

HOUSE No. 3278

By Mr. Naughton of Clinton, a petition (accompanied by bill, House, No. 3278) of Harold P. Naughton, Jr., for legislation to regulate the operation of elective personal assistive mobility devices, commonly known as segways. Transportation.

The Commonwealth of Massachusetts

PRESENTED BY:

Harold P. Naughton, Jr.

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act regulating the use of SEGWAY transporters.

PETITION OF:

NAME:

Harold P. Naughton, Jr.

DISTRICT/ADDRESS:

12th Worcester

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT REGULATING THE USE OF SEGWAY TRANSPORTERS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 SECTION 1. Section 1 of Chapter 90 of the General Laws, as appearing in the 2000 Official Edition, is
2 hereby amended by adding the following new definition:—
3 “Electric Personal Assistive Mobility Device” or “EPAMD” means a self-balancing, two non-tandem
4 wheeled device, designed to transport only one person, with an electric propulsion system whose
5 maximum speed on a paved level surface is 12.5 miles per hour or less.”
6 The definition of “Motor Vehicles” in Section 1 of said Chapter 90, as so appearing, is further amended
7 by inserting in line 162 after the word “bicycles” the following words: “or Electric Personal Assistive
8 Mobility Device” or “EPAMD”.
- 9 SECTION 2. Said Chapter 90 is hereby further amended by inserting after Section 1D the following
10 section:—
11 Section 1E. “Nothing in this chapter or in the Massachusetts General Laws shall be construed to limit the
12 operation of an EPAMD on all public ways in the Commonwealth including sidewalks, bikeways, bike
13 lanes, bike routes, bike paths, and roadways where the posted speed limit does not exceed 35mph in the
14 commonwealth except in the following manner:
15 An EPAMD shall not be operated on limited access and express state highways
16 An EPAMD operated on a sidewalk within a business district shall not exceed the speed of 5mph; an
17 operator of an EPAMD wishing to travel at a speed higher in such an area must travel in a designated bike
18 lane path, way or route as defined in MGL Ch. 90E § 1; or if one is not available, in a roadway where the
19 posted speed limit does not exceed 35mph in a manner not to endanger themselves or obstruct vehicle
20 traffic.
21 An EPAMD operated in a roadway of the Commonwealth shall be subject to the traffic laws and
22 regulations of the Commonwealth except that: (1) an EPAMD operator must keep to the right when
23 passing a motor vehicle which is moving in the travel lane of the way, (2) the EPAMD operator shall
24 signal by either hand his intention to stop or turn
25 An EPAMD operator shall ride single file on any way except when passing and must give an audible
26 signal.

27 No person shall operate an EPAMD on a sidewalk at a speed which is greater than is reasonable or
28 prudent having due regard for weather, visibility, and pedestrians or which endangers the safety of
29 persons or property.

30 A person operating an EPAMD on a sidewalk shall yield the right-of-way to all foot pedestrians including
31 persons with disabilities using assistive devices or service animals.

32 No person under the age of 16 shall operate an EPAMD

33 No person shall operate an EPAMD with a footprint greater than 20 inches deep and 25 inches wide on a
34 sidewalk nor shall any person operate an EPAMD in the Commonwealth that has been altered beyond the
35 manufacturers specification.

36 An EPAMD may be operated at night provided the device or its operator is equipped with or wearing a
37 lamp pointing to the front that emits a white light visible from a distance of not less than three hundred
38 (300) feet and front, rear and side reflectors.

39 A person may not operate an EPAMD while carrying any package, bundle, or other article that prevents
40 the person from keeping both hands on the handlebars and interferes with their ability to safely operate
41 the EPAMD; only one person shall operate an EPAMD at a time.

42 A person may not park his EPAMD upon a way or sidewalk in such a manner as not to obstruct vehicular
43 or pedestrian traffic.

44 The operator of an EPAMD shall report any accident involving either personal injury or property damage
45 in excess of one hundred dollars, or both, to the police department in the city or town in which the
46 accident occurred.

47 Failure to obey subsections (a) thru (l) shall result in a shall be punished by a fine of not more than \$25
48 for the first violation, not less than \$25 nor more than \$50 for a second violation and not less than \$50 nor
49 more than \$100 and impoundment for up to 30 days for a third or subsequent violation. Any and all fees
50 for the storage, processing and release of the impounded EPAMD shall be assessed against the operator of
51 the EPAMD. Such fees must be paid in full by the operator of the EPAMD prior to release of the
52 impounded EPAMD.

53 No person shall distribute or sell an electric personal assistive mobility device unless the device is
54 accompanied by a written statement that is substantially equivalent to the following: "WARNING: TO
55 REDUCE THE RISK OF SERIOUS INJURY, USE ONLY WHILE WEARING FULL PROTECTIVE
56 EQUIPMENT INCLUDING HELMETS."

57 No person who distributes or sells electric personal assistive mobility devices who complies with the
58 requirements of division of this section shall be liable in damages in a civil action brought by or on behalf
59 of the operator of an electric personal assistive mobility device for any injury, death, or loss to person or
60 property suffered by the operator that allegedly arises from, or is related to, the operation of an electric
61 personal assistive mobility device by the operator and the operator failed to wear a helmet.

62 Nothing under current state, county or local law shall regulate an EPAMD as a vehicle, motor vehicle,
63 motor scooter, motorized bicycle or bicycle, as defined under MGL Ch. 90. However, any state or county
64 agency and municipality having jurisdiction over public streets, sidewalks, alleys, bridges, state-wide trail
65 systems, recreational roads and other ways of public passage may by traffic control devices or ordinance
66 further regulate the time, place, and manner of the operation of an EPAMD including prohibiting their use
67 entirely.

68 An EPAMD shall not require a license plate or be registered by the registry of motor vehicles. However
69 the provisions for bicycles under MGL Ch. 85 § 11A may apply to an EPAMD so long as affixing such
70 decal or plate does not directly interfere with the operation of an EPAMD and associated fee does not
71 exceed \$5.00.

72 No proof of financial responsibility is required for the operation of an EPAMD.

73 SECTION 3. This article shall become effective immediately upon passage.