

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2019

COUNCIL BILL NO. 18-1476
COMMITTEE OF REFERENCE:

A BILL

For an ordinance governing the operation of Electric Mobility Scooters (“EMSs”) in the city and county of Denver.

WHEREAS, the city and county of Denver is faced with a sudden, prevalent, and expanding new transportation and mobility technology;

WHEREAS, while Denver is committed to embracing new transportation and mobility technology, this new mobility device rapidly emerged in Denver creating uncertainty for pedestrians and vehicular travelers;

WHEREAS, neither state nor municipal law contemplated these EMS devices to be used in this emerging manner as a transportation device;

WHEREAS, the state law currently treats these devices as “toy vehicles” and, as such, prohibits their operation in bicycle lanes or roadways;

WHEREAS, EMSs are more akin to bicycles than toy vehicles given the speed at which they travel, and

WHEREAS, Denver has an urgent need to govern the use of EMSs to respect safety and infrastructure and to enact laws and rules that protect and provide guidance to EMS operators, EMS suppliers, law enforcement, city officials, pedestrians, and the general public.

BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. That subsections (19.8) and (70.5) of section 54-1, D.R.M.C., are amended by adding the language underlined and deleting the language stricken, to read as follows:

Sec. 54-1. - Definitions.

Words and phrases used in this chapter shall have the following meaning respectively ascribed to them:

(19.8) Electric mobility scooter or EMS means a stand-up scooter with two tandem wheels, designed to transport only one person, and that is powered by an electric propulsion system having a

1 top speed of no more than twenty miles per hour.

2 (70.5) *Toy vehicle* shall mean any vehicle that has wheels and is not designed for use on public
3 highways or for off-road use.

4 a. Toy vehicle includes, but is not limited to, gas-powered or electric-powered vehicles
5 commonly known as minibikes, "pocket bikes", kamikaze boards, go-peds, and stand-up scooters
6 except for EMSs as defined in subsection (19.8) of this section.

7 b. Toy vehicle does not include off-highway vehicles or snowmobiles.

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9 **Section 2.** That Article IX of Chapter 54 is amended by the addition of a new division 3 to read
10 as follows:

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12 **DIVISION 3. – ELECTRIC MOBILITY SCOOTERS**

13
14 **Sec. 54-612. – Scope.**

15 The provisions of this article applicable to an electric mobility scooter (EMS) apply whenever an
16 EMS is operated upon any street, roadway, or upon any public path designated for the use of an EMS,
17 subject to the exceptions contained herein.

18 **Sec. 54-613. - Application of traffic laws.**

19 A person operating an EMS on a roadway is granted all of the rights and subject to all of the
20 duties applicable to the driver of a vehicle by the traffic rules and regulations of this city, except as to
21 special regulations and except as to the provisions of laws and ordinances which by their nature can
22 have no application.

23 **Sec. 54-614. - Obedience to traffic-control devices.**

24 (a) A person operating an EMS must obey the instructions of official traffic-control signals,
25 signs, and other control devices applicable to vehicles, unless otherwise directed by a police officer.

26 (b) If authorized signs indicate that no right or left or U-turn is permitted, it is unlawful for a
27 person operating an EMS to disobey the sign, except where the person dismounts from the EMS to
28 make the turn, in which event, the person must then obey the regulations applicable to pedestrians.

29 **Sec. 54-615. - Carrying persons.**

30 No EMS may be used to carry more than one person at a time.

31 **Sec. 54-616. - Carrying articles.**

32 It is unlawful for a person operating an EMS to carry any package, bundle, or article that
33 prevents the person from keeping at least one hand upon the handlebars.

1 **Sec. 54-617. - Right-of-way.**

2 An EMS is considered a vehicle under all portions of this Code that govern right-of-way. The
3 operator of an EMS must yield the right-of-way to a pedestrian at all times.

