



BILL NO. 134

Government Bill

*1st Session, 64th General Assembly
Nova Scotia
71 Elizabeth II, 2022*

An Act to Amend Chapter 293 of the Revised Statutes, 1989, the Motor Vehicle Act

CHAPTER 21
ACTS OF 2022

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
APRIL 22, 2022**

The Honourable Kim Masland
Minister of Public Works

*Halifax, Nova Scotia
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**An Act to Amend Chapter 293
of the Revised Statutes, 1989,
the Motor Vehicle Act**

Be it enacted by the Governor and Assembly as follows:

1 Section 2 of Chapter 293 of the Revised Statutes, 1989, the *Motor Vehicle Act*, as amended by Chapter 24 of the Acts of 1994, Chapter 12 of the Acts of 1994-95, Chapter 23 of the Acts of 1995-96, Chapter 12 of the Acts of 2001, Chapter 20 of the Acts of 2002, Chapter 42 of the Acts of 2004, Chapter 35 of the Acts of 2006, Chapters 20 and 45 of the Acts of 2007, Chapter 21 of the Acts of 2008, Chapters 59 and 60 of the Acts of 2010, Chapter 35 of the Acts of 2011, Chapters 20 and 53 of the Acts of 2014, Chapters 45 and 46 of the Acts of 2015 and Chapters 3 and 38 of the Acts of 2018, is further amended by

(a) adding immediately after clause (ma) the following clause:

(mb) “electric kick-scooter” means a vehicle that is operated in a standing position and has

(i) two wheels placed along the same longitudinal axis, a steerable wheel placed at the front of the vehicle and non-steerable wheel at the rear,

(ii) wheels with a diameter of not less than one hundred and eighty-five millimetres and not greater than four hundred and thirty millimetres,

(iii) a platform for standing between the two wheels,

(iv) a steering handlebar that acts directly on the steerable wheel,
and

(v) an electric motor not exceeding five hundred watts that provides a maximum speed of thirty-two kilometres per hour;

and

(b) striking out “personal transporter” in the last line of clause (ad) and substituting “bicycle, personal transporter or an electric kick-scooter”.

2 Section 50 of Chapter 293, as amended by Chapter 46 of the Acts of 2015, is further amended by adding “, an electric kick-scooter” immediately after “bicycle” in the last line.

3 Section 69 of Chapter 293, as amended by Chapter 46 of the Acts of 2015, is further amended adding immediately after subsection (4) the following subsections:

(5) No person who is under the age of fourteen years shall operate an electric kick-scooter.

(6) A parent or guardian of a person who is under the age of fourteen years shall not permit the person to operate an electric kick-scooter.

(7) The owner of an electric kick-scooter shall not permit a person who is under the age of fourteen years to operate the electric kick-scooter.

4 Subsection 85(1) of Chapter 293, as amended by Chapter 59 of the Acts of 2010, is further amended by adding “, every operator of an electric kick-scooter” immediately after “cyclist” in the first line.

5 Chapter 293 is further amended by adding immediately after Section 85A the following Section:

85B (1) Subject to this Section, for the purpose of this Act, where an electric kick-scooter is operated on a roadway, the operator of the electric kick-scooter is deemed to be a cyclist.

(2) Every person shall at all times when operating an electric kick-scooter exercise care and caution.

(3) Every person must have identification in the person’s possession at all times when operating an electric kick-scooter and shall

(a) display the same; and

(b) provide the person’s address and date of birth,

at all reasonable times on the demand of a peace officer.

(4) Sections 97 and 98, except the requirement to exhibit a driver’s license, apply to the operator of an electric kick-scooter.

