

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.

LEGISLATIVE COUNSEL'S DIGEST

AB 1112, as amended, Friedman. Shared mobility devices: local regulation.

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 *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 ~~prohibit a local authority from imposing any unduly restrictive requirements on mobility device providers that have the effect of prohibiting the operation of all shared mobility providers in its jurisdiction. The bill would allow a local authority to require shared mobility device providers to deploy shared mobility devices in accordance with fleet caps, reasonable insurance and indemnification requirements, equitable access requirements, and speed limits, as a condition of operating a shared mobility fleet. The bill would prohibit a local authority from subjecting users of shared mobility devices to requirements more restrictive than those applicable to users of personally owned similar transportation devices.~~ *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.
 State-mandated local program: no.

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

- 1 SECTION 1. Division 16.8 (commencing with Section 39050)
- 2 is added to the Vehicle Code, to read:
- 3
- 4 DIVISION 16.8. LOCAL REGULATION OF MOTORIZED
- 5 SCOOTERS
- 6
- 7 39050. The Legislature finds and declares that a basic level of
- 8 statewide standards for local regulation of shared mobility devices
- 9 encourages innovation and ensures basic expectations for

1 consumers. Except as expressly stated, it is not the intent of the
2 Legislature that this division limit regulations a local authority
3 may otherwise implement beyond the minimum standards outlined
4 in this division.

5 39051. For the purposes of this division, the following
6 definitions apply, unless the context requires otherwise:

7 (a) ~~“Aggregate”~~ “*Aggregated data*” means data that relates to
8 a group of trips, from which the start points, stop points, routes,
9 and times of individual trips have been removed and that cannot
10 be used, or combined with other information to isolate details of
11 an individual trip.

12 (b) ~~“Deidentified”~~ “*Deidentified data*” means ~~information~~ *data*
13 that cannot reasonably identify, relate to, describe, be capable of
14 being associated with, or be linked, directly or indirectly, to a
15 particular ~~consumer, user,~~ provided that an entity that uses
16 deidentified ~~information~~ *data* meets all of the following criteria:

17 (1) Has implemented technical safeguards that prohibit
18 reidentification of the ~~consumer~~ *user* to whom the ~~information~~
19 *data* may pertain.

20 (2) Has implemented business *and security* processes that
21 specifically prohibit reidentification of the ~~information.~~ *data*.

22 (3) Has implemented business *and security* processes to prevent
23 inadvertent release of deidentified ~~information.~~ *data*.

24 (4) Makes no attempt to reidentify the information.

25 (c) “*Operational data*” means *data pertaining to the general*
26 *status of a shared mobility device fleet including, but not limited*
27 *to, the location of shared mobility devices that are not engaged*
28 *by users, which devices are in use, the number of complaints*
29 *received by a shared mobility device service provider, and fleet*
30 *maintenance logs.*

31 (e)

32 (d) “Shared mobility device” means an electrically motorized
33 board as defined in Section 313.5, a motorized scooter as defined
34 in Section 407.5, an electric bicycle as defined in Section 312.5,
35 a bicycle as defined in Section 231, or other similar personal
36 transportation device, except as provided in subdivision (b) of
37 Section 415, that is made available to the public by a shared
38 mobility service provider for shared use and transportation in
39 exchange for financial compensation via a digital application or
40 other electronic digital platform.

1 ~~(d)~~
 2 (e) “Shared mobility device service provider” or “provider”
 3 means a person or entity, other than a government entity, that
 4 offers, makes available, or provides a shared mobility device in
 5 exchange for financial compensation or membership via a digital
 6 application or other electronic or digital platform.

7 ~~(e)~~
 8 (f) “Trip data” means deidentified and aggregated data elements
 9 related to trips taken by users of a shared mobility device including,
 10 but not limited to, Global Positioning System, time stamp, or route
 11 data.

12 ~~(f)~~
 13 (g) “Individual trip data” means data elements related to trips
 14 ~~taken by users~~ *a trip taken by a user* of a shared mobility device
 15 including, but not limited to, Global Positioning System, time
 16 stamp, or route data that are not deidentified and aggregated.
 17 Individual trip data ~~is are~~ “electronic device information” as
 18 defined in subdivision (g) of Section 1546 of the Penal Code and
 19 ~~is are~~ subject to the protections established in Chapter 3.6
 20 (commencing with Section 1546) of Title 12 of Part 2 of the Penal
 21 Code.

