



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

DELAWARE STATE SENATE

142nd GENERAL ASSEMBLY

SENATE BILL NO. 234

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) ‘Go-ped’ or ‘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. ‘Go-ped’ or
‘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 – Go-peds and motorized skateboards or scooters.

(a) Operation of go-peds or motorized skateboards or scooters -- Upon public highways, streets,
sidewalks or rights-of-way; penalties for violation. Go-peds or 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 go-ped or motorized skateboard or scooter may be pushed across or along such public way provided such go-ped or 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 go-ped or 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 \$100 nor more than \$300 and an impoundment of the go-ped or motorized skateboard or scooter at time of conviction for up to 30 days, which impoundment may be suspended by the court.

b. For each subsequent offense, the go-ped or motorized skateboard or scooter operator shall be fined \$1,000 and the go-ped or motorized skateboard or scooter may be impounded for 60 days or more from date of conviction or forfeited, which impoundment or forfeiture may be suspended by the court. A subsequent offense, before being punishable as such, shall have been committed within 24 months after commission of the first offense.

c. If impounded under this subsection, the go-ped or motorized skateboard or scooter will be returned to the operator or owner once the fine and impoundment costs have been paid by the operator or owner of the go-ped or motorized skateboard or scooter, if the fine is appealed, once the operator or owner has complied with the court's decision or the court

45 decides the operator or owner is not guilty of the offense under this
46 subsection. The operator or owner will be responsible for impoundment
47 costs if any are accrued.

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

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

53 a. For the first offense, a fine of \$100 and an impoundment of the go-ped
54 or motorized skateboard or scooter at time of conviction for up to 30 days,
55 which impoundment may be suspended by the court.

56 b. For each subsequent offense, the go-ped or motorized skateboard or
57 scooter operator shall be fined \$1,000 and the go-ped or motorized
58 skateboard or scooter may be impounded for 60 days or more from date of
59 conviction or forfeited, which impoundment or forfeiture may be
60 suspended by the court. A subsequent offense, before being punishable as
61 such, shall have been committed within 24 months after commission of the
62 first offense.

63 c. If impounded under this subsection, the go-ped or motorized skateboard
64 or scooter will be returned to the operator or owner once the fine and
65 impoundment costs have been paid by the operator or owner of the go-ped
66 or motorized skateboard or scooter, if the fine is appealed, once the
67 operator or owner has complied with the court's decision or the court
68 decides the operator or owner or is not guilty of the offense under this
69 subsection. The owner will be responsible for impoundment costs if any are
70 accrued.

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 go-ped or 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 go-ped or 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 go-ped or 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 go-ped or 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 go-peds or motorized skateboards or scooters at a track or park designed for the lawful operation of said devices.

(2) The operator of the go-ped or 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 go-ped or 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 go-peds or motorized skateboard or scooters to disobey command to stop. It shall be unlawful for any operator of a go-ped or motorized skateboard or scooter to willfully disobey a signal to bring such go-ped or 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 go-ped or 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 go-ped or 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 go-ped or motorized skateboard or scooter except under the direct supervision of an

adult.

(4) The owner of a go-ped or 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 go-ped or 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 go-ped or 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

152 accident in which a person under 16 years of age is injured, nor shall failure to wear a
153 helmet be admissible as evidence in the trial of any civil action.

154 (i) Enforcement of section. Any law-enforcement, peace, police or environmental protection officer, acting
155 in the lawful performance of duty, shall be empowered to enforce this section.

156 (j) Penalties when not otherwise specified in this section. Any person convicted of violation of any
157 provision of this section shall be fined not less than \$25 nor more than \$300, or have the go-ped or
158 motorized skateboard or scooter impounded for a period of 30 days or both. The penalties set forth in this
159 subsection shall apply unless a specific penalty for an offense specified in a provision of this section is
160 otherwise provided in this section.

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

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

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

SYNOPSIS

This Act will regulate the operation of go-peds or motorized skateboards or scooters. These devices, which vary greatly in design and can travel at speeds up to 35-40 MPH, are becoming increasingly popular among young and inexperienced riders. This Act would not require that the operators be licensed or that the devices be registered or insured. The Act does provide restrictions related to where and how these devices may be used, by whom they may be operated, and what forms of supervision and safety devices are required. The provisions are similar to those that currently govern the use of off-highway vehicles (OHVs).

Author: Sen. McBride