(5) The operator of an electric kick-scooter shall

(a) where the electric kick-scooter is not equipped with turn signal lights, signify

(i) a left turn by extending the person’s left hand and arm horizontally from the electric kick-scooter, and

(ii) a right turn by either

(A) extending the person’s left hand and arm out and upward from the electric kick-scooter so that the upper and lower parts of the arm are at right angles, or

(B) extending the person’s right hand and arm out horizontally from the electric kick-scooter;

(b) where the electric kick-scooter is equipped with red, white, yellow or amber turn signal lights that are visible from behind and in front of the electric kick-scooter, signify a right or left turn by either

(i) activating the appropriate turn signal light, or

(ii) extending the person’s hand and arm as described in clause (a); and

(c) signify a stop or decrease in speed by extending the person’s left hand and arm out and downward from the electric kick-scooter so that the upper and lower parts of the arm are at right angles, unless the electric

kick-scooter is equipped with a visible red light at the rear that is activated when the person operating the electric kick-scooter applies the brakes.

6 Subsection 100D(1) of Chapter 293, as enacted by Chapter 45 of the Acts of 2007 and amended by Chapter 46 of the Acts of 2015, is further amended by adding “or an electric kick-scooter” immediately after vehicle in the last line.

7 Section 106 of Chapter 293, as amended by Chapter 34 of the Acts of 1996 and Chapter 46 of the Acts of 2015, is further amended by adding immediately after subsection (3) the following subsection:

- (4) No person shall at any time operate an electric kick-scooter on a municipal highway at a speed in excess of the lower of
 - (a) thirty-two kilometres per hour; and
 - (b) the maximum speed prescribed by municipal by-law.

8 Section 137 of Chapter 293 is repealed and the following Section substituted:

137 (1) In Section 131 and Sections 132 to 136, “vehicle” includes a bicycle, a personal transporter and an electric kick-scooter and “driver” includes a cyclist, the operator of a personal transporter and the operator of an electric kick-scooter.

(2) For greater certainty, Section 131A does not apply to bicycles, personal transporters, electric kick-scooters or their operators.

9 Subsection 170A(1) of Chapter 293, as enacted by Chapter 35 of the Acts of 1996 and amended by Chapter 46 of the Acts of 2015, is further amended by adding “and an electric kick-scooter” immediately after “transporter” in the last line.

10 Subsection 172B(5) of Chapter 293 is repealed and the following subsection substituted:

(5) Except when passing a cyclist, an operator of another personal transporter or an operator of an electric kick-scooter, the operator of a personal transporter on a highway shall operate the personal transporter in a single file with bicycles, electric kick-scooters and other personal transporters.

11 Chapter 293 is further amended by adding immediately after Section 172B the following Sections:

172C (1) An operator of an electric kick-scooter shall not remove both hands from the handlebars while riding the electric kick-scooter nor practise any trick or fancy riding on a highway.

(2) Where a roadway has a bicycle lane for bicycles travelling in the same direction that a cyclist is travelling, the operator of an electric kick-scooter shall ride in the bicycle lane unless it is impracticable to do so.

(3) An operator of an electric kick-scooter who is not riding in a bicycle lane shall ride as far to the right side of the roadway as practicable or on the right-hand shoulder of the roadway unless the operator is

- (a) in the process of making a left turn in the same manner as a driver of a motor vehicle;
- (b) travelling in a rotary or roundabout;
- (c) passing a vehicle on the vehicle's left; or
- (d) encountering a condition on the roadway, including a fixed or moving object, parked or moving vehicle, pedestrian, animal or surface hazard that prevents the person from safely riding to the right side of the roadway.

(4) An operator of an electric kick-scooter on a highway shall ride in the same direction as the flow of traffic.

(5) Except when passing a cyclist, personal transporter or other electric kick-scooter, an operator of an electric kick-scooter on a highway shall ride in single file with bicycles, personal transporters and other electric kick-scooters.

172D (1) Only one person at a time may be on an electric kick-scooter while it is being operated.

(2) A person operating an electric kick-scooter shall stand when the electric kick-scooter is in motion.

(3) An electric kick-scooter shall not tow another person or vehicle or any device.

(4) An electric kick-scooter being operated must be equipped with

- (a) a brake system that acts independently on the steerable wheel and the back wheel using separate hand levers;
- (b) an emergency stop switch to cut electrical supply to the motor in case of failure of the scooter's control system;
- (c) a battery with terminals that are completely insulated and covered and that is securely fastened to the electric kick-scooter to prevent movement while in motion; and
- (d) a headlamp and a rear light or reflector that meet the requirements set out in subsection 174(6).

