

**HOUSE . . . . . No. 3586**

By Mr. Naughton of Clinton, petition of Harold P. Naughton, Jr., for legislation to regulate the operation of elective personal assistive mobility devices, commonly known as segways. Transportation.

**The Commonwealth of Massachusetts**

In the Year Two Thousand and Seven.

AN ACT REGULATING THE USE OF SEGWAY TRANSPORTERS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Section 1 of Chapter 90 of the General Laws, as  
2 appearing in the 2000 Official Edition, is hereby amended by adding  
3 the following new definition:—

4 “Electric Personal Assistive Mobility Device” or “EPAMD”  
5 means a self-balancing, two non-tandem wheeled device, designed  
6 to transport only one person, with an electric propulsion system  
7 whose maximum speed on a paved level surface is 12.5 miles per  
8 hour or less.”

9 The definition of “Motor Vehicles” in Section 1 of said Chapter  
10 90, as so appearing, is further amended by inserting in line 162 after  
11 the word “bicycles” the following words: “or Electric Personal  
12 Assistive Mobility Device” or “EPAMD”.

1 SECTION 2. Said Chapter 90 is hereby further amended by  
2 inserting after Section 1D the following section:—

3 Section 1E. “Nothing in this chapter or in the Massachusetts  
4 General Laws shall be construed to limit the operation of an  
5 EPAMD on all public ways in the Commonwealth including side-  
6 walks, bikeways, bike lanes, bike routes, bike paths, and roadways  
7 where the posted speed limit does not exceed 35mph in the Com-  
8 monwealth except in the following manner:—

9 (a) An EPAMD shall not be operated on limited access and  
10 express state highways

11 (b) An EPAMD operated on a sidewalk within a business district  
12 shall not exceed the speed of 5mph; an operator of an EPAMD  
13 wishing to travel at a speed higher in such an area must travel in a  
14 designated bike lane path, way or route as defined in MGL Ch. 90E  
15 Section 1; or if one is not available, in a roadway where the posted  
16 speed limit does not exceed 35mph in a manner not to endanger  
17 themselves or obstruct vehicle traffic.

18 (c) An EPAMD operated in a roadway of the Commonwealth  
19 shall be subject to the traffic laws and regulations of the Common-  
20 wealth except that:—

21 (1) an EPAMD operator must keep to the right when passing a  
22 motor vehicle which is moving in the travel lane of the way,

23 (2) the EPAMD operator shall signal by either hand his intention  
24 to stop or turn

25 (d) An EPAMD operator shall ride single file on any way except  
26 when passing and must give an audible signal.

27 (e) No person shall operate an EPAMD on a sidewalk at a speed  
28 which is greater than is reasonable or prudent having due regard for  
29 weather, visibility, and pedestrians or which endangers the safety of  
30 persons or property.

31 (f) A person operating an EPAMD on a sidewalk shall yield the  
32 right-of-way to all foot pedestrians including persons with disabili-  
33 ties using assistive devices or service animals.

34 (g) No person under the age of 16 shall operate an EPAMD

35 (h) No person shall operate an EPAMD with a footprint greater  
36 than 20 inches deep and 25 inches wide on a sidewalk nor shall any  
37 person operate an EPAMD in the Commonwealth that has been  
38 altered beyond the manufacturers specification.

39 (i) An EPAMD may be operated at night provided the device or  
40 its operator is equipped with or wearing a lamp pointing to the front  
41 that emits a white light visible from a distance of not less than three  
42 hundred (300) feet and front, rear and side reflectors.

43 (j) A person may not operate an EPAMD while carrying any  
44 package, bundle, or other article that prevents the person from  
45 keeping both hands on the handlebars and interferes with their  
46 ability to safely operate the EPAMD; only one person shall operate  
47 an EPAMD at a time.

48 (k) A person may not park his EPAMD upon a way or sidewalk in  
49 such a manner as not to obstruct vehicular or pedestrian traffic.

50 (l) The operator of an EPAMD shall report any accident involving  
51 either personal injury or property damage in excess of one hundred  
52 dollars, or both, to the police department in the city or town in which  
53 the accident occurred.

54 Failure to obey subsections (a) thru (l) shall be punished by a fine  
55 of not more than \$25 for the first violation, not less than \$25 nor  
56 more than \$50 for a second violation and not less than \$50 nor more  
57 than \$100 and impoundment for up to 30 days for a third or subse-  
58 quent violation. Any and all fees for the storage, processing and  
59 release of the impounded EPAMD shall be assessed against the oper-  
60 ator of the EPAMD. Such fees must be paid in full by the operator of  
61 the EPAMD prior to release of the impounded EPAMD.

62 No person shall distribute or sell an electric personal assistive  
63 mobility device unless the device is accompanied by a written state-  
64 ment that is substantially equivalent to the following:—

65 “WARNING: TO REDUCE THE RISK OF SERIOUS INJURY,  
66 USE ONLY WHILE WEARING FULL PROTECTIVE EQUIP-  
67 MENT INCLUDING HELMETS.”

68 No person who distributes or sells electric personal assistive  
69 mobility devices who complies with the requirements of division of  
70 this section shall be liable in damages in a civil action brought by or  
71 on behalf of the operator of an electric personal assistive mobility  
72 device for any injury, death, or loss to person or property suffered by  
73 the operator that allegedly arises from, or is related to, the operation  
74 of an electric personal assistive mobility device by the operator and  
75 the operator failed to wear a helmet.

76 Nothing under current state, county or local law shall regulate an  
77 EPAMD as a vehicle, motor vehicle, motor scooter, motorized  
78 bicycle or bicycle, as defined under MGL Ch. 90. However, any  
79 state or county agency and municipality having jurisdiction over  
80 public streets, sidewalks, alleys, bridges, state-wide trail systems,  
81 recreational roads and other ways of public passage may by traffic  
82 control devices or ordinance further regulate the time, place, and  
83 manner of the operation of an EPAMD including prohibiting their  
84 use entirely.

85 An EPAMD shall not require a license plate or be registered by  
86 the registry of motor vehicles. However the provisions for bicycles  
87 under MGL Ch. 85 Section 11A may apply to an EPAMD so long as

88 affixing such decal or plate does not directly interfere with the oper-  
89 ation of an EPAMD and associated fee does not exceed \$5.00.  
90 No proof of financial responsibility is required for the operation  
91 of an EPAMD.

1 SECTION 3. This article shall become effective immediately  
2 upon passage.