Scootergeddon - Defined

Scootergeddon is the convergence of

Thousands of E-scooters with

Thousands of new E-scooter riders with

Thousands of unaware motorists and pedestrians with

Unprepared cities

RESULTING IN MASSIVE CARNAGE.
<table>
<thead>
<tr>
<th>Factual Scenario - Typical</th>
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<tbody>
<tr>
<td>Tobi is riding an E-scooter in the bike lane on a city street in Los Angeles</td>
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<td>At an intersection, a car driven by Steve makes a left turn into Tobi’s path</td>
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<td>Tobi tries to avoid the car but fails, striking the car and slamming into the ground</td>
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<tr>
<td>Even though Tobi was wearing a helmet, she is knocked unconscious and is bleeding from the leg and ankle – she cannot stand</td>
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<td>What should Tobi do?</td>
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</table>
If possible gather information or get someone to gather it for her

- Steve’s DL, Insurance information, telephone number – take photos
- Witness information – name, address, telephone number
- Scene photographs

If an officer provides an accident report slip, take photo and keep

Go to Emergency Room – all head traumas/serious injuries

Call 911 or get someone to call 911
Later... Tobi should

- Contact her automobile insurance company and inform them of the accident
- However, avoid providing a recorded statement until you have consulted with an attorney
- Keep all of her documents such as contact information, witness information, insurance information, medical records and bills in one incident folder
- Take photographs of her injuries as they progress/heal
- Keep track of her missed time from work or other out of pocket losses
Why?

“TOBI MAY DECIDE NOT TO PURSUE A CLAIM AGAINST STEVE, BUT IF TOBI EVER WANTS TO MAKE A CLAIM IN THE FUTURE, SHE WILL NEED THESE DOCUMENTS.”

INSURANCE COMPANIES WILL NOT PROVIDE COMPENSATION WITHOUT THEM.

TOBI IS ENTITLED TO PAYMENT OF HER MEDICAL BILLS AND OTHER OUT OF POCKET DAMAGES AND PAIN AND SUFFERING.

BEWARE OF FAST CLAIM RESOLUTION AND MEDICAL INSURANCE SUBROGATION!
From whom can Tobi collect from?

- Steve – unlikely
- Steve’s insurance company – more likely
- Possibly Tobi’s own automobile insurance company if Steve does not have insurance or not enough insurance – this is called uninsured motorist coverage
Trevor is a 50 year-old adult living in Santa Monica and has just rented an E-Scooter to take him home from the beach.

As Trevor is riding the E-scooter, he sees little Murray, a friend’s kid limping home from school. Murray is about 10 years old.

Trevor stops and asks Murray if he is okay. Murray says he injured his ankle playing at school.

Trevor offers to give Murray a ride home, which is only 5 blocks away.

Murray accepts and gets on the E-scooter with Trevor.
Factual Scenario - Difficult Cont.

• Trevor, being careful, decides to ride on the sidewalk.
• As he travels down the curb ramp, he enters the street and fails to see Kelly, a pedestrian who is in the cross-walk.
  • He hits Kelly and ricochets into a parked Lamborghini.
• Murray and Trevor both fly, landing on the ground; both suffer injuries, including head trauma.
Its Scootergeddon for Trevor!

- Murray’s injuries
- Kelly’s injuries
- Trevor’s injuries
- Lamborghini’s damages
- What did Trevor do wrong....
Pretty Much Everything!
Trevor’s Problems....

TREVOR VIOLATED THE FOLLOWING LAWS:

- Driving an e-scooter on the sidewalk
- Driving an e-scooter with a passenger - minor
- Failing to yield to a pedestrian in a cross-walk
But Trevor is Covered by Insurance, right?
What is insurance coverage and why do insurance companies pay millions of dollars in coverage opinions?

Does your insurance policy cover the incident and facts presented?
For E-scooters, does your auto policy “cover” this accident?

- Is an E-scooter an “automobile”? Does it have 4 wheels? Other exclusions as well.

For E-scooters, does your homeowner policy “cover” this accident?

- Is an E-scooter motorized? Other exclusions as well.

What is a PULP policy and do I have one?

