



**AB 1286**

*Author:*

*Asm Muratsuchi*

## Scooters, bikes & “shared mobility devices”

### SUMMARY OF THE BILL

AB 1286 would establish minimum state and local protections in the operations of shared mobility devices, such as e-scooters and bicycles by requiring the following:

1. Minimum insurance
2. A prohibition on waivers of legal rights
3. Prior authorization from cities and counties to operate
4. City and county adoption of safety rules when they authorize shared mobility devices and company compliance with state and local laws.



as riders, only 5.7% wore helmets; 40% suffered head injuries; 31% had fractures; and 27.7% had contusions.

### COMPLICATED WAIVER AGREEMENTS ERODE RIGHTS OF RIDERS

Shared mobility companies’ rental agreements currently include complicated waivers, which unconscionably release them from any and all

responsibility. The waivers are so long, one company’s agreement stretches for 261 cell phone screen pages. These complicated waivers relieve the companies of responsibility for any injuries or deaths, even when it is their fault. For example, toward the end of one company’s agreement is a provision saying the scooter is rented “as is” and the company makes no warranty as to quality or condition of the scooter. The agreements limit their liability to \$100 regardless of the injury or faulty equipment.

### SOLUTION

The solution is common sense: The creation of state minimum requirements. California has been in the forefront of consumer protection with emerging technologies such as our first-in-the-nation insurance requirements for transportation network companies such as Uber and Lyft. We must now lead on shared mobility devices. Shared mobility companies are already complying with minimum insurance requirements in cities where they operate, like San Francisco and Santa Monica. AB 1286 would codify these regulations to create a uniform statewide standard, require basic safety standards, and prohibit waivers of rights to protect riders.

### 5/1 AMENDMENTS

- The word “forum” was deleted from subdivision (b)(2), removing arbitration from the bill. Removes the bill from the Chamber’s job killer list. The Chamber now has NO POSITION.
- Per opposition’s request, the insurance requirements have been reduced from 5 million per occurrence to 1 million per occurrence, 5 million aggregate.
- The bill no longer requires shared mobility companies to insure for acts of the rider. That provision has been removed. The bill does not change substantive law or liability standards.

### GREEN, FUN, BUT DANGEROUS?

Depending on whom you ask, shared scooters and bicycles are dangerously encroaching the streets of cities around the country, or they’re a transportation revolution removing the “last mile” hurdle to using public transit and taking cars off the road.

Shared scooters and bikes provide an eco-friendly, low-cost transportation option, but lack of uniform consumer protections. Riders leave shared scooters and bikes everywhere, creating blight and safety hazards. Riders tend to not wear helmets while driving and parking on sidewalks, creating a hazard for the elderly, children and people with disabilities.

At least 4 scooter riders have died and many riders and pedestrians have suffered injuries. In February, a 21-year-old student died riding a scooter in Austin. In San Diego, a rider was struck by a car and died in December. Two riders died last September after crashes in Dallas and Washington, D.C. The Journal of the American Medical Association issued a report in January detailing a 2018 study of scooter injuries in two Southern California emergency rooms. The findings were: 249 patients went to the ER for scooter injuries; 96% were injured

### CO-SPONSORS

Consumer Attorneys of California, League of California Cities

### SUPPORTERS

AARP, Consumer Federation of California, Consumer Watchdog, Courage Campaign, Disability Rights California, Environmental Defense Fund, City of Santa Monica, Children’s Advocacy Institute at the University Of San Diego School Of Law

### CONTACTS

Nancy Peverini Saveena Takhar Rony Berdugo  
[nancyp@caoc.org](mailto:nancyp@caoc.org) [stakhar@caoc.org](mailto:stakhar@caoc.org) [rberdugo@cacities.org](mailto:rberdugo@cacities.org)