their designees may dispose of the impounded device through public auction or sale, through donation to a nonprofit organization, or through scrapping the impounded device.

Racine:

ARTICLE XXXV. COMMERCIAL ELECTRIC SCOOTERS

Sec. 22-1277. Definitions.

For purposes of this article, the following definitions shall apply:

Electric scooter has the meaning given in Wis. Stats. § 340.01(15ps).

Commercial electric scooter means an electric scooter that is used for commercial purposes.

Commercial electric scooter business license means a license issued by the city clerk to operate a commercial electric scooter business in the city pursuant to the rules of this article.

Commercial electric scooter business owner or *owner* means any person, entity, or other enterprise that owns a commercial electric scooter business or manages the operation of a commercial electric scooter business for profit or not for profit.

Sec. 22-1278. License required; term.

- (a) *License required.* No person may engage in or permit the operation of a commercial electric scooter business without first obtaining a commercial electric scooter business license from the city clerk as required under this article.
- (b) *Term.* Licenses issued under this article shall expire on December 31 of each year, unless sooner suspended or revoked.
- (c) *Transfer prohibited.* No license issued under this article may be transferable.

Sec. 22-1279. Commercial electric scooter business license.

- (a) *Application.* Applicants for a commercial electric scooter business license shall submit a sworn application on a form provided by the city clerk and pay a \$1,500.00 fee.
- (b) *Plan of operation.* As part of the application, each applicant shall submit and file with the city clerk a plan of operation to include:
 - (1) Zone of operation;
 - (2) Hours of operation;
 - (3) Number of devices to be operated in licensee's fleet, which shall not exceed 150 devices, along with the unique serial number of each device;
 - (4) Age restriction;
 - (5) Plan to accommodate 24-hour customer service to report safety concerns, complaints, and/or to ask questions;
 - (6) Plan to respond to safety or maintenance issues;
 - (7) Plan to respond to improperly parked devices daily and to devices that have been continuously parked in one location for more than 72 hours;
 - (8) Plan to charge devices;

- (9) Plan to provide the city with fleet and ride activity data for all trips starting or ending within the zone of operation on any device within the licensee's fleet;
- (10) Plan to provide service to operators without access to a smart-phone and/or without ownership of a debit or credit card;
- (11) Detailed list of priority zones where the licensee has made arrangements with the property owner to relocate, re-park, or rebalance devices, along with written permission from each property owner where such priority zones will be located;
- (12) Copy of all notices and regulations provided by licensee to each operator prior to device activation; and
- (13) Other such information as the city clerk may require.

Any and all amendments require approval of the public safety and licensing committee.

- (c) *Background check.* The city clerk shall forward the application to the police department for an investigation of all individuals and entities listed on the application, including a background check. The police department shall notify the public safety and licensing committee of the results of such investigation. Applicants who have an arrest or conviction record, the circumstances of which substantially relate to the licensed activity, are deemed disqualified subject to Wis. Stats. §§ 111.321, 111.322, and 111.335.
- (d) *Hearing and referral process.* The public safety and licensing committee shall afford the applicant an opportunity to present arguments in favor of the granting of the commercial electric scooter business license. The committee may recommend approval of any application for a commercial electric scooter business license, provided it meets all of the requirements set forth in this article, and may place reasonable conditions upon approval. If the public safety and licensing committee recommends the grant of a commercial electric scooter business license, then the item shall thereafter be referred to the common council for its final decision. The common council, by a majority vote of the members present, may affirm, reverse, or modify the decision of the committee.
- (e) *Denial.* The recommendation for denial of a commercial electric scooter business license by the public safety and licensing committee is final. Denial of a commercial electric scooter business license by the common council is final. Upon denial, the city clerk shall provide written notice to the applicant stating reasons for the denial.
- (f) *Issuance of license.* Upon approval of such application by the common council, proof of payment of the required license fee, and satisfaction of all relevant inspections and requirements under this article, the city clerk shall issue to the applicant a commercial electric scooter business license. Such license shall state the date of issuance, the date of expiration, the name of the licensee, and any conditions of the license.

Sec. 22-1281. Vehicle equipment.

- (a) *Certification.* Before a commercial electric scooter may be initially operated within the city, the applicant shall certify that each commercial electric scooter is in sound mechanical working condition and that it meets the requirements set forth below.

