

HOUSE BILL 1220

By Potts

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 1; Title 55, Chapter 10; Title 55, Chapter 12 and Title 55, Chapter 8, relative to electric foot scooters.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-1-103, is amended by deleting subsection (c) and substituting instead the following:

(c) "Motor vehicle" means every vehicle that is self-propelled, excluding electric foot scooters as defined in § 55-8-301, motorized bicycles, and every vehicle that is propelled by electric power obtained from overhead trolley wires. "Motor vehicle" means any low speed vehicle, or medium speed vehicle as defined in this chapter. "Motor vehicle" means any mobile home or house trailer as defined in § 55-1-105.

SECTION 2. Tennessee Code Annotated, Section 55-8-101(40), is amended by inserting the language "electric foot scooters" between the language "excluding electric bicycles" and "as defined in § 55-8-301".

SECTION 3. Tennessee Code Annotated, Section 55-8-101(42), is amended by adding the following at the end of the subdivision:

"Motor-driven cycle" does not include an electric foot scooter as defined in § 55-8-301;

SECTION 4. Tennessee Code Annotated, Section 55-8-171, is amended deleting subsections (c) and (d) and substituting instead the following:

(c) The regulations applicable to bicycles, electric bicycles, and electric foot scooters, as defined in § 55-8-301, shall apply whenever a bicycle, electric bicycle, or electric foot scooter is operated upon any highway or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated herein.

(d) This section and §§ 55-8-172 - 55-8-177 are applicable to electric bicycles and electric foot scooters as defined in § 55-8-301.

SECTION 5. Tennessee Code Annotated, Section 55-8-172, is amended by deleting the section and substituting instead the following:

(a) Every person riding a bicycle, electric bicycle, or electric foot scooter, as defined in § 55-8-301, upon a roadway is granted all of the rights and is subject to all of the duties applicable to the driver of a vehicle by this chapter and chapter 10, parts 1-5 of this title, except as to those provisions of this chapter and chapter 10, parts 1-5 of this title that by their nature can have no application.

(b) Every person riding a bicycle, electric bicycle, or electric foot scooter, as defined in § 55-8-301, is subject to the special regulations in §§ 55-8-171 - 55-8-177 applicable to bicycles, electric bicycles, or electric foot scooters.

(c) Every person riding an electric bicycle or electric foot scooter, as defined in § 55-8-301, is subject to the special regulations in part 3 of this chapter applicable to electric bicycles and electric foot scooters.

(d) A violation of this section is a Class C misdemeanor.

SECTION 6. Tennessee Code Annotated, Section 55-8-173, is amended by deleting subsection (b) and substituting instead the following:

(b) No bicycle or electric foot scooter, as defined in § 55-8-301, shall be used to carry more persons at one (1) time than the number for which it is designed or equipped.

SECTION 7. Tennessee Code Annotated, Section 55-8-175, is amended by deleting subdivision (a)(1) and substituting instead the following:

(1) Any person operating a bicycle or electric foot scooter, as defined in § 55-8-301, upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as close as practicable to the right-hand curb or edge of the roadway, except under any of the following situations:

(A) When overtaking and passing another vehicle proceeding in the same direction;

(B) When preparing for a left turn at an intersection or into a private road or driveway; or

(C) When reasonably necessary to avoid conditions including, but not limited to, fixed or moving objects, parked or moving vehicles, pedestrians, animals, surface hazards, or substandard width lanes that make it unsafe to continue along the right-hand curb or edge. For purposes of this section, "substandard width lane" means a lane that is too narrow for a bicycle and another vehicle to travel safely side by side within the lane.

SECTION 8. Tennessee Code Annotated, Section 55-8-175(b), is amended by deleting subdivision (1) and substituting instead the following:

(1) Persons riding bicycles or electric foot scooters, as defined in § 55-8-301, upon a roadway shall not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. Persons riding two (2) abreast shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane.

SECTION 9. Tennessee Code Annotated, Section 55-8-175(c), is amended by deleting subdivision (2) and substituting instead the following:

(2) The operator of a motor vehicle, when overtaking and passing a bicycle or electric foot scooter, as defined in § 55-8-301, proceeding in the same direction on the roadway, shall leave a safe distance between the motor vehicle and the bicycle or electric foot scooter of not less than three feet (3') and shall maintain the clearance until safely past the overtaken bicycle or electric foot scooter.

SECTION 10. Tennessee Code Annotated, Section 55-8-176, is amended by deleting subsection (a) and substituting instead the following:

(a) No person operating a bicycle or electric foot scooter, as defined in § 55-8-301, shall carry any package, bundle, or article that prevents the driver from keeping at least one (1) hand upon the handlebars.

