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National Council of Insurance Legislators (NCOIL)

Electric Scooter Insurance Model Act

**Sponsored by Sen. Jerry Klein (ND)*

**Discussion Draft as of February 5th, 2020~~November 11th, 2019~~. To be discussed during the Property & Casualty Insurance Committee on March 6th, 2020~~December 13, 2019~~.*

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Section 1. Title

This Act shall be known and cited as the “[State] Electric Scooter Insurance Act.”

Section 2. Purpose

The purpose of this Act is to set forth insurance requirements for those involved in the distribution and operation of electric scooters.

Section 3. Definitions

“Electric Scooter” means a device with two or three wheels, handlebars and a floorboard that can be stood upon while riding, which is solely powered by an electric motor and/or human power.

“User” means any person operating or attempting to operate an electric scooter pursuant to an electronic rental usage agreement or fee.

“Pre-charging activity” or “Post-charging activity” means activities undertaken on behalf of an electric scooter company including the operation of a personal automobile for searching, transportation of scooters in a personal automobile and the loading or unloading of electric scooters using a personal automobile, prior to or after charging activity.

“Charging activity” means any related activity when engaged in the act of charging of the electric scooters in a public or private space”

Section 4. Insurance Requirements

~~A. For all periods, that an electric scooter company owned electric scooter is under a rental usage agreement by a user until the time that the rental agreement ceases, the electric scooter company shall ensure that liability insurance coverage is in place in an amount not less than_____.~~

~~(DRAFTING NOTE: SPECIFIC AMOUNTS OF COVERAGE TO BE DETERMINED STATE TO STATE)~~

A. During the time period that an independent contractor is engaged in pre-charging or post-charging activity, insurance coverage shall be in place in an amount not less than

(DRAFTING NOTE: SPECIFIC AMOUNTS OF COVERAGE TO BE DETERMINED STATE BY STATE)

B. The coverage requirements of Section 4(B) may be satisfied by any of the following

- a. insurance maintained by the independent contractor; or
- b. insurance maintained by the electric scooter company; or
- c. Any combination of paragraphs (a) and (b) of this Section; or
- d. Other applicable insurance.

C. During the time period that an independent contractor is engaged in charging activity, insurance coverage shall be in place in an amount not less than:

(DRAFTING NOTE: SPECIFIC AMOUNTS OF COVERAGE TO BE DETERMINED STATE BY STATE).

D. The coverage requirements of section 4(D) may be satisfied by any of the following:

- a. Insurance maintained by the independent contractor; or
- b. Insurance maintained by the electric scooter company; or
- c. Any combination of paragraphs (a) and (b) of this Section; or
- d. Other applicable insurance

E. The provisions of this act shall not be interpreted to create any obligations under an existing contract for insurance, nor shall it be interpreted to create coverage under future policies that are issued that do not provide coverage for electric scooter use, pre-charging activity, post-charging activity or charging activity. This act shall not be interpreted to defeat any exclusions contained in a contract for insurance.

F. The provisions of this act shall not create a private cause of action.

G. The Insurance Commissioner shall have authority to waive the requirements of this section upon determination of insufficient availability of applicable insurance products.

Section 5. Rules

The Insurance Commissioner shall have authority to promulgate regulations necessary for the implementation of this Act.

Section 6. Effective Date

This Act shall be effective _____.