

AMENDED IN SENATE JUNE 6, 2019  
AMENDED IN ASSEMBLY MAY 1, 2019  
AMENDED IN ASSEMBLY APRIL 25, 2019  
AMENDED IN ASSEMBLY APRIL 8, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1286**

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**Introduced by Assembly Member Muratsuchi**

February 21, 2019

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An act to add Title 10.1 (commencing with Section 2505) to Part 4 of Division 3 of the Civil Code, relating to mobility devices.

LEGISLATIVE COUNSEL'S DIGEST

AB 1286, as amended, Muratsuchi. Shared mobility devices: agreements.

Existing law regulates contracts for particular transactions, including those in which one person agrees to give to another person the temporary possession and use of personal property, other than money for reward, and the latter agrees to return the property to the former at a future time.

This bill would require a shared mobility service provider, as defined, to enter into an agreement with, or obtain a permit from, the city or county with jurisdiction over the area of use. The bill would require that the provider maintain a specified amount of commercial general liability insurance and would prohibit the provider from including specified provisions in a user agreement before distributing a shared mobility device within that jurisdiction. The bill would define shared mobility device to mean an electrically motorized board, motorized

scooter, electric bicycle, bicycle, or other similar personal transportation device, except as provided.

This bill would require a city or county that authorizes a shared mobility device provider to operate within its jurisdiction on or after January 1, 2020, to adopt operation, parking, ~~maintenance, and safety rules~~ *and maintenance rules, as provided*, regarding the use of the shared mobility devices in its jurisdiction before the provider may offer shared mobility devices for rent or use. The bill would require a city or county that authorized a provider to operate within its jurisdiction before January 1, 2020, and continues to provide that authorization to adopt ~~those operation, parking, maintenance, and safety rules~~ *and maintenance rules, as provided*, by January 1, 2021.

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. Title 10.1 (commencing with Section 2505) is  
2 added to Part 4 of Division 3 of the Civil Code, to read:

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TITLE 10.1. SHARED MOBILITY DEVICES

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6 2505. (a) For purposes of this title:

7 (1) “Shared mobility device” means an electrically motorized  
8 board as defined in Section 313.5 of the Vehicle Code, motorized  
9 scooter as defined in Section 407.5 of the Vehicle Code, electric  
10 bicycle as defined in Section 312.5 of the Vehicle Code, bicycle  
11 as defined in Section 231 of the Vehicle Code, or other similar  
12 personal transportation device, except as provided in subdivision  
13 (b) of Section 415 of the Vehicle Code, that is made available to  
14 the public by a shared mobility service provider for shared use and  
15 transportation in exchange for financial compensation via a digital  
16 application or other electronic or digital platform.

17 (2) “Shared mobility service provider” or “provider” means a  
18 person or entity that offers, makes available, or provides a shared  
19 mobility device in exchange for financial compensation or  
20 membership via a digital application or other electronic or digital  
21 platform.

22 (b) Before distribution of a shared mobility device, a shared  
23 mobility service provider shall enter into an agreement with, or

1 obtain a permit from, the city or county with jurisdiction over the  
2 area of use. The agreement or permit shall, at a minimum, require  
3 that the provider comply with both of the following requirements:

4 (1) ~~Requires~~ *Require* that the shared mobility service provider  
5 ~~to~~ maintain commercial general liability insurance coverage with  
6 a carrier doing business in California, with limits not less than one  
7 million dollars (\$1,000,000) for each occurrence for bodily injury  
8 or property damage, including contractual liability, personal injury,  
9 and product liability and completed operations, and not less than  
10 five million dollars (\$5,000,000) aggregate for all occurrences  
11 during the policy period. The insurance shall not exclude coverage  
12 for injuries or damages caused by the shared mobility service  
13 provider to the shared mobility device user.

14 (2) The shared mobility provider agreement between the  
15 provider and a user shall not contain a provision by which the user  
16 waives, releases, or in any way limits their legal rights or remedies  
17 under the agreement.

18 (c) (1) A city or county that authorizes a provider to operate  
19 within its jurisdiction on or after January 1, 2020, shall adopt *rules*  
20 ~~for the operation, parking, maintenance, and safety rules regarding~~  
21 ~~the use and maintenance~~ of shared mobility devices before a  
22 provider may offer any shared mobility device for rent or use in  
23 the city or ~~county~~: *county by any of the following*:

- 24 (A) *Ordinance.*
- 25 (B) *Agreement.*
- 26 (C) *Permit terms.*

27 (2) A city or county that authorized a provider to operate within  
28 its jurisdiction before January 1, 2020, and continues to provide  
29 that authorization shall adopt *rules for the operation, parking,*  
30 ~~maintenance, and safety rules regarding the use and maintenance~~  
31 of shared mobility devices by January 1, ~~2021~~: *2021, by any of the*  
32 *following*:

- 33 (A) *Ordinance.*
- 34 (B) *Agreement.*
- 35 (C) *Permit terms.*

36 (3) A provider shall comply with all ~~operation, parking,~~  
37 ~~maintenance, and safety rules~~ *applicable rules, agreements, and*  
38 *permit terms* established pursuant to this subdivision.

1 (d) Nothing in this section shall prohibit a city or county from  
2 adopting any ordinance or regulation that is not inconsistent with  
3 this title.

4 SEC. 2. The provisions of this act are severable. If any  
5 provision of this act or its application is held invalid, that invalidity  
6 shall not affect other provisions or applications that can be given  
7 effect without the invalid provision or application.

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