

Regulations and other Acts

M.O., 2019

Order number 2019-12 of the Minister of Transport dated 19 June 2019

Highway Safety Code
(chapter C-24.2)

Pilot project concerning electric scooters for self-service rental

THE MINISTER OF TRANSPORT,

CONSIDERING the second paragraph of section 633.1 of the Highway Safety Code (chapter C-24.2), which provides that, after consultation with the Société de l'assurance automobile du Québec, the Minister may, by order, authorize the implementation of pilot projects to study, test or innovate in respect of any matter relevant to the Code; for the purposes of road safety, the Minister may in particular develop new rules on traffic or vehicle use, and set the rules and conditions for the implementation of a pilot project; the Minister may, as part of a pilot project, authorize any person or body to use a vehicle in compliance with the standards and rules prescribed by the Minister and the provisions of a pilot project prevail over any inconsistent provision of the Code and its regulations;

CONSIDERING the fourth paragraph of section 633.1 of the Code, which provides in particular that pilot projects are conducted for a period of up to three years, that the Minister may modify or terminate a pilot project at any time and the Minister may determine the provisions of an order made under the section the violation of which is an offence and determine the minimum and maximum amounts for which the offender is liable, which may not be less than \$200 or more than \$3,000;

CONSIDERING the fifth paragraph of section 633.1 of the Code, which provides that the publication requirement set out in section 8 of the Regulations Act (chapter R-18.1) does not apply to an order made under section 633.1 of the Code and an order under the second or third paragraph of the section is published in the *Gazette officielle du Québec*;

CONSIDERING that the Société de l'assurance automobile du Québec has been consulted on the implementation of the Pilot project concerning electric scooters for self-service rental;

CONSIDERING that it is expedient to make the Pilot project;

ORDERS AS FOLLOWS:

The Pilot project concerning electric scooters for self-service rental, attached to this Order, is hereby made.

Québec, 19 June, 2019

FRANÇOIS BONNARDEL,
Minister of Transport

Pilot project concerning electric scooters for self-service rental

Highway Safety Code
(chapter C-24.2, s. 633.1)

CHAPTER I GENERAL

DIVISION I PRELIMINARY

1. The implementation of the Pilot project concerning electric scooters for self-service rental is authorized for the following purposes:

(1) the introduction of new mobility services while ensuring road safety;

(2) testing the use of electric scooters on certain public highways;

(3) gathering information on the test to assess the integration of electric scooters into road traffic, develop safe traffic rules and set equipment standards for those vehicles.

2. For the purposes of this Pilot project,

“electric scooter” means an electric scooter for self-service rental described in section 7; (*trottinette électrique*)

“operator” means a natural or legal person, or the person’s representative, operating a self-service electric scooter rental service. (*exploitant*)

3. In case of conflict, the provisions of this Pilot project prevail over any inconsistent provision of the Pilot project concerning electric scooters (chapter C-24.2, r. 39.1.2).

4. Unless provided otherwise in this Pilot project and with the necessary modifications,

(1) an electric scooter is not a “road vehicle” within the meaning of the Highway Safety Code (chapter C-24.2) and its regulations;

(2) the provisions of the Highway Safety Code applicable to scooters and those of Titles VII and VIII of the Code applicable to bicycles apply to electric scooters;

(3) the provisions of the Highway Safety Code and its regulations applicable to cyclists apply to electric scooter riders; and

(4) the obligations of road users with respect to cyclists referred to in the Highway Safety Code and its regulations also apply with respect to electric scooter riders.

DIVISION II CONDITIONS OF ELIGIBILITY

5. To be authorized to take part in this Pilot project, an operator must send to the Minister of Transport a document specifying

(1) the electric scooter models the operator intends to put into operation and their compliance with the characteristics provided for in section 7; and

(2) the content of the training the operator intends to offer in accordance with sections 11 and 12 and its compliance with the requirements provided for in those sections.

6. An operator who has submitted a project in accordance with section 5 is authorized to take part in this Pilot project with the electric scooter models specified in the application.

The Minister publishes on the website of the Ministère des Transports the information relating to the operators and the electric scooter models that may operate in the territories listed in Schedule I.

CHAPTER II ELECTRIC SCOOTERS

7. An electric scooter has the following characteristics:

(1) it is for one person;

(2) it is ridden standing up on a platform;

(3) it has no seat, surface or structure that could be used as a seat;

(4) it is equipped with a white headlight or light at the front and one red tail-light, both of which automatically turn on when the electric scooter is being operated and they may be flashing;

(5) it is equipped with a red or white reflector or red or white reflective material on each side, as far to the rear as practicable;

(6) it is equipped with a handlebar that acts directly on the steerable wheel;

(7) it is equipped with 2 wheels placed on the same longitudinal axis whose diameter is not less than 190 mm;

(8) it is equipped with a brake system that acts independently on the steerable wheel and the rear wheel using separate devices one of which must be actuated with the hand;

(9) it is equipped with a brake system acting on the rear wheel and the system complies with section 247 of the Highway Safety Code (chapter C-24.2);

(10) it is equipped with an electric motor set at a maximum speed of 20 km/h.

