



SPONSOR: Sen. McBride & Rep. Keeley
& Rep. Spence; Sens. Blevins, Bunting,
Henry, Peterson, Sokola, Connor, Simpson,
Sorenson; Reprs. Stone, Ewing, Hudson,
Fallon, DiPinto, Caulk, Buckworth,
Reynolds, Lofink, Houghton & Viola

DELAWARE STATE SENATE

142nd GENERAL ASSEMBLY

SENATE BILL NO. 234
AS AMENDED BY
SENATE AMENDMENT NOS. 1 & 3,
HOUSE AMENDMENT NO. 1 AS
AMENDED BY HOUSE AMENDMENT
NO. 1 TO HOUSE AMENDMENT NO. 1
AND
HOUSE AMENDMENT NOS. 2 & 3

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE OPERATION OF GO-
PEDS OR MOTORIZED SKATEBOARDS OR SCOOTERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all
members elected to each house thereof concurring therein):

Section 1. Amend Section 101, Title 21 of the Delaware Code by adding a new subsection "(83)"
thereto to read as follows:

"(83) 'Motorized skateboard or scooter' means any device that is designed to travel on at least
two wheels with the deck or chassis of such device open and close to the ground, that has handlebars or
a hand-controlled throttle or brake, that is designed to be stood or sat upon by the operator, and that is
powered by a motor that is capable of propelling the device without human propulsion. 'Motorized
skateboard or scooter' shall not include any automobile or device that is included within the definitions
of 'moped', 'motorcycle', 'off-highway vehicle (OHV)', any type of 'tractor', 'triped', 'motorized
wheelchair' or 'electric personal assistive mobility device (EPAMD)' set forth in this section."

Section 2. Amend Title 21 of the Delaware Code by redesignating current section 4198J thereof
as new section 4198M thereof and by further redesignating current sections 4198K, 4198L and 4198M
thereto as new sections 4198J, 4198K and 4198L thereof.

Section 3. Amend Title 21 of the Delaware Code by redesignating current section 4198N
thereof as new section 4198O thereof and by inserting a new section 4198N to read as follows:

"§ 4198N – Motorized skateboards or scooters.

(a) Operation of motorized skateboards or scooters -- Upon public highways, streets, sidewalks or rights-of-way; penalties for violation. Motorized skateboards or scooters shall not be operated upon a public highway or street or sidewalk or right-of-way thereof located within this State except under the following conditions:

(1) A motorized skateboard or scooter may be pushed across or along such public way provided such motorized skateboard or scooter is in neutral or that the power train is otherwise disengaged and further provided that such use shall be in conformance with Chapter 41 of this title.

(2) A motorized skateboard or scooter may be operated on a street or highway located within this State for a special event of limited duration, conducted according to a prearranged schedule only under permit from the governmental unit having jurisdiction.

(3) A person who violates this subsection shall be subject to the following penalties:

a. For the first offense, a fine of not less than \$25 nor more than \$115.

b. For a second or subsequent offense, committed within 24 months after commission of the first offense, the operator shall be fined not less than \$57.50 nor more than \$230 and the motorized skateboard or scooter may be ordered to be forfeited by the court.

(b) Same – Upon other property; penalty for violation. A person shall not operate a motorized skateboard or scooter upon any property in either public or private ownership without the express permission of the person in control of the property or knowingly in violation of any restrictions imposed on such use by the person in control of the property.

(1) A person who violates this subsection shall be subject to the following penalties:

a. For the first offense, a fine of not less than \$25 nor more than \$115.

b. For a second or subsequent offense, committed within 24 months after commission of the first offense, the operator shall be fined not less than \$57.50 nor more than \$230 and the motorized skateboard or scooter may be ordered to be forfeited by the court.

d. In addition, restitution shall be made for value of any damage to real or personal property that results from a violation of this subsection.

(c) Same – Careless operation or excessive rate of speed. A person shall not operate a motorized skateboard or scooter in a careless or imprudent manner or at a rate of speed greater than is reasonable and prudent under the conditions or without having regard to actual and potential hazards then existing. In every event, speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance.

(d) Same -- While under the influence or with a prohibited alcohol content. A person shall not operate a motorized skateboard or scooter while under the influence of alcohol, any drug, or with a prohibited alcohol content as defined in §4177 of this title.

(1) When such operation is upon private property with the express permission of the person in control of the property or such operation is not upon public property, a public highway or street or sidewalk or right-of-way thereof, the penalty provisions of this section shall apply.

(2) The provisions of this subsection, subsections (j) or (l) of this section or any other statute to the contrary notwithstanding, all provisions of §4177 of this title and provisions of this Code related thereto shall be applicable to the operation of a motorized skateboard or scooter while under the influence of alcohol, any drug, or with a prohibited alcohol content as defined in §4177 of this title when such operation is upon private property without the express permission of the person in control of the property or such operation is upon public property, a public highway or street or sidewalk or right-of-way thereof located within this State.

(e) Same -- In a manner causing damage or disturbance.