- (1) *Tires.* Tires shall be of a size appropriate for the device with no mismatched tires per the design of the device. There shall be no cuts to the tire, localized worn spots that expose the ply, or visible tread wear indicators.
 - (2) *Operational horn.* Each commercial electric scooter shall be equipped with a fully operational horn or bell. There shall be no siren or compression whistle.
 - (3) *Brake.* Each commercial electric scooter shall be equipped with a brake in good working condition, adequate to control the movement of and to stop the device whenever necessary.
 - (4) *Lamps and reflectors.* Each commercial electric scooter shall have a lamp emitting white light visible from a distance of at least 500 feet to the front of the device. Each commercial electric scooter shall also have either a red reflector that has a diameter of at least two inches of surface area or a red reflector that is a strip of reflective tape that has at least two square inches of surface area on the rear so mounted and maintained as to be visible from all distances from 50 to 500 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a steady or flashing red light visible from a distance of 500 feet to the rear may be used in lieu of the red reflector.
 - (5) *Contact information.* Each commercial electric scooter shall have a legible company customer service telephone number placed or posted on it.
- (b) *Condition.* All commercial electric scooters shall be kept clean; free of damage, rust, stains, or other signs of deterioration; and maintained in a good state of repair at all times, pursuant to section 22-1281(a).

Sec. 22-1282. Insurance required; indemnification.

- (a) *Insurance.* The commercial electric scooter business shall, at its sole expense, maintain in effect at all times, commercial general liability insurance, automobile liability insurance, workers compensation insurance, and employers liability insurance coverage. As evidence of such, the commercial electric scooter business shall furnish to the city to be reviewed by the city attorney a certificate of each such insurance coverage, each of which shall name the City of Racine, its elected and appointed officials, officers, employees, authorized representatives, or volunteers, and each of them, as additional insureds, and each with not less than the following limits:
- (1) *Commercial general liability:* \$1,000,000.00 per occurrence (\$2,000,000.00 aggregate) for bodily injury, personal injury, and property damage;
 - (2) *Automobile liability:* \$1,000,000.00 per occurrence for bodily injury and property damage that covers all vehicles to be used in relationship to the activities for which a license may be granted;
 - (3) *Worker's compensation:* as required by statute; and
 - (4) *Employers liability:* \$100,000.00 each accident, \$500,000.00 disease policy limit, and \$100,000.00 disease (each employee).

- (5) Each policy, as applicable, shall identify each commercial electric scooter covered by the policy. Whenever such policy or coverage is cancelled, not renewed, or materially changed, the licensee shall notify the city by certified mail.
- (b) *Indemnification.* The commercial electric scooter business shall indemnify, defend, and hold harmless the City of Racine, its elected and appointed officials, officers, employees, authorized representatives, or volunteers, and each of them, from and against any and all suits, actions, legal or administrative proceedings, claims, demands, damages, liabilities, interest, attorneys' fees, costs, and expenses of whatsoever kind of nature and in any manner directly or indirectly caused, occasioned, or contributed to, in whole or in part, or claimed to be caused, occasioned, or contributed to in whole or in part, by reason of any act, omission, fault, or negligence, whether active or passive, of the commercial electric scooter business or of anyone acting under the commercial electric scooter business's direction or control or on its behalf caused by, resulting from, in connection with, or incident to the activities for which a license may be granted. Such duty to indemnify, defend, and hold harmless shall not apply to the extent caused by the negligence or willful misconduct of the City of Racine.
- (c) *Suspension.* Failure to comply with the requirements of this section shall result in the immediate suspension of the owner's rights and privileges to operate a commercial electric scooter business within the city.

Sec. 22-1283. Restrictions pursuant to plan of operation.

Plan of operation. Licensees must adhere to the plan of operation as approved by the common council. Deviation from the approved plan of operation constitutes grounds for suspension or revocation.

Sec. 22-1284. Revocation or suspension of license.

- (a) *Due process hearing.* Any license under this article may be suspended or revoked for cause after notice to the licensee and a hearing in front of the due process board. Nothing in this section prohibits the immediate and temporary suspension of a commercial electric scooter business license for failing to meet the insurance requirements under section 22-1282 of this Code.
- (b) *Grounds.* Licenses under this article may be suspended or revoked for any of the following causes:
- (1) The person does not possess the qualifications to hold the license under this article.
 - (2) The person violated any provision of this article.
 - (3) The person failed to operate the commercial electric scooter business in accordance with the plan of operation as approved by the common council, or failed to operate according to the conditions of the license.
 - (4) The commercial electric scooter business is operated in such a manner that it constitutes a disorderly premises or public nuisance.

