



## E-scooters: insurance and safety implications

With increasing traffic congestion in many jurisdictions, people are turning from cars to alternative modes of transport. E-scooters have become one of the fastest growing urban mobility trends. Despite their many benefits, the growing popularity of e-scooter use has contributed to more collisions. As a result, it is crucial to understand the risk profile of e-scooters and jurisdictional best practices for regulating them.

### **Risk profile and safety implications**

There is concern over which insurance policy will cover an e-scooter claim. When an e-scooter rider causes an injury to themselves, they will likely seek compensation through a health insurance policy. In situations where the e-scooter rider is injured in a collision with a motor vehicle, the negligent driver's auto insurance covers the injury, as it would in any other traffic collision. Both instances are the same for bicycle riders. However, in collisions between an e-scooter and a pedestrian or another person's property, the answer is not clear.

### **E-scooter collisions**

E-scooter injuries are on the rise, both to the rider and to third parties. Studies have revealed that the main risk factors for e-scooter rider injuries are lack of helmet use, user inexperience and behaviour, motor vehicle interference and infrastructure issues, including potholes and lack of cycle paths. Notably, these studies identified the most common e-scooter injury to the rider was head trauma and a significant number of injured persons who sustained head injuries were not wearing a helmet at the time of the collision.

E-scooters further pose a significant risk to third parties. This is particularly the case in jurisdictions where cycle paths are not available, causing e-scooter riders to take refuge on congested pavements. Although most jurisdictions prohibit e-scooter use on pavements, there are still instances of riders using them in close proximity to pedestrians, increasing the likelihood of e-scooter-pedestrian collisions.

### **Jurisdictional best practices**

Regulatory requirements for e-scooters vary internationally. Some jurisdictions have national-level legislation, while others have state laws. These requirements outline what roads e-scooters can operate on, speeds they are limited to, minimum age restrictions for riders and insurance requirements. No jurisdiction requires all e-scooter riders to wear a helmet.

The following section outlines e-scooter requirements in selected jurisdictions.



## European Union

A review of the relevant EU regulation, the Motor Insurance Directive, is currently underway. As the e-scooter industry has expanded across Europe, more and more jurisdictions have developed new regulations for e-scooter use. These jurisdictions require e-scooters to have the same equipment as bicycles, including lights, brakes, reflectors and a bell.

Regulations in Germany permit e-scooters on roads and cycle paths, but not pavements, at a maximum speed of 20km/h. The minimum age requirement is 14. Riders are required to have liability insurance.

Like Germany, in France riders can operate e-scooters on roads and cycle paths, but not pavements, although at a maximum speed of 25km/h. Riders as young as 12 are permitted to ride an e-scooter. Liability insurance is required.

In Belgium, e-scooters are permitted on roads and cycle paths at a maximum speed of 25km/h. The minimum age requirement is 16. Unlike Germany and France, e-scooters can ride on pavements at a “walking pace” and do not require liability insurance.



## United Kingdom

E-scooters are legislated at national level. Under current legislation, the UK government has permitted a number of trials with service providers in cities across England, Scotland and Wales, in line with their attempts to encourage citizens to return to work safely during the COVID-19 pandemic.

E-scooter legislation is under review as part of the government’s “Future of Transport” programme and the government intends e-scooters to be treated similarly to electrically-assisted pedal cycles. However, during the trial period, the following regulations apply:

- The minimum age for riders is 16
- Rides must have a full or provisional driving licence
- E-scooters must be used on roads (except motorways), cycle lanes and tracks
- E-scooters should have a maximum speed of 25 km/h
- E-scooters must be covered by a motor vehicle insurance policy (this is expected to change following the government’s review)

The use of privately-owned vehicles, other than on private land with the permission of the landowner, remains illegal.



## United States

E-scooters are not legislated at national level. Therefore, individual states and cities can regulate e-scooters.

California law permits e-scooters on cycle paths, regardless of the street’s speed limit. E-scooter riders are allowed on public roads that have a maximum speed limit of 40km/h, but the e-scooter cannot exceed 25km/h. E-scooters are not permitted on pavements. Riders must be at least 18 years of age. Liability insurance is not mandatory.

Regulation in Virginia permits e-scooters on roads, cycle paths and pavements, at a maximum speed of 32km/h. Like California law, Virginia law permits e-scooters on roads with a maximum speed of 40km/h. The minimum age for riders is 14, with supervision by a person who is at least 18. Liability insurance is not mandatory.



In some Canadian provinces, e-scooter use is in the pilot phase. In Ontario, e-scooters operate in the same capacity as bicycles. Municipalities that want to allow e-scooters at a maximum speed of 24km/h on their roads must first pass by-laws to permit their use and detail restrictions. The minimum rider age is 16. Liability insurance is not mandatory.

In Alberta, e-scooter rules differ significantly between Edmonton and Calgary. Calgary riders are allowed on pavements but prohibited on roads, whereas Edmonton riders are allowed on roads where the speed limit is 50km/h or less, but prohibited on pavements. Both cities have capped e-scooters' speed at 20 km/h and allow e-scooters on cycle paths. The minimum rider age is 18. Liability insurance is not required in Alberta.

### Recommendations

GFIA recommends the following:

- E-scooter speed should not surpass 25km/h and municipalities should enforce on which roads they are permitted (eg based on speed limits).
- Municipalities that promote micromobility should strive to improve transportation infrastructure, including cycle paths, to encourage different modes of transportation to coexist safely in public spaces, with minimal, if any, interaction with pedestrians.
- To protect pedestrians from collisions with e-scooters, e-scooters should be prohibited from pavements and enforcement agencies should be resourced to ensure compliance.
- To ensure appropriate and safe rider behaviour, e-scooter riders should be at least 16 years of age.
- To protect the rider from head trauma, helmets should be required for all e-scooter riders regardless of age and experience.
- Mandatory insurance for e-scooters would not be necessary in many jurisdictions, but if a jurisdiction would benefit from insurance requirements, they should be proportionate to the risk that e-scooters represent in that jurisdiction.
- E-scooter-sharing companies should take the necessary measures to ensure the safety of e-scooter riders, including purchasing comprehensive liability insurance in preparation for any bodily injury and/or property damage against a third party.



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