

Chapter 10.55

ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES

Sections:

- 10.55.010** **Electric Personal Assistive Mobility Device; Defined.**
- 10.55.020** **Electric Personal Assistive Mobility Device; Exemption from Certain Requirements.**
- 10.55.030** **Electric Personal Assistive Mobility Device; Operation, Restrictions.**
- 10.55.040** **Right-of-Way.**
- 10.55.050** **Electric Personal Assistive Mobility Device; Operation at Nighttime, Equipment Required.**
- 10.55.060** **Electric Personal Assistive Mobility Device; Violation, Penalty.**
- 10.55.070** **Severability.**

10.55.010 **Electric Personal Assistive Mobility Device; Defined.**

Electric personal assistive mobility device shall mean a self-balancing, two-nontandem-wheeled device, designed to transport only one person in a standing, upright position and containing an electric propulsion system with an average power of 750 watts or one horsepower, whose maximum speed on a paved level surface, when powered solely by such a propulsion system and while being ridden by an operator who weighs 170 pounds, is less than twenty miles per hour. (Ord. 19166 §1; October 27, 2008).

10.55.020 **Electric Personal Assistive Mobility Device; Exemption from Certain Requirements.**

An electric personal assistive mobility device, its owner, and its operator shall be exempt from the requirements of Lincoln Municipal Code Chapter 10.08, Registration of Vehicles; Chapter 10.16 relating to vehicle operators licenses and proof of financial responsibility; and Chapter 3.20, Street Improvement Vehicle Tax; and any other exemptions as provided for by Neb. Rev. Stat. § 60-6,375, as the same presently exist. (Ord. 19166 §2; October 27, 2008).

10.55.030 **Electric Personal Assistive Mobility Device; Operation, Restrictions.**

(a) Any person who operates an electric personal assistive mobility device on a roadway shall have all of the rights and shall be subject to all of the duties applicable to the operator of a vehicle under Title 10 of the Lincoln Municipal Code except:

- (1) As provided in special electric personal assistive mobility device regulations in this chapter;
- (2) Any provisions of Title 10 of the Lincoln Municipal Code which by their nature can have no application or are specifically excluded; and
- (3) As provided by Neb. Rev. Stat. § 60-6,142 with respect to operating an electric personal assistive mobility device on a shoulder of a highway.

(b) An electric personal assistive mobility device may be operated on any highway, alley, or sidewalk, subject to the ordinances and lawfully adopted regulations of the City of Lincoln. Regulations applicable to an electric personal assistive mobility device shall apply whenever an electric personal assistive mobility device is so operated.

(c) It shall be unlawful for more than one person to stand, ride, or be carried upon an electric personal assistive mobility device while being operated on a highway, alley, sidewalk, or other premises open to the public.

(d) It shall be unlawful for any person to operate an electric personal assistive mobility device within any sidewalk space as defined in Section 10.02.350 except:

(1) When the electric personal assistive mobility device is being operated upon a sidewalk as defined in Section 10.02.340.

(2) When there is no sidewalk as defined in Section 10.02.340.

(3) When the sidewalk is obstructed by any means.

(4) At a permanent or temporary driveway.

(e) Any person operating an electric personal assistive mobility device upon a sidewalk or within any sidewalk space shall do so at his own risk and shall yield the right-of-way to any and all pedestrians.

(f) An operator of an electric personal assistive mobility device shall yield to pedestrian traffic and any human-powered or animal-powered vehicle at all times. An operator of an electric personal assistive mobility device shall give an audible signal before overtaking and passing any pedestrian or human-powered or animal-powered vehicle.

(g) It shall be unlawful to operate an electric personal assistive mobility device on a highway, alley, sidewalk, or other premises open to the public in a careless manner.

(h) It shall be unlawful for any person under sixteen years of age to operate an electric personal assistive mobility device on any highway, alley, sidewalk, or other premises open to the public.

(i) It shall be unlawful for any person to sell, loan, provide, give away, or deliver or permit the sale, providing, loan, gift, delivery, or procuring of an electric personal assistive mobility device to any person under sixteen years of age. (Ord. 19166 §3; October 27, 2008).

10.55.040 Right-of-Way.

(a) The operator of an electric personal assistive mobility device emerging from any alley, building, driveway, or road shall, upon approaching a sidewalk or the sidewalk space extending across any alleyway, driveway, or road, yield the right-of-way to all pedestrians approaching on said sidewalk or sidewalk space.

(b) The operator of an electric personal assistive mobility device about to enter or cross a street or other public way from a sidewalk, sidewalk space, alley, building, or driveway shall yield the right-of-way to all vehicles lawfully approaching on said roadway. (Ord. 19166 §4; October 27, 2008).

10.55.050 Electric Personal Assistive Mobility Device; Operation at Nighttime, Equipment Required.

When in use at nighttime, an electric personal assistive mobility device or the operator of an electric personal assistive device shall be equipped with a light visible from a distance of at least five hundred feet to the front on a clear night and with a red reflector on the rear of a type which is visible on a clear night from all distances between one hundred feet and six hundred feet to the rear when directly in front of lawful lower beams of headlights on a motor vehicle. A red light visible from a distance of five hundred feet to the rear may be used in addition to such red reflector. (Ord. 19166 §5; October 27, 2008).

10.55.060 Electric Personal Assistive Mobility Device; Violation, Penalty.

(a) Any person violating any provision of this chapter shall be guilty of an infraction and shall be fined ten dollars (\$10.00) for the first offense.

(b) A person violating any provision of this chapter shall have his or her electric personal mobility device impounded for up to thirty (30) days for each subsequent violation. (Ord. 19166 §6; October 27, 2008).

10.55.070 Severability.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, and phrase hereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses, or phrases hereof be declared invalid or unconstitutional. (Ord. 19166 §7; October 27, 2008).