172E No person shall operate an electric kick-scooter

- (a) on a provincial highway;
- (b) on a highway on which bicycles, electric kick-scooters or personal transporters are prohibited by this Act or the regulations;
- (c) on a highway if electric kick-scooters are not permitted by municipal by-law;
- (d) if prohibited by an official traffic sign; or
- (e) on private property if prohibited.

12 Subsection 174(6) of Chapter 293, as amended by Chapter 46 of the Acts of 2015, is further amended by adding “, electric kick-scooter” immediately after “bicycle” in the first line.

13 Section 183 of Chapter 293, as amended by Chapter 31 of the Acts of 1993, Chapter 25 of the Acts of 1994, Chapter 20 of the Acts of 2014 and Chapter 46 of the Acts of 2015, is further amended by adding immediately after subsection (5A) the following subsection:

(5B) Every electric kick-scooter shall be equipped with a bell or horn in good working order and the operator of an electric kick-scooter shall use it to give notice of its approach, including overtaking on a roadway or a sidewalk, if permitted.

14 Chapter 293 is further amended by adding immediately after Section 189 the following Section:

189A No person shall operate an electric kick-scooter that

- (a) is not in good working order;
- (b) is missing a component, equipment or other feature that was part of the electric kick-scooter when it was manufactured or that is required by this Act or has such feature rendered wholly or partly inoperable;
- (c) has been modified after it is manufactured except to attach a basket, bag or similar accessory or to add equipment required by this Act;
- (d) has pedals attached to it;
- (e) has a seat or structure that could be used as a seat; or
- (f) has any structure to enclose the electric kick-scooter.

15 Section 292 of Chapter 293 is repealed and the following Section substituted:

292 Any person who violates any of the provisions of Section 14, 18, 30, 31, 34, 35 or 58, subsection (4) or (5) of Section 69, subsection (3) of Section 71, subsection (2) of Section 78, subsection (3) of Section 85B, Section 95, subsection (4) of Section 106, Section 127, 128, 143, 144, 146, 148, 149, 151, 155 or 156, subsection (1) of Section 158 or Section 159, 160, 162, 166, 167, 168, 169, 170A, 171, 172, 172C, 172D, 172E, 177, 182, 183, 189 or 189A is guilty of an offence and liable on summary conviction to the penalties provided for a category A offence in the *Summary Proceedings Act*.

16 Section 293 of Chapter 293, as enacted by Chapter 10 of the Acts of 2002 and amended by Chapter 8 of the Acts of 2005, Chapters 20 and 45 of the Acts of 2007, Chapter 62 of the Acts of 2008, Chapters 61 and 63 of the Acts of 2010, Chapter 53 of the Acts of 2014, and Chapter 46 of the Acts of 2015, is further amended by adding “subsection (5) of Section 85B,” immediately after “85A,” in the third line.

17 Chapter 293 is further amended by adding immediately after Section 303K the following Section:

303L The Governor in Council may make regulations respecting electric kick-scooters.

18 Chapter 293 is further amended by adding immediately after Section 305A the following Section:

305B The council of a municipality may make by-laws

- (a) regulating the use of electric kick-scooters on sidewalks, shared-use sidewalks, municipal highways, bicycle lanes, trails or in other public areas in the municipality that are not public highways;
 - (b) prescribing the maximum allowable speed for the operation of electric kick-scooters, including prescribing different maximum speeds for different areas, roads or paths, or types of road or path;
 - (c) regulating the use of privately owned and rented electric kick-scooters;
 - (d) restricting the operation of electric kick-scooters during certain times of the year;
 - (e) restricting the operation of electric kick-scooters when certain weather conditions are occurring or are expected to occur;
 - (f) regulating the parking, docking or storage of electric kick-scooters;
 - (g) creating offences and prescribing penalties for the violation of by-laws made under this Section.
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