

Declaration of all e-Scooters to not be motor vehicles

Background

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In 2005, the Road User Rule 2004 (RUR) was amended to include a definition of a 'wheeled recreational device'. The intent was to make allowance for the likes of e-Scooters to be used primarily on the footpath without licencing, registration or certification impost.

The definition includes all devices with auxiliary propulsion motors or motors with a maximum power output of 300W and wheel sizes less than 355mm.

e-Scooters are a traditional push scooter, which contain a motor that kick starts as the device begins to move. The power output of the motor at 300W means they fit within the scope of a wheeled recreational device.

Problem

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However, the Land Transport Act was not amended to accommodate and accordingly considers recreational devices to be motor vehicles (mopeds) and as such requiring Licencing, Registration and Entry Certification. This also means a driver licence is required to ride.

Of late, companies such as Flamingo and Lime have approached the Agency to understand the legal considerations of introducing an urban ridesharing service using e-Scooters.

There is currently no process or service available to licence, register or certify an e-Scooter as these would not meet applicable (moped) standards.

s9(2)(g)(i)

Current Status

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Since the introduction of the wheeled recreational device, e-Scooter take up has significantly increased.

The users/owners are private individuals. There are presently no commercial entities using e-Scooters.

Some commercial entities have looked at using e-Scooters for staff mobility within urban centres but have been put off by the licencing and certification requirements.

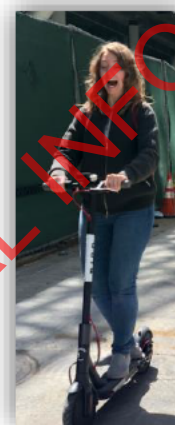
All e-Scooters currently being used are technically illegal exposing the users to enforcement action and fines.

Ride-share Model

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e-Scooter rental companies are now becoming common across America and Europe. These companies allow users to pay a small base fee to hire the e-scooter and from there, the user is charged by the minute.

These are being advertised as an environmentally friendly way to get people moving through urban centre, aiding users to travel the 'last mile' from a bus or train station.



Environment

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Potentially one e-Scooter user displaces one car and accordingly contributes to reducing urban vehicle congestion.

The forms of power are the physical person and an electric motor; this means that noxious gas emissions eliminated.

Safety

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The Road User Rule prescribes responsible behaviour.

Despite the potential for attainment of higher speeds (up to 30KPH) there are no records of serious e-Scooter accidents in New Zealand.

s9(2)(g)(i)

Recommendation

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The Agency use established powers within the Land Transport Act to declare e-Scooters to not be motor vehicles. This will eliminate the requirements to register, licence, and entry certify. Also, the requirement to have drivers licence to operate.

Support by MoT to include a sunset clause of 5 years. This is consistent with the Legislation Design and Advisory Committee recommendations.

Work with MoT to change legislation to exclude e-Scooters from being motor vehicles.

Precedence

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The Agency has previously declared Power-assisted Cycles to not be a Motor Vehicle in 2013, with the requirement that the cycle needs at least two wheels, designed primarily to be propelled by the rider and with a maximum power output not exceeding 300W.

Risk

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This could shine the light on other recreational devices including: hovercraft, skateboard, roller skates and the like. However this risk is deemed to be low and outweighs the benefit of allowing e-Scooter legality.

MoT view

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The Ministry supports the Agency making a declaration that e-scooters are not motor vehicles under section 168A of the Land Transport Act 1998.

Declaration Process

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For the Agency to use it's powers to declare e-Scooters to not be a motor vehicle, a Gazette notice must be published and then tabled in Parliament by the 16th sitting day after the date of publication on the New Zealand Gazette Office website.

Allowing for a Legal review, it is expected that once approved, a Gazette notice could be published within 10 working days.

What's Next?

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The Agency will prepare a communications package to support the changes, including updating the NZTA website. Councils will be informed and interested parties will be advised.

Legislative Context



Primary Legislation

Land Transport Act 1998

motor vehicle—
(a) means a vehicle drawn or propelled by mechanical power; and

If it has a Motor, it's a Motor Vehicle; e-Scooter has a motor

Land Transport Act 1998

168A. Agency may declare that vehicle is mobility device or is not motor vehicle
(1) If a vehicle or type of vehicle is powered solely by a motor that has a maximum power output not exceeding 1 500 W, the Agency may, by notice in the Gazette, declare that the vehicle or type of vehicle is a mobility device.
(2) If a vehicle or type of vehicle is propelled by a motor that has a maximum power output not exceeding 300 W, the Agency may, by notice in the Gazette, declare that the vehicle or type of vehicle is not a motor vehicle.

An e-Scooter motor does not exceed 300 W, so the Agency can use delegated powers to declare to not be a motor vehicle

Land Transport Act 1998

5 Drivers to be licensed
(1) A person may not drive a motor vehicle on a road—
(a) without an appropriate current driver licence; or

To drive a motor vehicle, the driver must hold a driver licence

Land Transport Act 1998

242 Motor vehicles must be registered and licensed
(1) A motor vehicle must not be operated on a road unless the motor vehicle—
(a) is registered and licensed in accordance with this Part; and

A motor vehicle needs to be licenced/Registered to go on a road

Government Roading Powers Act 1989

road means a public highway, whether carriageway, bridle path, or footpath; and includes the soil of—

A road includes the footpaths

Secondary Legislation

Land Transport Road User Rule 2004

wheeled recreational device—
(a) means a vehicle that is a wheeled conveyance (other than a cycle that has a wheel diameter exceeding 355 mm) and that is propelled by human power or gravity; and
(b) includes a conveyance to which are attached 1 or more auxiliary propulsion motors that have a combined maximum power output not exceeding 300 W

e-Scooter is a wheeled recreational device when using roads/footpaths

Land Transport Road User Rule 2004

(4) A driver of a mobility device or wheeled recreational device on a footpath—
(a) must operate the device in a careful and considerate manner; and
(b) must not operate the device at a speed that constitutes a hazard to other footpath users.

Drivers of an e-Scooter will need to be considerate to footpath users and not operate at a dangerous speed

Land Transport Rule Vehicle Standards Compliance 2002

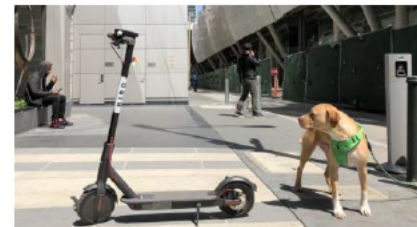
LA (Moped with two wheels);
A motor vehicle (other than a power-assisted pedal cycle) that:
(a) has two wheels; and
(b) either:
(i) has an engine cylinder capacity not exceeding 50 ml and a maximum speed not exceeding 50 km/h; or
(ii) has a power source other than a piston engine and a maximum speed not exceeding 50 km/h.

e-Scooter is a LA Moped class in respect to safety compliance

Land Transport Rule Vehicle Standards Compliance 2002

(a) a vehicle must be inspected and certified by a vehicle inspector or inspecting organisation appointed under 2.2(1)(d), (e) or (f); and

e-Scooters need to be entry certified



RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982