

Date of Hearing: April 11, 2023

ASSEMBLY COMMITTEE ON PRIVACY AND CONSUMER PROTECTION

Jesse Gabriel, Chair

AB 410 (Jones-Sawyer) – As Amended March 30, 2023

Proposed Consent (as Proposed to be Amended to Add an Urgency Clause)

**SUBJECT:** Shared mobility devices

**SYNOPSIS**

*Shared mobility devices, such as electric bikes and scooters, are now a common sight in many California cities. Shared mobility devices offer a convenient, cheap, and environmentally-friendly alternative to cars, particularly for short trips. Users can take advantage of smartphone apps to find and rent nearby shared mobility devices.*

*Shared mobility devices are not without their disadvantages, though. Last year’s AB 371 (Jones-Sawyer, Chap. 740, Stats. 2022) addressed, among other things, the frequent problem of users finishing their rides and abandoning their vehicles blocking sidewalks and other public thoroughfares. People who suffer from visual disabilities or blindness regularly injure themselves when they unexpectedly encounter such negligently- and/or illegally-parked vehicles.*

*AB 371 responded to this issue by imposing insurance requirements to cover pedestrians injured by users’ negligence, and by requiring each shared mobility device to display a single “readily accessible...and clearly displayed tactile sign containing raised characters and accompanying braille, complying with Section 11B-703 of the Building Code, to identify the device for the purpose of reporting illegal or negligent activity.” This sign is meant to give any blind or visually impaired pedestrians injured after falling over an abandoned vehicle sufficient information about the pertinent shared mobility service provider to file an injury report and obtain insurance coverage for their injuries.*

*Unfortunately, in the course of implementing AB 371, it became evident that the Building Code standards and the information required on the signs were impractical. This bill updates the signage requirements to (i) further specify that the raised characters be, at minimum, one-half inch high and rendered in a color that contrasts with the signage background, and (ii) remove a requirement that signs include the email address of the shared mobility service provider, while continuing to require that they include the provider’s company name and telephone number.*

*This author-sponsored measure is supported by the nonprofit Lighthouse for the Blind and Visually Impaired, by shared mobility service providers Bicycle Transit Systems, Bird, Lime, Lyft, and Spin, and by braille signage specialist Systech Displays, Inc.*

*Note: in keeping with current recommendations of the Braille Authority of North America, both this analysis and the bill itself use the lowercase word “braille,” rather than the capitalized “Braille,” to refer to the tactile code for reading.*

**SUMMARY:** Revises standards for raised characters and braille lettering on the sign required to be affixed to a shared mobility device in order to inform individuals who are blind or have visual impairments of how to identify and contact the service provider responsible for the device.

Specifically, **this bill:**

- 1) Revises the requirement that raised characters on tactile signs affixed to shared mobility devices comply with California Building Code Section 11B-703 to further specify that the raised characters be, at minimum, one-half inch high and rendered in a color that contrasts with the signage background.
- 2) Removes a requirement that tactile signs attached to shared mobility devices include the email address of the shared mobility service provider, while continuing to require that these signs include the provider's company name and telephone number.
- 3) Contains an urgency clause. States that it is necessary that this measure take immediate effect in order to ensure accessibility for individuals who are blind or have visual impairments, as well as to ensure that changes to previously enacted tactile signage requirements for shared mobility devices are reflected.

**EXISTING LAW:**

- 1) Defines "shared mobility device" as an electrically motorized board, motorized scooter, electric bicycle, bicycle, or other similar personal transportation device made available by a shared mobility service provider for shared use and transportation in exchange for financial compensation via a digital application or other electronic or digital platform. (Civ. Code § 2505(a)(2).)
- 2) Excludes from the definition of "shared mobility device" wheelchairs and certain other motorized devices operated by a person who cannot move about as a pedestrian due to a physical disability. (*Ibid.*)
- 3) Defines "shared mobility service provider" and "provider" as a person or entity that offers, makes available, or provides a shared mobility device in exchange for financial compensation or membership via a digital application or other electronic or digital platform. (Civ. Code § 2505(a)(3).)
- 4) Requires shared mobility service providers to affix to each shared mobility device a single readily accessible, clearly displayed tactile sign meant to identify the device for the purpose of reporting illegal or negligent activity. The sign must contain raised characters and accompanying braille, and comply with specified provisions of the California Building Code. (Civ. Code § 2506.)
- 5) Provides that the sign required under 4) must, at minimum, include the shared mobility service provider company name, phone number, and email address, be visible from a minimum of five feet, and not be obfuscated by branding or other markings. (*Ibid.*)

- 6) Establishes standards for visual and tactile characters on signs in buildings, including signs meant to guide blind and visually impaired individuals. (California Building Code, Chapter 11B, Division 7, Section 703, Cal. Code Regs., tit. 24.)

**FISCAL EFFECT:** As currently in print this bill is keyed non-fiscal.

**COMMENTS:**

- 1) **Background.** Shared mobility devices, such as electric bikes and scooters, are now commonly used in many California cities. Shared mobility devices offer a convenient, cheap, and environmentally-friendly alternative to cars for urban users, particularly when traveling short distances. Users can take advantage of smartphone apps to find nearby shared mobility devices and rent them for as long as needed—or until the devices’ batteries run out.

Shared mobility devices are not without their disadvantages, though. Last year’s AB 371 (Jones-Sawyer, Chap. 740, Stats. 2022) addressed, among other things, the frequent problem of users finishing their rides and abandoning their vehicles, leaving the devices blocking sidewalks and other public thoroughfares. As explained by the California Council of the Blind, which sponsored AB 371:

[E]lectric scooters and similar devices, known as shared mobility devices, pose a threat to pedestrians and have resulted in numerous accidents that in some cases have caused significant injury. [...] State law does require that providers of these devices ensure that liability insurance exists when they are rented to end users. Nothing in state law, however, requires that this liability insurance cover pedestrians injured in accidents with these devices, including situations where the end user leaves the device in the middle of the sidewalk and a pedestrian falls over the device. The [C]ouncil has become aware that there are frequent instances when people with disabilities, including those who are blind or have low vision, and other pedestrians have been hit by or fallen over these devices and sometimes suffered significant injuries as a result.