22 39052. All shared mobility devices operated in the state shall
 23 include a single unique alphanumeric ID assigned by the provider
 24 that is visible from a distance of ~~five~~ *ten* feet, that is not obfuscated
 25 by branding or other markings, and that is used throughout the
 26 state, including by local authorities, to identify the shared mobility
 27 device.

28 39056. A local authority may require a shared mobility device
 29 provider, *including* as a condition for operating a shared mobility
 30 device program, to provide to the local authority trip data for all
 31 trips *in which any part occurs* within the jurisdiction of the local
 32 authority on any shared mobility ~~device~~. ~~device and to provide the~~
 33 ~~local authority with operational data for any shared mobility~~
 34 ~~devices within the jurisdiction of the local authority.~~ Individual
 35 trip data shall not be shared with the local authority, except as
 36 provided by Chapter 3.6 (commencing with Section 1546) of Title
 37 12 of Part 2 of the Penal Code.

38 ~~39057. (a) In regulating shared mobility devices and providers,~~
 39 ~~a local authority shall not impose any unduly restrictive~~
 40 ~~requirements that have the effect of prohibiting the operation of~~

1 all shared mobility providers in its jurisdiction. A local authority
2 may require a shared mobility provider, as a condition for operating
3 a shared mobility device fleet, to deploy shared devices in
4 accordance with the following requirements, including, but not
5 limited to:

6 (1) Fleet caps that reasonably limit the number of shared
7 mobility devices permitted to operate within its jurisdiction.

8 (2) Reasonable insurance and indemnification requirements.

9 (3) Required or incentivized deployment in specific regions of
10 the local authority's jurisdiction, based on factors including, but
11 not limited to, economic indicators, in order to ensure equitable
12 access to shared mobility devices, provided that the local authority
13 correspondingly reduces or eliminates associated fees and costs.

14 (4) Limits on maximum device speed, provided that these limits
15 on roads and bicycle lanes are not below applicable statewide
16 speed limits.

17 (b) The local authority may impose fees based on the reasonable
18 and necessary costs incurred by the local authority as a result of
19 administering shared mobility device programs within its
20 jurisdiction.

21 39058. In regulating shared mobility devices and providers, a
22 local authority shall not subject the users of shared mobility devices
23 to requirements more restrictive than those applicable to users of
24 personally owned similar transportation devices, including, but
25 not limited to, personally owned electric bicycles and electric
26 scooters.

27 39057. (a) A local authority may enact reasonable regulations
28 on shared mobility devices and providers within its jurisdiction,
29 including, but not limited to, the following:

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

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

36 (3) Adoption of requirements to protect public health, safety,
37 and welfare, ensure accessibility, support environmental
38 sustainability, and ensure equitable access to historically
39 disadvantaged communities or individuals within the local
40 authority's jurisdiction.

1 **(b)** *A local authority may, through ordinance, ban persons from*
2 *deploying and offering for hire shared mobility devices on its*
3 *public right of way. An ordinance described in this subdivision is*
4 *subject to the requirements of state law, including, but not limited*
5 *to, Division 13 (commencing with Section 21000) of the Public*
6 *Resources Code, as having a significant effect on the environment.*
7 **(c)** *The local authority may impose fees based on the reasonable*
8 *and necessary costs incurred by the local authority as a result of*
9 *administering shared mobility device programs within its*
10 *jurisdiction.*

11 39060. It is the intent of the Legislature to promote and
12 encourage the use of zero-emission shared mobility devices, which
13 have been proven to be an environmentally sustainable replacement
14 for automobile trips. In accordance with this policy, the Legislature
15 finds and declares that uniformity in certain aspects of local
16 regulation of shared mobility devices is of vital statewide
17 importance, and thus a matter of statewide concern. Thus, the
18 Legislature finds and declares that the provisions of this division,
19 providing for uniformity in certain aspects of local regulation of
20 shared mobility devices and providers address a matter of statewide
21 concern rather than a municipal affair as that term is used in Section
22 5 of Article XI of the California Constitution. Therefore, this
23 division applies to all cities and counties, including charter cities
24 and counties.

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