

Dear Council members. During our last discussion regarding the proposed e-Scooter Ordinance questions were raised regarding the City's ability to limit e-Scooter use under the ordinance to specific geographic areas or districts within the city. This memorandum is in response to that inquiry.

In the 2019 legislative session, the Utah Legislature passed SB 0139. The apparent intent of that legislation was to permit the operation of motor assisted scooters and motor assisted scooter-share Programs, like Bird, Lime, Spin and others, State-wide.

Among other changes, SB 0139 made changes to Utah Code, Section 41-6a-1115, and newly enacted Section 41-6a-1115.5, which specifically govern the regulation of motor assisted scooters and motor assisted scooter-share programs respectively. Although Section 41-6a-1115.1 permits a "local authority," defined to include a city, to regulate the operation of motor assisted scooters and motor assisted scooter-share programs, the City's regulation cannot violate State law. Utah Code, Section 41-6a-1115, imposes certain restrictions but there are simply no geographic restrictions on where a motor assisted scooter or a motor assisted scooter-share program can be operated. Furthermore, the City's regulation cannot impose requirements more restrictive than those applicable to privately owned motor assisted scooters. See Utah Code § 41-6a-1115.1(i).

Because there are no geographic restrictions on where a motor assisted scooter or a motor assisted scooter-share program can be operated, the provisions of Sections 41-6a-1115 and 41-6a-1115.5(i) prohibit or bar a local authority from imposing geographic restrictions. Under the provisions of these statutes it is clear that under state statute a motor assisted scooter can be operated without restriction on geographic locations and I believe any attempt to put geographic restrictions in our ordinance would run contrary to state law.