The lights, tail-lights and reflectors referred to in this section must be visible from at least 150 metres.

8. An electric scooter must be equipped, clearly and visibly, with

(1) a unique identification number;

(2) the operator’s logo; and

(3) the toll-free number to call and the address of the website or the email address to report any problem related to the electric scooter.

No other advertising or logo is allowed on the electric scooter.

CHAPTER III OBLIGATIONS OF OPERATORS

DIVISION I OPERATION

9. An operator may rent or offer for rent an electric scooter that is not equipped with the reflectors referred to in section 233.2 of the Highway Safety Code (chapter C-24.2).

10. An operator may operate a self-service electric scooter rental service only in the territory of a municipality referred to in Schedule I that has passed a by-law governing that activity.

DIVISION II TRAINING

11. An operator must offer to the public, each calendar year, a minimum of 2 free training sessions per administrative region in which the operator operates a self-service electric scooter rental service.

The training must include

- (1) information on how to safely ride an electric scooter;
- (2) the requirements provided for in this Pilot project that apply to electric scooter users and traffic rules related to those vehicles; and
- (3) a practical component.

12. An operator must offer to electric scooter users training, in French and in English, using the operator's mobile application.

The training must include the subjects provided for in subparagraphs 1 and 2 of the second paragraph of section 11 and information on the territory in which the operation of the electric scooter is authorized.

On the first rental, the training must be disseminated automatically and without the possibility for the users to ride the electric scooter before the end of the dissemination.

The operator must disseminate, periodically, on the operator's mobile application, a reminder of the traffic rules to be followed and the conditions for riding an electric scooter. The operator must also, at the request of

the Minister or the municipality concerned, disseminate information on the changes made to the Acts or regulations related to the use of an electric scooter.

13. An operator must inform an electric scooter rider, when riding outside a territory listed in Schedule I, that the rider is not authorized to ride in that location. The mobile application must be programmed to prevent the user of an electric scooter from entering into a rental contract where the scooter is outside a territory listed in Schedule I.

DIVISION III INSURANCE

14. An operator must hold a liability insurance guaranteeing compensation for bodily injury and property damage caused by the operation of the enterprise. The minimum required amount of liability insurance is \$5,000,000 per event. The contract must be in force for the whole period of the operator's participation in this Pilot project.

CHAPTER IV RIDERS

DIVISION I RULES OF THE ROAD

15. The prohibition of driving a motorized scooter provided for in section 421.1 of the Highway Safety Code (chapter C-24.2) is suspended for the purposes of this Pilot project to the extent that it is an electric scooter.

16. No person may operate an electric scooter on a public highway unless

(1) the person is at least 18 years of age or, failing that, holds a licence to drive a moped and complies with the conditions and restrictions attached thereto;

(2) the person operates in a territory listed in Schedule 1.

17. No person may operate an electric scooter on a public highway on which the maximum speed limit is more than 50 km/h, unless

(1) the person crosses the public highway at an intersection;

(2) the person rides on the roadway of a traffic circle to go from a public highway on which the maximum speed limit is 50 km/h or less to another;

(3) the person uses a cycle lane separated from the roadway and specially laid out to prevent vehicles from crossing over from the roadway to the cycle lane or vice versa, or having that effect.

18. Paragraph 2 of section 492.2 of the Highway Safety Code (chapter C-24.2), providing for the requirement of wearing a protective helmet that complies with the standards prescribed by regulation, applies to the rider of an electric scooter as if the rider was operating a power-assisted bicycle.

19. The rider of an electric scooter is prohibited from transporting passengers, pulling a trailer or pulling or pushing any other object or person.

DIVISION II ACCIDENTS

20. The provisions of Title IV of the Highway Safety Code (chapter C-24.2), except section 174, apply to an accident involving an electric scooter, with the necessary modifications. Any information or report to be sent to the Société de l'assurance automobile du Québec under those provisions must also be sent to the Minister.

21. The rider of an electric scooter must inform the operator of any accident or incident that occurred during the use of the electric scooter.

CHAPTER V ROAD AND TRAFFIC SIGNS AND SIGNALS

22. The person responsible for the maintenance of a public highway may, by means of a proper sign or signal

- (1) prohibit the operation of electric scooters in a cycle lane or public highway;
- (2) reserve parking spaces for electric scooters.

23. The sign shown below indicates that no electric scooters may be operated in a cycle lane or on a public highway, where the prescription applies.



24. The sign shown below indicates that a parking space is reserved for electric scooters and it is prohibited to any other vehicle not covered by the sign to stop at that location.



The prohibition applies at the location where the sign is installed. An arrow may be added at the bottom of the sign to indicate the beginning or end of the zone.

