

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2023-2024 Regular Session

AB 410 (Jones-Sawyer)
Version: April 13, 2023
Hearing Date: June 13, 2023
Fiscal: No
Urgency: Yes
CK

SUBJECT

Shared mobility devices

DIGEST

This bill delays the operative date of, and modifies the specifications for, the law requiring tactile signs to be affixed to shared mobility devices.

EXECUTIVE SUMMARY

Most cities in California have witnessed the boom in shared bikes, scooters, and other devices. These “shared mobility devices” have been welcomed in some areas and severely restricted in others. Various legal questions arise around whether and how these devices and the companies providing them should be regulated.

Recently enacted legislation requires cities and counties to adopt rules for the operation, parking, and maintenance of shared mobility devices allowed to operate in their respective jurisdictions. It also requires shared mobility service providers to maintain certain levels of commercial general liability insurance coverage.

This bill makes changes to recently enacted provisions that require tactile signs on each shared mobility device to identify the device for the purpose of reporting illegal or negligent activity. Technical barriers were identified with regard to these requirements. This bill cleans up the specifications of the signage and removes a requirement that the email address of the provider be included.

This bill is author-sponsored. It is supported by the California Council of the Blind, as well as shared mobility service providers, including Bird. There is no known opposition. The bill includes an urgency clause.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Requires a shared mobility service provider, before distribution of a shared mobility device, to enter into an agreement with, or obtain a permit from, the city or county with jurisdiction over the area of use. The agreement or permit shall, at a minimum, require that the shared mobility service provider maintain commercial general liability insurance coverage. (Civ. Code § 2505(b).)
- 2) Requires the above coverage to have limits not less than \$1,000,000 for each occurrence for bodily injury or property damage, including contractual liability, personal injury, and product liability and completed operations, and not less than \$5,000,000 aggregate for all occurrences during the policy period. (Civ. Code § 2505(b).)
- 3) Prohibits the insurance from excluding coverage for injuries or damages caused by the shared mobility service provider to the shared mobility device user. (Civ. Code § 2505(b).)
- 4) Requires the agreement or permit required above to additionally require, except as provided, a shared mobility service provider to offer or make available, or to confirm the user of a shared mobility device maintains, insurance coverage for bodily injury or death suffered by a pedestrian when the injury or death involves, in whole or in part, the negligent conduct of the shared mobility device user, of \$10,000 for each occurrence of bodily injury to, or death of, one pedestrian in any one accident, and for property damage to an assistive technology device, of \$1,000, for each occurrence. (Civ. Code § 2505(b).)
- 5) Requires cities and counties that authorize providers to operate within their jurisdiction to adopt rules for the operation, parking, and maintenance of shared mobility devices by ordinance, agreement, or permit terms, as specified. Providers are required to comply therewith. (Civ. Code § 2505(c).)
- 6) Defines “shared mobility device” to mean an electrically motorized board, motorized scooter, electric bicycle, bicycle, as those terms are defined, or other similar personal transportation device that is made available to the public by a shared mobility service provider for shared use and transportation in exchange for financial compensation via a digital application or other electronic or digital platform. Defines “shared mobility service provider” as a person or entity that offers, makes available, or provides a shared mobility device in exchange for financial compensation or membership via a digital application or other electronic or digital platform. (Civ. Code § 2505(a).)

- 7) Provides that nothing in the above provisions shall prohibit a city or county from adopting any ordinance or regulation that is not inconsistent with this title. (Civ. Code § 2505(d).)
- 8) Requires a shared mobility service provider to affix to each shared mobility device a readily accessible, single, and clearly displayed tactile sign containing raised characters and accompanying Braille, complying with Section 11B-703 of the Building Code, to identify the device for the purpose of reporting illegal or negligent activity. The sign shall minimally consist of the company name, phone number, and email address of the service provider that is visible a minimum of five feet and not obfuscated by branding or other markings. (Civ. Code § 2506.)

This bill:

- 1) Requires the raised characters in the tactile sign discussed above to be, at minimum, one-half inch high and in a color that contrasts with the signage background.
- 2) Removes the requirement that the above sign include the email address of the shared mobility service provider.
- 3) Changes the operative date of this provision to January 1, 2024.

COMMENTS

1. Device identification

As stated, a number of bills regulating shared mobility devices and their providers have been introduced and signed into law in recent years. These deal with topics ranging from local regulation to data sharing.