- (5) Any other factors that reasonably relate to public health, safety, and welfare.
- (c) *Complaint.* Disciplinary proceedings may be initiated by the office of the city attorney, with or without a referral from the public safety and licensing committee, provided there is cause to suspend or revoke a license under this article. The city attorney shall file a complaint with the city clerk setting forth allegations against the licensee as grounds for suspension or revocation.
- (d) *Summons and service.* When a complaint has been filed, the city clerk shall issue a summons demanding that the licensee appear before the due process board to show cause as to why the license should not be revoked or suspended. Such summons shall be served upon the licensee, along with a copy of the complaint or notice of denial.
- (e) *Hearing by the due process board.* The board shall convene at the date and time designated in the summons for purposes of taking evidence and making findings of fact and conclusions of law. At every stage of the proceeding, the licensee may be represented by counsel at his or her expense, present and examine witnesses under oath, and have prepared at the licensee's expense a transcript of the hearing. At the conclusion of the evidentiary hearing and upon deliberation, the board shall make specific findings of fact and conclusions of law, and forward one or more of the following recommendations to the common council:
- (1) No action should be taken due to the insufficiency of the evidence.
 - (2) The license should be suspended for not less than ten days nor more than the remainder of the calendar year.
 - (3) The license should be revoked.
 - (4) The licensee should be placed on probation and the board shall set forth the conditions thereof.
- (f) *Failure to appear.* If the licensee fails to appear before the board at the date and time designated in the summons, the allegations in the complaint or notice of denial shall be taken as true, and if the board finds the allegations sufficient, the board shall recommend to the common council that the license be revoked.
- (g) *Common council action.* The common council, after considering the report and recommendations of the board, along with any written arguments submitted by the licensee, may affirm, reverse, or modify the recommendations of the board. The city clerk shall give notice of each suspension or revocation to the licensee within ten days of the disciplinary action.

Sec. 22-1285. Restrictions upon denial or revocation of license.

- (a) Whenever an application for a commercial electric scooter business license is denied or revoked, no other license issued under this article may be granted to such persons or entity within 12 months of the date of such denial.
- (b) When a person or entity surrenders a license issued under this article in lieu of pending suspension or revocation proceedings, no other license issued under this article may be

granted to such persons or entity within 12 months of the date of such surrender and no refund of the fee paid therefor shall be made.

Sec. 22-1286. Feedback report.

Feedback report. The city clerk shall generate and provide a report to the common council no later than October 1 depicting feedback received related to commercial electric scooters and licensees, if any.

Sec. 22-1287. Penalties.

- (a) Any person violating this article shall, upon conviction for a first offense, forfeit not less than \$100.00. Each and every day in which any such violation continues shall constitute a separate offense.
- (b) Any person violating this article shall, upon conviction for a second or subsequent offense within one year, forfeit not less than \$200.00. Each and every day in which any such violation continues shall constitute a separate offense.

Sec. 22-1288. Sunset.

This article shall remain in effect until 11:59 p.m., December 31, 2022, unless extended or earlier terminated or modified by the common council.

ARTICLE XXXII. ELECTRIC SCOOTERS

Sec. 66-1201. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Electric scooter has the meaning given in Wis. Stats. § 340.01(15ps).

Commercial electric scooter means an electric scooter that is used for commercial purposes.

Sec. 66-1202. Scope.

This article applies to all electric scooters, including commercial electric scooters.

Sec. 66-1203. State statutes adopted.

Except as otherwise specifically provided in this article, the provisions of Wis. Stat. chs. 340 through 348, describing and defining regulations with respect to electric scooters, bicycles, and vehicular traffic, exclusive of any provisions relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment, are adopted by reference and made a part of this article as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this code. Any future amendments, revisions, or modifications of the statutes incorporated herein are intended to be made part of this article in order to secure uniform statewide regulation of traffic.

Sec. 66-1204. Application; rights and responsibilities.

Subject to the special provisions applicable to electric scooters, every person riding an electric scooter upon a roadway is granted all rights and is subject to all the duties of chapters 82 and 94, and all of the laws of the state which apply to motor vehicles, except those provisions which have no express application to electric scooters, and except when operated by police officers or law enforcement officers in the course of their duties.

Sec. 66-1205. Electric scooter regulations and restrictions.

- (a) *Traffic laws.* The operator of an electric scooter shall operate the electric scooter at all times in compliance with local and state traffic laws.
- (b) *Roadways.* No person shall operate an electric scooter on any roadway within the city having a speed limit of more than 30 miles per hour.
- (c) *Sidewalks and pathways.* No person shall operate an electric scooter:
 - (1) Upon any sidewalk within the city.
 - (2) Upon the Root River or Lake Michigan pathways.
 - (3) Within Monument Square.
- (d) *Trick riding.* No person operating an electric scooter shall engage in trick riding upon any public way or street, except when such person is participating as a trick rider in a parade authorized by the city.
- (e) *Racing.* No person operating an electric scooter shall participate in any race, speed, or endurance contest upon any public way or street unless specifically granted permission by the police department.
- (f) *Parking.* No person shall stop, park, or permit the parking of an electric scooter upon any sidewalk or upon any roadway as to interfere with free passage of vehicles or pedestrians, including, but not limited to, any: transit zone, loading zone, disabled parking and accessibility zone, emergency zone, no parking zone, fire hydrant, call box, utility pole or box, curb ramp, entrance or exit doorway, or driveway.

Sec. 66-1206. Penalties.

- (a) Any person who violates any provision of this article shall, upon conviction for a first offense, forfeit not less than \$25.00. Each and every day in which any such violation continues shall constitute a separate offense.
- (b) Any person 12 years of age or older who violates any provision of this article shall, upon conviction for a second or subsequent offense within one year, forfeit not less than \$50.00. Each and every day in which any such violation continues shall constitute a separate offense.