CHAPTER VI COLLECTION AND COMMUNICATION OF INFORMATION

25. An operator must, in each calendar year, collect from the users information on the use of electric scooters, using a survey prepared by the Minister.

26. An operator must send to the Minister, at the end of each calendar year, a report containing

- (1) the name of the municipalities that gave the operator the authorization to operate a self-service electric scooter rental service;
- (2) the number and model of the electric scooters used for each municipality where their operation is authorized;
- (3) the number and nature of the complaints received;
- (4) the number and nature of the accidents and incidents reported to the operator;
- (5) the information collected in accordance with section 25;
- (6) any measure taken to remedy complaints, technical problems and safety issues encountered;
- (7) the number of training sessions offered and the number of participants in each of those sessions;

- (8) the data provided for in Schedule II;
- (9) any other information requested by the Minister.

The operator must also send, at the Minister's request, the information provided for in the first paragraph.

27. An operator participating in this Pilot project must inform the Minister, within 7 days of becoming aware, of any of the following events:

- (1) any road accident involving an electric scooter that the operator rents
 - (a) during which a person was injured or died; and
 - (b) that generated media coverage;
- (2) any technical problem of an electric scooter that could result in safety issues.

28. As soon as the Pilot project comes into force, every municipality must send to the Minister, where applicable,

- (1) the by-laws respecting electric scooters in its territory; and
- (2) the name of any operator authorized to operate a self-service electric scooter rental service in all or part of the municipality's territory and the periods during which the operator is authorized to do so.

The documents and information must also be sent following the making of or amendment to a regulation referred to in subparagraph 1 of the first paragraph and any new authorization referred to in subparagraph 2 of the first paragraph.

29. A municipality, whose territory is listed in Schedule I, must send to the Minister, at the end of each calendar year, the following data:

- (1) the number and nature of the complaints received;
- (2) the number and nature of the interventions of the municipality;
- (3) any report and other analysis the municipality prepared.

CHAPTER VII OFFENCES

30. An operator who rents or offers to rent an electric scooter or authorizes the operation of an electric scooter that does not meet any of the characteristics in any of sections 7 and 8, who operates a self-service electric scooter rental service in a territory that is not listed in Schedule I or who contravenes any of sections 11 to 14 and 25 to 27 is guilty of an offence and is liable to a fine of \$1,000 to \$3,000.

31. The rider of an electric scooter who contravenes any of sections 16, 17 and 19 is guilty of an offence and is liable to a fine of \$200 to \$300.

CHAPTER VIII AMENDING

32. Section 15 of the Pilot project concerning electric scooters (chapter C-24.2, r. 39.1.2) is amended by adding the following paragraphs at the end:

“The sign provided for in section 23 of the Pilot project concerning electric scooters for self-service rental, made by Order 2019-12 of the Minister of Transport dated 19 June 2019, is an appropriate sign or signal.

The sign shown below to the extent that it has been installed before 1 July 2019 is also an appropriate sign or signal for the purposes of this Pilot project. The message of the sign is the same as the message referred to in the second paragraph.



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CHAPTER IX FINAL

33. This Pilot project comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*. It is revoked on the day of the third anniversary of its coming into force.

SCHEDULE I*(Section 10)***TERRITORY IN WHICH THE OPERATION OF ELECTRIC SCOOTERS IS AUTHORIZED**

Ville de Montréal;
Ville de Westmount.

SCHEDULE II**CERTAIN DATA CONTAINED IN THE ANNUAL REPORT***(Section 26, 1st par., subpar. 8)***1- Activity report: origin and destination**

	Name of the field	Description of the field
Identification	Company identifier	Name of the company
	Unique identifier of the trip	Trip number
	Unique identifier of the vehicle	Vehicle number
Time	Date of departure	Day, month, year
	Time of departure	Round off to the nearest 10 minutes
	Date of arrival	Day, month, year
	Time of arrival	Round off to the nearest 10 minutes
	Duration of rental	To the nearest minute
Location	Place of departure	Coordinates in longitude (accuracy)
		Coordinates in latitude (accuracy)
	Place of arrival	Coordinates in longitude (accuracy)
		Coordinates in latitude (accuracy)
	Distance	Distance travelled in metres

2- Activity report: waypoints

	Name of the field	Description of the field	Explanation of the field
Identification	Unique identifier of the trip	Trip number	The identification data allows the association of the data with other reports.
	Unique identifier of the vehicle	Vehicle number	
Time	Date	Day, month, year	(DD:MM:YY)
	Time	Hour, minute, second	(HH:MM:SS)
Waypoint	Location of the various waypoints	Coordinates in longitude	By combining the various waypoints, the various routes travelled may be displayed.
		Coordinates in latitude	

For the purposes of this Pilot project, a “waypoint” means a point that is not waymarked and by which the electric scooter passes and that allows, when combined to other waypoints, to display the route travelled.