Motorcycle Policy – maybe?
What about the E-scooter company?

• Contractual Liability – Read that contract!
• E-scooter agreements are “click-wrap contracts” – one that you sign to by clicking an “I agree” button. By clicking the button to the user agreement, you agree to be bound by its terms.
• Those terms total 15-19 pages of single-spaced font. The provisions of the contract focus extensively on all the ways the e-scooter company is not responsible for anything that happens while you are riding its E-scooter. Some of the provisions include:
  • An agreement that the rider will follow all laws and regulations related to riding an E-scooter
  • A release that waives the E-scooter company of liability for injuries caused by a defective e-scooter
  • A list of prohibited acts on an E-scooter that break the user agreement and absolve the E-scooter of liability
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<tr>
<td><strong>Make</strong></td>
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<td>Make claims on ALL potential insurance policies - including the E-scooter policy</td>
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<tr>
<td><strong>Make</strong></td>
</tr>
<tr>
<td>Make the insurance company and E-scooter company deny his claim in writing</td>
</tr>
<tr>
<td><strong>Call</strong></td>
</tr>
<tr>
<td>If all else fails, call an attorney for additional advice</td>
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What should Kelly and Murray do?

- Call 911 if injured – Injury denial at scene is very common
- Take photos of everything – location of vehicles, injuries, driver’s licenses, witness information
- One medical study looked at 249 people who went to the emergency room after an E-scooter accident. It found that head injuries were the most common:
  - Head Injuries 40.2%
  - Fractures and Broken Bones 31.7%
  - Soft Tissue Injuries 27.7%
What should the Lambo owner do?

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<th>Get</th>
<th>Get all of Trevor’s Information – DL, phone number</th>
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<tr>
<td>Take</td>
<td>Take photos of everything – damages, witness info</td>
</tr>
<tr>
<td>Call</td>
<td>Call her own automobile insurance company and make a claim</td>
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Laws involving E-scooters

State Law covers E-scooters – California Vehicle Codes

Local/City Laws cover E-scooters – Municipal Codes
Some California Vehicle Codes for E-scooters:

- Insurance is not required. VC 21224
- May not exceed 15 mph VC 22411
- May not operate under the influence of alcohol or drugs VC 21221.5
- Without wearing a properly fitted and fastened bicycle helmet, if they are under age 18. VC 21235(c)
- Without a valid driver’s license or instruction permit. VC 21235(d)
- With any passengers. VC 21235(e)
- Operate a motorized scooter upon a sidewalk, except as may be necessary to enter or leave adjacent property. VC 21235 (g)
Some Santa Monica Municipal Codes

- 3.12.600
  (a) Beach Promenade. It shall be unlawful...
  (b) Beach Bike-Path.
  (c) Public Sidewalks.
  (d) Public Parking Structure.
  (f) Third Street Promenade and Municipal Pier.
  (g) Reckless Riding or Operating. It shall be unlawful to ride or operate a bicycle, electric bicycle, electric personal assistive mobility device, electrically motorized board, low-speed vehicle, motorized scooter, or other vehicle in willful or wanton disregard for the safety of persons or property.
Where do I park the damn thing!

California Vehicle Code section 21235(i) states it is prohibited to leave a motorized scooter lying on its side on any sidewalk, or park a motorized scooter on a sidewalk in any other position, so that there is not an adequate path for pedestrian traffic.

Designated E-scooter drop zone (they have pictures painted of scooters or electric bikes)

Bike rack areas

“Furniture zone.” The furniture zone is the section of the sidewalk between the curb and the pedestrian through zone where, lighting, benches, utility poles, tree pits and bicycle racks live exist. As a courtesy to your fellow neighbors and pedestrians, you should not park your e-scooter where it would be a hazard or inconvenience to pedestrians and neighbors.
Where is this going?

Cities are ramping up by creating new laws to regulate E-scooters

Cities are studying other cities to see what is working
Dead Zones
Tip over notification

E-scooters are a source of income for cities

E-scooters are “green”

There is a learning curve for riders, pedestrians and motorists

The State Legislature should promulgate mandatory minimum liability insurance for E-scooter companies (just like they do for cars)