In response, along with imposing detailed insurance requirements to protect pedestrians injured by users’ negligence, AB 371 required that each shared mobility device contain a single “readily accessible...and clearly displayed tactile sign containing raised characters and accompanying braille, complying with Section 11B-703 of the Building Code, to identify the device for the purpose of reporting illegal or negligent activity.” (Civ. Code § 2506.) These signs are meant to give a blind or visually impaired pedestrian who is injured after falling over an abandoned device sufficient information about the pertinent shared mobility service provider to file an injury report and obtain insurance coverage for their injuries.

- 2) **Author’s statement.** According to the author:

Last year, Governor Newsom signed AB 371 into law that ensured Californians injured by e-devices were insured and required these devices to include braille and tactile signage for pedestrians with visual impairments. E-device providers and signage fabricators have indicated that what the law under AB 371 required does not technically fit on the small surfaces of e-devices because of its cross-references requirement to braille and tactile signage found on buildings. Recognizing the need to provide signage that is accessible to those who are blind or have visual impairments, the Legislature must tailor the requirements of e-device braille and tactile signage in a way that is technically feasible and accessible. As such, AB

410 updates existing law to ensure individuals who are blind or have visual impairments have the necessary contact information to file an injury report.

3) **What this bill would do.** As noted above, current law requires that the identifying braille on shared mobility devices comply with Section 11B-703 of the California Building Code. This standard governs signs meant to guide individuals, including those who are blind or have visual impairments, in finding their way through buildings. When implementing AB 371, it became clear that applying this standard to signs placed on (relatively small) shared mobility devices is impractical.

The supporters of this bill, including the nonprofit Lighthouse for the Blind and Visually Impaired and shared mobility service providers such as Lime, have met and discussed how to specify more a practical standard for required signage. This bill reflects their agreed-upon solution, which they summarize as follows:

Under current law in [Civil Code] Section 2506, shared micromobility providers must affix decals with raised letters and braille stating company name, email address, and phone number. The decals must comply with Building Code 11B-703 and be visible from five feet away. The Building Code section referenced was intended primarily for large format signage on buildings, not for small micromobility devices. One issue with this requirement is that the Building Code does not specify how large letters must be to be visible from five feet away. **The proposed amendments would clarify that the letters must be at least one half inch in size [and rendered in a color that contrasts with the background decal].** Another issue is that there is no appropriate place to fit a decal that includes all of the required information on the body of most micromobility devices. **The proposed amendments would remove the requirement to include the company email address on the decals.** This will reduce the size of the decals while still providing the most important information in the event of an incident: company name and phone number. These changes will enable operators to follow the law.

4) **Analysis.** This is a consensus measure agreed upon by advocates for individuals with visual disabilities and by major shared mobility device companies. It is meant to assist a particularly vulnerable group of people who may be injured by devices that otherwise provide significant benefits to people who do not share these visual disabilities. In short, this seems like a bill that will benefit Californians as a whole. There seems every reason to support its passage.

5) **Author's amendments—urgency clause and delayed implementation.** The author wishes to add an urgency clause to this bill. The amendment provides:

*This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are: In order to ensure accessibility for individuals who are blind or have visual impairments and to ensure changes to previously enacted tactile signage requirements for shared mobility devices are reflected, it is necessary for this act to take effect immediately.*

Despite the urgency clause, an additional amendment would delay the effective date of the bill's requirements until January 1, 2024, as follows:

*This section shall become operative on January 1, 2024.*

The delay is necessary to provide shared mobility service providers sufficient time to implement the new signage standards. The bill supporters write that the January 1, 2024 date will “give operators time to print and affix decals to their vehicles in accordance with the adjusted requirements. Often, printers have a significant lead time for bulk orders of decals with raised characters and braille.”

6) **Related legislation.** AB 371 (Jones-Sawyer, Chap. 740, Stats. 2022) required shared mobility service providers to affix tactile signs to devices including the provider’s identifying and contact information; expanded and clarified insurance requirements for shared mobility service providers pertaining to injury, death, or property damage resulting from the negligent conduct of a shared mobility device user; and required the Department of Insurance to conduct a study on the sufficiency of prescribed coverage requirements and the market for qualifying insurance.

AB 1286 (Muratsuchi, Chap. 91, Stats. 2020) defined the terms “shared mobility device” and “shared mobility service provider”; required providers to enter into an agreement with, or obtain a permit from, the local jurisdiction addressing required levels of general liability insurance before distributing a shared mobility device within that jurisdiction; and required local jurisdictions to adopt certain operation, parking, and maintenance rules.

**ARGUMENTS IN SUPPORT:** The bill’s supporters summarize its benefits, as follows:

AB 410...would make several small but necessary changes to the ADA compliant decal requirements in Section 2506 of the Civil Code for mobility devices. As shared micromobility providers, we manage safe, effective programs that help municipalities strengthen the local economy, alleviate traffic and parking congestion, reduce harmful emissions, and enhance transit access and first/last mile connectivity. The proposed amendments in AB 410 would make it possible for braille decals to fit on micromobility devices and clarify the size requirement for the raised letters.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

Bicycle Transit Systems  
 Bird  
 Lighthouse for the Blind and Visually Impaired  
 Lime  
 Lyft  
 Spin  
 Systech Displays, Inc.

### **Opposition**

None on file

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