

SECOND REGULAR SESSION

SENATE BILL NO. 882

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WIELAND.

Read 1st time January 14, 2020, and ordered printed.

ADRIANE D. CROUSE, Secretary.

3572S.04I

AN ACT

To repeal sections 300.347 and 307.180, RSMo, and to enact in lieu thereof five new sections relating to transportation devices, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 300.347 and 307.180, RSMo, are repealed and five new
2 sections enacted in lieu thereof, to be known as sections 300.347, 307.180,
3 307.220, 307.224, and 379.1750, to read as follows:

300.347. 1. No person shall ride a bicycle **or motorized bicycle** upon
2 a sidewalk within a business district.

3 2. Whenever any person is riding a bicycle **or motorized bicycle** upon
4 a sidewalk, such person shall yield the right-of-way to any pedestrian and shall
5 give audible signal before overtaking and passing such pedestrian.

6 3. No person shall ride a motorized bicycle **weighing sixty or more**
7 **pounds** upon a sidewalk.

307.180. 1. As used in sections 307.180 to 307.193:

2 (1) The word "bicycle" shall mean every vehicle propelled solely by human
3 power upon which any person may ride, having two tandem wheels, or two
4 parallel wheels and one or two forward or rear wheels, all of which are more than
5 fourteen inches in diameter, except scooters and similar devices;

6 (2) The term "motorized bicycle" shall mean any two- or three-wheeled
7 device, **including but not limited to a moped, bicycle, scooter, or similar**
8 **device**, having an automatic transmission and a motor with a cylinder capacity
9 of not more than fifty cubic centimeters, which produces less than three gross
10 brake horsepower, and is capable of propelling the device at a maximum speed
11 of not more than thirty miles per hour on level ground. A motorized bicycle shall
12 be considered a motor vehicle for purposes of any homeowners' or renters'

13 insurance policy.

14 **2. A motorized bicycle shall be considered a vehicle for purposes**
15 **of chapter 577.**

307.220. 1. As used in this section and section 307.224, the
2 **following terms shall mean:**

3 **(1) "Motorized bicycle", the same meaning as ascribed to such**
4 **term in section 307.180;**

5 **(2) "Shared motorized bicycle" or "SMB", a motorized bicycle that**
6 **is used in a shared motorized bicycle system;**

7 **(3) "Shared motorized bicycle system" or "SMB system", a system**
8 **that provides motorized bicycles to users for short-term rentals,**
9 **whether or not the system requires docking stations or other fixed**
10 **infrastructure to receive or return the vehicle.**

11 **2. No person under the age of sixteen shall operate a SMB in this**
12 **state.**

13 **3. No person shall operate a SMB in this state at a speed greater**
14 **than fifteen miles per hour.**

15 **4. No person shall park a motorized bicycle:**

16 **(1) On a sidewalk in a manner that impedes the normal or**
17 **reasonable movement of pedestrian or other traffic; or**

18 **(2) Otherwise in violation of county or municipal parking**
19 **regulations.**

20 **5. A SMB shall be labeled with visible language identifying its**
21 **use in a SMB system.**

22 **6. A SMB shall bear a unique alphanumeric identification**
23 **number. The alphanumeric identification number shall be:**

24 **(1) Visible from a distance of five feet, and not be covered by a**
25 **branding or other marking; and**

26 **(2) Used throughout the state, including by counties,**
27 **municipalities, the SMB system, and insurers under section 379.1750, to**
28 **identify the SMB.**

29 **7. No SMB system shall operate or deploy SMBs in this state**
30 **without providing insurance coverage in accordance with section**
31 **379.1750. No SMB system shall operate or deploy, nor allow SMBs to be**
32 **deployed or operated, in violation of this section, in violation of**
33 **subsection 2 of section 307.224, or in violation of any ordinance or rule**
34 **enacted by a political subdivision under section 307.224.**

35 8. A violation of subsections 2 to 4 of this section shall be a class
36 D misdemeanor. The owner or operator of a SMB system operating or
37 deploying a SMB in violation of subsections 5 to 7 of this section shall
38 be guilty of a class D misdemeanor.

 307.224. 1. Counties and municipalities of this state may regulate
2 or prohibit the operation of motorized bicycles, SMBs, and SMB systems
3 within their jurisdictions, including but not limited to requiring
4 protective headgear, and may provide for separate or modified
5 regulations or prohibitions based on vehicle characteristics including,
6 but not limited to, vehicle composition, weight, or horsepower, or based
7 on the age of the operator.

8 2. No SMB system shall operate or deploy SMBs in this state
9 without first obtaining authorization or permission from the applicable
10 county or municipality in which the SMBs will be operated or
11 deployed. Authorization or permission to operate a SMB or SMB system
12 may be conditioned on certain requirements, including but not limited
13 to:

14 (1) Minimum insurance requirements that may be in addition to
15 the mandatory insurance requirements of section 379.1750;

16 (2) Age requirements of users;

17 (3) Safety rules and maintenance requirements;

18 (4) Presence or operation of SMBs on public property, including
19 sidewalks; or

20 (5) Such other requirements as the county or municipality deems
21 advisable.

22 3. Counties and municipalities of this state may require the
23 operator of a SMB system to provide anonymized fleet and ride activity
24 data for all trips starting or ending within their jurisdictions, and all
25 ride activity resulting in an accident report, provided that, to ensure
26 individuals' privacy, the anonymized fleet and ride activity data is:

27 (1) Provided to the county or municipality through an
28 application programming interface, subject to the SMB system's
29 operator's license agreement for the interface, in compliance with a
30 national data format standard such as the mobility data specification;

31 (2) Treated as trade secret and proprietary business information;
32 and

33 (3) Released to law enforcement if required by state or federal

34 law.

35 4. Notwithstanding any provision of law to the contrary,
36 information received under subsection 3 of this section shall be subject
37 to disclosure under chapter 610 only after aggregation and
38 anonymization sufficient to protect individuals' privacy.

379.1750. 1. As used in this section, the terms "shared motorized
2 bicycle" or "SMB", and "shared motorized bicycle system" or "SMB
3 system", shall have the same meanings as ascribed to them in section
4 307.220.

5 2. A SMB system shall maintain a policy of commercial general
6 liability insurance in the amount of at least one million dollars per
7 occurrence for death, bodily injury, and property damage, dedicated for
8 the operation and charging of a SMB.

9 3. Insurance required under this section shall provide coverage
10 beginning with the first dollar of a claim and shall specify that the
11 insurer has a duty to defend such claim.

12 4. Insurance required under this section may be placed with an
13 insurer authorized in this state to issue policies of commercial general
14 liability insurance, or with an eligible surplus lines insurer under
15 chapter 384.

16 5. Insurers that write motor vehicle or other insurance in this
17 state may exclude or limit any and all coverage afforded under a policy
18 issued to a person for any loss or injury that occurs while operating a
19 SMB in this state.

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