SPONSOR: Rep. Romer & Sen. Sokola
Reps. Burns, Gorman; Sens. Hansen, Wilson

HOUSE OF REPRESENTATIVES
153rd GENERAL ASSEMBLY

HOUSE BILL NO. 114
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO MOTORIZED SCOOTERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 101, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignate accordingly:

§ 101. Words and phrases.

For the purposes of this title, unless the context otherwise clearly indicates:

(35) "Low speed motorized scooter" means any motorized scooter that cannot travel more than 15 miles per hour.

Section 2. Amend § 4198N, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4198N. Operation of motorized skateboards and scooters.

(a) *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:

(3) A low speed motorized scooter. This section does not apply to any low speed motorized scooter.

~~(3)~~ (4) 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.

Section 3. Amend Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4198Q. Operation of low speed motorized scooters.

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(a) Except as specifically provided in this section, a low speed motorized scooter or an operator of a low speed motorized scooter is afforded all the rights and privileges, and is subject to all the duties, of a bicycle or the operator of a bicycle.

(b) A low speed motorized scooter or a person operating a low speed motorized scooter is not subject to the provisions of this Code relating to financial responsibility or insurance, driver's licenses, registration, certificates of title, off-highway vehicles, and license plates.

(c) On and after January 1, 2026, manufacturers and distributors of low speed motorized scooters must apply a label that is permanently affixed, in a prominent location, to each low speed motorized scooter. The label must contain the classification number, top assisted speed, and motor power of the low speed motorized scooter, and must be printed in Arial font in at least 9-point type.

(d) No person may tamper with or modify a low speed motorized scooter to change the motor-powered speed capability or engagement of a low speed motorized scooter, unless the label indicating the classification required in subsection (c) of this section is replaced after modification.

(e) A low speed motorized scooter must comply with the equipment and manufacturing requirements for electrically operated toys or other electrically operated articles adopted by the United States Consumer Product Safety Commission (16 C.F.R. Part 1505).

(f) A low speed motorized scooter may be ridden anywhere bicycles are allowed, including streets, highways, roadways, shoulders, bicycle lanes, bikeways (including bikeways established pursuant to Chapter 10 of Title 17) and bicycle or multi-use paths except for all the following:

(1) A local authority or state agency that has jurisdiction over a bicycle or multi-use path may prohibit the operation of a low speed motorized scooter if the local authority or state agency finds, after notice and a public hearing, that the restriction is necessary for safety reasons or compliance with other laws or legal obligations.

(2) A local authority or state agency that has jurisdiction over a trail that is specifically designated as nonmotorized and that has a natural surface tread that is made by clearing and grading the native soil with no added surfacing materials may prohibit the operation of a low speed motorized scooter on that trail.

(3) Sidewalks, including those permitted to be used by bicycles.

(g) All operators and passengers of a low speed motorized scooter under the age of 18 years old must wear an approved, properly fitted, and fastened bicycle helmet. For the purposes of this subsection, "approved helmet" has the meaning provided in § 4198K(a) of this title. The requirement to wear a helmet is subject to the provisions of § 4198K(b)-(f) of this title.

(h) No low speed motorized scooters may be operated as part of a rental service.

(i) A person must be at least 14 years old to operate a low speed scooter.