4 **Sec. 54-618. - Riding on bicycle lanes, roadways, and sidewalks.**

5 (a) An EMS may be operated in any bicycle lane or in the roadway if the maximum speed
6 limit of the roadway does not exceed thirty miles per hour. If no bicycle lane is available and the
7 roadway has a speed limit greater than thirty miles per hour, the EMS may be operated on the
8 sidewalk. Persons operating an EMS on the sidewalk in accordance with this section may not exceed
9 a speed of six miles per hour and must yield to pedestrians at all times.

10 (b) Persons operating an EMS may not ride more than two abreast except on bicycle lanes
11 set aside for the exclusive use of bicycles.

12 (c) Persons operating an EMS upon a roadway must ride as near to the right-hand side of
13 the roadway as judged safe by the operator to facilitate the movement of such overtaking vehicles
14 unless other conditions make it unsafe to do so.

15 (d) This section does not apply to a uniformed city, state, or federal employee operating an
16 EMS while engaged in the discharge of his or her duties or to a police officer operating an EMS that is
17 a marked or unmarked official police vehicle, while engaged in the discharge of his or her official
18 duties.

19 **Sec. 54-619. - Speed.**

20 (a) It is unlawful for any person to operate an EMS on a sidewalk at a speed greater than six
21 miles per hour.

22 (b) It is unlawful for any person to operate an EMS on a roadway or bicycle lane at a speed
23 greater than is reasonable and prudent under the conditions then existing or in excess of the posted
24 speed limit.

25 (c) This section does not apply to a uniformed city, state, or federal employee operating an
26 EMS while engaged in the discharge of his or her duties or to a police officer operating an EMS that is
27 a marked or unmarked official police vehicle, while engaged in the discharge of his or her official
28 duties.

29 **Sec. 54-620. - Parking.**

30 An EMS may park on a sidewalk in such a manner as to not impede the normal and reasonable
31 movement of pedestrian or other traffic.

32 **Sec. 54-621. - Lamps and reflectors.**

33 (a) Every EMS, when in use during dusk to dawn, must have a lamp on the front that emits a

1 white light visible from a distance of at least five hundred feet to the front.

2 (b) Every EMS, when in use during dusk to dawn, must have a red reflector of a type
3 approved by the department, that is visible for six hundred feet to the rear when directly in front of
4 lawful lower beams of head lamps on a motor vehicle.

5 (c) Every EMS, when in use from dusk to dawn, must have reflective material of sufficient
6 size and reflectibility to be visible from both sides for six hundred feet when directly in front of lawful
7 lower beams or head lamps on a motor vehicle or, in lieu of such reflective material, with a lighted
8 lamp visible from both sides from a distance of at least five hundred feet.

9 (d) An EMS may be equipped with lights or reflectors in addition to those required in this
10 section.

11 **Sec. 54-622. - Prohibition on riding 16th Street pedestrian and transit mall.**

12 (a) It is unlawful for any person to operate an EMS on the 16th Street pedestrian and transit
13 mall, as defined in ordinance and city rules and regulations.

14 **Sec. 54-623. - Rules.**

15 The department may promulgate rules and regulations to further govern the use of EMS in the
16 city and county of Denver.

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COMMITTEE APPROVAL DATE: December 11, 2018

MAYOR-COUNCIL DATE: December 18, 2018

PASSED BY THE COUNCIL _____

_____ - PRESIDENT

APPROVED: _____ - MAYOR _____

ATTEST: _____ - CLERK AND RECORDER,
EX-OFFICIO CLERK OF THE
CITY AND COUNTY OF DENVER

NOTICE PUBLISHED IN THE DAILY JOURNAL _____; _____

PREPARED BY: Troy Bratton, Deputy Legislative Counsel DATE: December 18, 2018

Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed ordinance. The proposed ordinance **is not** submitted to the City Council for approval pursuant to § 3.2.6 of the Charter.

Kristin M. Bronson, Denver City Attorney

BY: _____, Assistant City Attorney DATE: _____