

ONTARIO REGULATION 389/19

made under the

HIGHWAY TRAFFIC ACT

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PILOT PROJECT - ELECTRIC KICK-SCOOTERS

Definitions

1. (1) In this Regulation,

“electric kick-scooter” means a vehicle that has,

- (a) two wheels placed along the same longitudinal axis, one placed at the front of the kick-scooter and one at the rear,
- (b) a platform for standing between the two wheels,
- (c) a steering handlebar that acts directly on the steerable wheel, and
- (d) an electric motor not exceeding 500 watts that provides a maximum speed of 24 kilometres per hour; (“trottinette électrique”)

“public park” means a provincial park or land designated by a municipality for use as a park. (“parc public”)

(2) An electric kick-scooter is deemed not to be a motor vehicle under the Act.

(3) Despite subsection (2), any municipal by-law that governs or prohibits the operation of a motorized vehicle applies to an electric kick-scooter unless the by-law provides otherwise.

Pilot project re electric kick-scooters

2. A pilot project to evaluate the use and operation of electric kick-scooters is established.

Prohibition

3. No person shall operate an electric kick-scooter on a highway, sidewalk, trail, path or walkway or in a public park or exhibition ground unless,

- (a) such operation is permitted by and in accordance with this Regulation; and
- (b) where the highway, sidewalk, trail, path, walkway, public park or exhibition ground is under the jurisdiction of a municipality, such operation is permitted by and in accordance with a municipal by-law.

Where electric kick-scooters permitted

4. (1) Subject to subsection (2), a person may operate an electric kick-scooter on a roadway or on the shoulder of a highway.

(2) An electric kick-scooter shall not be operated on,

- (a) those parts of the controlled-access highways described in Schedule 1 to Regulation 627 of the Revised Regulations of Ontario, 1990 (Use of Controlled-Access Highways by Pedestrians) made under the Act;
- (b) those parts of the controlled-access highways described in Schedule 1 to Regulation 630 of the Revised Regulations of Ontario, 1990 (Vehicles on Controlled-Access Highways) made under the Act; or
- (c) any highway to which access by pedestrians or bicycles is prohibited under any Act, regulation or municipal by-law.

Roadway use

5. (1) Where bicycle lanes are provided on a highway, an electric kick-scooter shall only be operated in the bicycle lanes.

(2) Despite subsection (1), where the highway is located in a tunnel or underpass, an electric kick-scooter may be operated on a sidewalk in the tunnel or underpass rather than the bicycle lane except where such operation is prohibited by municipal by-law.

(3) Where bicycle lanes are not provided on a highway or where the operation of electric kick-scooters in bicycle lanes is prohibited by municipal by-law, an electric kick-scooter shall only be operated,

- (a) if there is a shoulder on the highway, on the shoulder as close to the right edge of the shoulder as possible; or
- (b) if there is no shoulder on the highway, on the right side of the roadway as close to the edge of the roadway as possible.

Application of the Act

6. (1) Parts II, IV, VI and X.3, sections 179 and 199 and subsection 214 (2) of the Act do not apply to the operation of an electric kick-scooter or to a person who operates an electric kick-scooter.

(2) Sections 140 and 144 of the Act apply to an electric kick-scooter as if the electric kick-scooter were a bicycle.

(3) When an electric kick-scooter is being operated on a sidewalk, trail, path or walkway or in a public park or exhibition ground, the provisions of the Act, other than the Parts and sections listed in subsection (1), apply to the operation of the electric kick-scooter and to the operator of the electric kick-scooter as if the electric kick-scooter were a bicycle and the operator a cyclist.

(4) When an electric kick-scooter is being operated on a roadway or on the shoulder of a highway, the provisions of the Act, other than the Parts and sections listed in subsection (1) or the provisions listed in subsection (2), apply to the operation of the electric kick-scooter and to its operator as if the electric kick-scooter were a bicycle and the operator a cyclist.

Safe operation

7. (1) The operator of an electric kick-scooter shall keep a safe distance from pedestrians and other users of the roadway, shoulder, sidewalk, trail, path, walkway, public park or exhibition ground at all times and shall give way to a pedestrian or bicycle by slowing or stopping, as necessary, where there is insufficient space for the pedestrian or bicycle and the electric kick-scooter to pass.