(1) A person shall not operate a motorized skateboard or scooter in a manner to cause damage to property of another person or in a manner to endanger, disturb or annoy another person. Disturbance or annoyance of other persons shall be presumed if the operator has received either verbally or in written form notice of such annoyance or disturbance from the complaining party. However, nothing in this subsection shall be construed as prohibiting the operation of motorized skateboards or scooters at a track or park designed for the lawful operation of said devices.

(2) The operator of the motorized skateboard or scooter shall be held liable for any damage to property of another person. However, if the operator is a minor, the parents or legal guardian of the operator shall be held personally liable for any and all damage and/or injuries, including civil or criminal liability, caused by the minor in the operation of the motorized skateboard or scooter.

(3) The owner of such private property may recover from the person responsible nominal damages of not less than the amount of damage or injury.

(f) Same -- Unlawful for operators of motorized skateboard or scooters to disobey command to stop. It shall be unlawful for any operator of a motorized skateboard or scooter to willfully disobey a signal to bring such motorized skateboard or scooter to a stop when such signal is given by hand, voice, emergency lights, siren or other visual or audible signal by a uniformed law-enforcement, police, peace or environmental protection officer acting in the lawful performance of duty.

(g) Same -- By minors, incompetent persons or persons under mental or physical disabilities.

(1) A person less than 12 years of age may operate a motorized skateboard or scooter only if:

- a. The person is under the direct supervision of a person who is at least 18 years of age; or
- b. The person is on land owned by or under the control of the person's parent or legal guardian.

(2) Persons 12 years of age and older may operate a motorized skateboard or scooter without adult supervision provided such use is in compliance with all other provisions of this chapter.

(3) A parent or legal guardian shall not permit a child under the age of 12 to operate a motorized skateboard or scooter except under the direct supervision of an adult.

(4) The owner of a motorized skateboard or scooter shall not permit:

- a. The device to be operated by a person under the age of 12 except under direct adult supervision.
- b. The device to be operated by a person who is incompetent to operate such vehicle because of mental or physical disability or because of being under the influence of alcohol, any drug, or with a prohibited alcohol content as defined in § 4177 of this title.

(h) Same -- Helmet requirements.

(1) A person under 16 years of age shall not operate, ride upon or ride as a passenger any motorized skateboard or scooter, unless that person is wearing a properly fitted and fastened helmet which meets or exceeds the standard of the American National Standards Institute (ANSI Z90.4 bicycle helmet standard or subsequent standard) or the Snell Memorial Foundation's 1984 Standard (or subsequent standard) for Protective Headgear for Use in Bicycling.

(2) Any parent or legal guardian who fails to cause that parent or legal guardian's child to wear a helmet, as provided in this subsection, shall be fined for the 1st offense \$25, and for each subsequent offense, \$50.

(3) The Court may dismiss all charges pursuant to this subsection upon presentation of evidence that a violator hereof has purchased or obtained a helmet that meets or exceeds the standards set forth in this subsection subsequent to the violation.

(4) The requirements of this subsection shall apply at all times while a motorized skateboard or scooter is being operated on any property open to the public or used by the public for pedestrian and vehicular purposes.

(5) Failure to wear a helmet as herein described shall not be considered evidence of either comparative or contributory negligence in any civil suit arising out of any accident in which a person under 16 years of age is injured, nor shall failure to wear a helmet be admissible as evidence in the trial of any civil action.

(i) Any person or business selling a new, unused motorized scooter, as defined in Title 21, Section 101, Subsection 83, must obtain a signed, witnessed statement from the purchaser stating that the purchaser is aware that motorized scooters cannot be operated on Delaware public highways or sidewalks, as set forth in this section. The seller must retain the document for a period of not less than three years from the date of sale.

(j) Enforcement of section. Any law-enforcement, peace, police or environmental protection officer, acting in the lawful performance of duty, shall be empowered to enforce this section. Whenever any motorized skateboard or scooter is used in violation of this section, it may forthwith be seized and taken into custody by the peace officer or officers having knowledge of the facts of such use. Any costs associated with any such seizure shall be paid by the operator or owner of such motorized skateboard or scooter unless the operator or owner is found not guilty of the offense charged.

(k) Penalties when not otherwise specified in this section. Any person convicted of violation of any provision of this section shall be fined not less than \$25 nor more than \$300. The penalties set forth in this subsection shall apply unless a specific penalty for an offense specified in a provision of this section is otherwise provided in this section.

(l) Jurisdiction. The Courts of the Justices of the Peace shall have original jurisdiction over violations of this section except that the Family Court shall have jurisdiction over violations of this section when such violation is committed by any person under the age of 18 years of age.

(m) Conflicts with other statutes. Should any provision of this section conflict with other statutes, the provisions or requirements of this section shall apply. The provisions of this subsection or any other provision of this section notwithstanding, nothing in this subsection or any other provision of this section shall be deemed to preclude prosecution under any other provision of this Code.

(n) Rules and regulations. The Secretary of Safety and Homeland Security and/or the Secretary of Transportation may adopt and enforce such rules and regulations concerning motorized skateboards or scooters and designate such agencies as may be necessary to carry out this section, provided such rules and regulations are not contrary to this section.

(n) Notwithstanding the provisions of this section, any municipality with a population in excess of 50,000 may implement ordinances, regulating the use of motorized skateboard or scooters, inconsistent with or in addition to the provisions of this section.”