SECTION 11. Tennessee Code Annotated, Section 55-8-177, is amended by deleting subsections (a) and (b) and substituting instead the following:

(a) Every bicycle or electric foot scooter, as defined in § 55-8-301, when in use at nighttime, shall be equipped with a lamp on the front, which shall emit a white light visible from a distance of at least five hundred feet (500') to the front, and either a red reflector or a lamp emitting a red light, which shall be visible from a distance of at least five hundred feet (500') to the rear, when directly in front of lawful upper beams of head lamps on a motor vehicle.

(b) Every bicycle or electric foot scooter must be equipped with a brake or brakes that will enable its driver to stop the bicycle or electric foot scooter within twenty-five feet (25') from a speed of ten miles per hour (10 mph) on dry, level, clean pavement.

SECTION 12. Tennessee Code Annotated, Section 55-8-301, is amended by adding the following as a new, appropriately designated subdivision:

() "Electric foot scooter" means a device weighing less than one hundred (100) pounds, with two (2) or three (3) wheels, handlebars, and a floorboard that can be stood upon while riding, which is solely powered by an electric motor or human power, or both, and whose maximum speed, with or without human propulsion on a paved level surface, is no more than twenty miles per hour (20 mph);

SECTION 13. Tennessee Code Annotated, Section 55-8-302, is amended by deleting the section and substituting instead the following:

An electric bicycle or electric foot scooter and any person operating an electric bicycle or electric foot scooter is not subject to any requirements or laws applicable to motor vehicles, including the Tennessee Financial Responsibility Law of 1977, compiled in chapter 12, part 1 of this title; the Uniform Classified and Commercial Driver License Act of 1988, compiled in chapter 50 of this title; and chapters 3 and 4 of this title, relating to titling and registration. Except as otherwise specified by this part, the requirements and laws applicable to bicycles in this title shall apply to electric bicycles and electric foot scooters.

SECTION 14. Tennessee Code Annotated, Section 55-8-306, is amended by deleting the section and substituting instead the following:

(a)

(1) A class 1 electric bicycle, a class 2 electric bicycle, or an electric foot scooter may be operated on any part of a street or highway where bicycles are authorized to travel, including a bicycle lane or other portion of a roadway designated for exclusive use by bicyclists, the shoulder or berm, and any path or trail intended for use by bicyclists.

(2) A local government or state agency having jurisdiction over any part of any path or trail where bicycles are authorized to travel may regulate or prohibit, by resolution or ordinance if a local government or by rule or policy if a state agency, the operation of a class 1 electric bicycle, class 2 electric bicycle, or electric foot scooter on that path or trail, if the local government or state agency determines that the regulation or prohibition is necessary, in the interest of public safety.

(3) No class 3 electric bicycle shall be operated on any part of a path or trail where bicycles are authorized to travel, unless the path or trail is within or

adjacent to the street or highway, or the local governing body or state agency having jurisdiction over the path or trail permits, by resolution or ordinance if a local government or by rule or policy if a state agency, the operation of a class 3 electric bicycle on that path or trail.

(4) No electric bicycle or electric foot scooter shall be operated on any sidewalk unless the use of bicycles on sidewalks is authorized by resolution or ordinance if a local government or by rule or policy if a state agency, of the local government or state agency having jurisdiction over that sidewalk, and the electric motor is disabled.

(5) Any local resolution or ordinance or state agency rule or policy adopted in accordance with this subsection (a) shall use the definitions in this part for electric bicycle, class 1 electric bicycle, class 2 electric bicycle, class 3 electric bicycle, or electric foot scooter. References to motor vehicles in any local resolution or ordinance shall not be applicable to an electric bicycle or electric foot scooter.

(6) A person who knowingly operates an electric bicycle or electric foot scooter in violation of subdivision (a)(3) or (4) commits a Class C misdemeanor.

(b) On any roadway, highway, or street, electric bicycles and electric foot scooters shall be restricted, limited, or excluded by local resolutions and ordinances to the same extent as bicycles are restricted, limited, or excluded.

(c) Notwithstanding this title to the contrary, electric bicycles and electric foot scooters may be parked on a sidewalk in a manner not impeding the normal or reasonable movement of pedestrian or other traffic.

(d) No person under the age permitted by chapter 50 of this title to operate a motor vehicle shall operate an electric foot scooter, and no person shall operate an electric foot scooter at a speed greater than fifteen miles per hour (15 mph)

SECTION 15. This act shall take effect July 1, 2019, the public welfare requiring it.