(2) An electric kick-scooter shall not be operated on a sidewalk, trail, path or walkway or in a public park or exhibition ground at a speed that is markedly greater than the speed of the pedestrians who are proximate to the electric kick-scooter.

(3) Every electric kick-scooter shall be equipped with a bell or horn which shall be kept in good working order and sounded whenever it is reasonably necessary to notify cyclists, pedestrians or others of its approach.

(4) When operated at any time from one-half hour before sunset to one-half hour after sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles are not clearly discernible at a distance of 150 metres or less, every electric kick-scooter shall carry a lighted lamp displaying a white or amber light at the front and a lighted lamp displaying a red light at the rear.

(5) The lamps referred to in subsection (4) may be attached to the electric kick-scooter or may be carried or worn by the operator on his or her person.

(6) An electric kick-scooter shall not be operated in such a manner that it may harm, injure or damage, either directly or indirectly, any person or property.

General rules re operation

8. (1) No person under the age of 16 years shall operate an electric kick-scooter.

(2) No person operating an electric kick-scooter shall carry any other person thereon.

(3) No person operating an electric kick-scooter shall tow another person, vehicle or device.

(4) No person operating an electric kick-scooter shall attach himself or herself to another electric kick-scooter, vehicle or device for the purpose of being drawn or towed.

(5) No person operating an electric kick-scooter shall operate it in any position other than while standing at all times.

(6) No cargo may be carried on an electric kick-scooter.

(7) No person operating an electric kick-scooter shall leave it in a location that is intended for the passage of vehicles or pedestrians.

Equipment

9. (1) An electric kick-scooter shall have one or more electric batteries that are the sole source of power to the motor.

(2) An electric kick-scooter shall not have,

(a) a seat, surface or structure that could be used as a seat;

(b) pedals attached to it;

(c) a basket attached to it;

(d) wheels with a diameter of more than 430 millimetres; or

(e) any structure to enclose the electric kick-scooter.

(3) The weight of an electric kick-scooter, including the weight of the battery but otherwise unladen, shall not exceed 45 kilograms.

(4) The battery and motor of an electric kick-scooter shall be securely fastened to the electric kick-scooter to prevent them from moving while the electric kick-scooter is in motion.

(5) All electric terminals on an electric kick-scooter shall be completely insulated and covered.

(6) An electric kick-scooter shall not be modified after its manufacture in any way that may result in increasing its power or its maximum speed beyond the limits set out in the definition of “electric kick-scooter”.

(7) The motor of an electric kick-scooter shall cease to propel the electric kick-scooter forward if the accelerator is released or the brakes are applied.

(8) The braking system of an electric kick-scooter must be capable of bringing the electric kick-scooter, while being operated at a speed of 24 kilometres per hour on a clean, paved and level surface, to a full stop within nine metres from the point at which the brakes were applied.

(9) An electric kick-scooter and all of its components shall be maintained in good working order at all times.

Helmets

10. A person who is under 18 years old shall wear a helmet that complies with the requirements of subsection 104 (1) or (2.1) of the Act when operating an electric kick-scooter.

Operator to stop for police officer

11. Every operator of an electric kick-scooter shall stop when required to do so by a police officer and shall, on the demand of the police officer,

(a) surrender his or her driver’s licence, if he or she has one and has it in his or her possession, for reasonable inspection by the officer; or

(b) provide the officer with his or her correct name, address and date of birth.

Duty to report accident

12. (1) Where an electric kick-scooter is involved in an accident with a pedestrian, animal or vehicle that results in personal injury or property damage, the operator of the electric kick-scooter shall forthwith report the accident to a police officer and furnish him or her with the information concerning the accident as may be required by the officer under subsection (2).

(2) A police officer receiving a report of an accident, as required by this section, shall secure from the person making the report, or by other inquiries where necessary, the particulars of the accident, the persons involved, the extent of the personal injuries or property damage, if any, and the other information that may be necessary to complete a written report concerning the accident and shall forward the report to the Registrar within 10 days of the accident.

(3) The report of a police officer under subsection (2) shall be in the form that is approved by the Minister.

Reports to Minister

13. Any municipality in which electric kick-scooters are being used shall, if requested by the Minister, report to the Minister on the use of electric kick-scooters in the municipality, or on any aspect of such use as may be specified by the Minister.

Revocation

14. This Regulation is revoked on the fifth anniversary of the day it is filed.

Commencement

15. This Regulation comes into force on the later of January 1, 2020 and the day it is filed.