Last year, AB 371 (Jones-Sawyer, Ch. 740, Stats. 2022) provided further parameters for this industry. The bill amended the insurance requirements applicable to shared mobility service providers, specifically with regard to coverage for the negligent conduct of the shared mobility device user.

There was also a relatively less controversial element of the bill that currently requires shared mobility service providers to affix a readily accessible, single, unique, and clearly displayed tactile sign to each shared mobility device that identifies the device for the purpose of reporting illegal or negligent activity. The signs must contain raised characters and accompanying braille that complies with applicable provisions of the Building Code. At a minimum, the sign must include the name of the service provider, the provider's phone number, and an email address that is visible a minimum of five feet away and not obfuscated by branding or other markings.

The author argued the provision “provides accessibility by requiring braille and tactile signage to be added to e-devices so nonvisual pedestrians can receive the necessary contact information to file an injury report to the relevant e-device provider.”

However, in the wake of the bill taking effect, concerns arose about the practicality of this requirement. Namely, providers and those manufacturing the relevant signs asserted that the specifications citing the Building Code were not feasible on the smaller surfaces of these shared mobility devices. Therefore, this bill modifies the requirements to set a minimum size for the raised characters. Cutting down on the amount of information to be included, the bill also removes the requirement that the provider’s email address be included while retaining the requirement for the provider’s name and contact number to be included. To obviate legal issues with the infeasible signage requirement currently in law, the bill contains an urgency clause that provides for immediate effect upon passage. However, to allow sufficient time for compliance, the newly constructed obligation will become operative on January 1, 2024.

2. Stakeholder positions

According to the author:

Last year, Governor Newsom signed AB 371 into law that ensured Californians injured by e-devices were insured and required these devices to include braille and tactile signage for pedestrians with visual impairments. E-device providers and signage fabricators have indicated that what the law under AB 371 required does not technically fit on the small surfaces of e-devices because of its cross-references requirement to braille and tactile signage found on buildings. Recognizing the need to provide signage that is accessible to those who are blind or have visual impairments, the Legislature must tailor the requirements of e-device braille and tactile signage in a way that is technically feasible and accessible. As such, AB 410 updates existing law to ensure individuals who are blind or have visual impairments have the necessary contact information to file an injury report.

Writing in support, Disability Rights California asserts that the bill “would clean up braille and tactile signage requirements for shared mobility devices, such as e-scooters and e-bikes, in order to ensure accessibility for pedestrians who are blind or have vision impairments.” It explains: “During the preliminary stages of implementation, technical barriers that would hinder pedestrians with disabilities’ accessibility were exposed to author’s office. As such, clean up to [the] existing statute is warranted.”

SUPPORT

Bicycle Transit Systems

Bird
Disability Rights California
Lighthouse for the Blind and Visually Impaired
Lime
Lyft, Inc.
Spin
Systech Displays, Inc.

OPPOSITION

None known

RELATED LEGISLATION

Pending Legislation: None known.

Prior Legislation:

AB 371 (Jones-Sawyer, Ch. 740, Stats. 2022) *See* Comment 1.

AB 1286 (Muratsuchi, Ch. 91, Stats. 2020) set a baseline regulation requirement for the local jurisdictions. AB 1286 requires local authorities to adopt rules governing the operation, parking, and maintenance of shared mobility devices, either by adopting ordinances, entering into agreements, or providing for permits, before providers are allowed to operate in those jurisdictions. It also requires providers, at a minimum, to maintain commercial general liability insurance coverage with a carrier doing business in California, with specified limits.

AB 1112 (Friedman, 2020) would have prohibited an unauthorized person from removing an unattended micromobility device from a highway to a storage facility, garage, or other place. The bill would have authorized persons and peace officers to relocate such devices, as specified. This bill died in the Senate Transportation Committee.

AB 3116 (Irwin, 2020) would have authorized a public agency to require a mobility services operator to periodically submit anonymized trip data, and clarified that trip data is personal information as defined in the California Consumer Privacy Act and subject to the Electronic Communications Privacy Act. This bill died in the Assembly Appropriations Committee.

AB 2989 (Flora, Ch. 552, Stats. 2018) required an operator of a motorized scooter to wear a helmet, only if they are under the age of 18, and permits local authorities to authorize the operation of motorized scooters on roads with speed limits up to 35 miles per hour.

PRIOR VOTES:

Assembly Floor (Ayes 76, Noes 0)

Assembly Privacy and Consumer Protection Committee (Ayes 10, Noes 0)
