Electric Scooters: Coming Soon to a Street, or Sidewalk, Near You

They’ve got clever names—Bird, Lime, Skip, Scoot, Spin—and in many cities they appeared seemingly overnight.

Rentable electric scooters are a blessing or a curse, depending on your perspective. They’re just one of the new slow- and medium-speed options to become available with the rise of mobility as a service, known in the transportation industry as MaaS.

Proponents say the scooters are inexpensive, easy to use and great for short trips. (Forty-five percent of trips in the U.S. are less than 3 miles.) Plus, they help reduce traffic and air pollution. And in some areas, they appear to have caught on. The transportation-data analysts at Populus recently surveyed 7,000 people in 10 U.S. markets and reported that, in less than 12 months during 2018, 3.6 percent said they’d used an e-scooter—a portion they described as “remarkably large.”

In other areas, however, scooters are viewed more as a nuisance than a convenience, with residents complaining of cluttered sidewalks and reckless driving.

In response, Delaware has banned the use of motorized scooters on public streets, and New Jersey limits their use to people with mobility-related disabilities. Massachusetts’ definition effectively prohibits their use due to requirements that “motorized scooters” have brake lights and turn signals, neither of which are common on rentable e-scooters.

As cities scramble to adapt or create scooter-related policies, many are looking to state law for guidance.

Most states are still working to define scooters in statute. As of December last year, 10 states—California, Delaware, Massachusetts, Minnesota, New Jersey, Oregon, Texas, Utah, Virginia and Washington—had statutorily defined an electric or motorized scooter. Eight of those states offer guidance on legal operation of the vehicles.

Given the lack of clarity in state law and e-scooters’ growing popularity, it’s not surprising that 23 states and the District of Columbia have introduced e-scooter bills so far in 2019. Legislation largely focuses on defining e-scooters, determining whether they can be operated on streets or sidewalks and setting speed limits.

—Kevin Pula and Douglas Shinkle

More online
To see the latest electric scooter legislation, visit NCSL’s Traffic Safety Bill Tracking Database, at ncsl.org.
FOOD SAFETY

Donations Welcome

Lawmakers introduced 756 food-safety bills in 2018—from mobile vendors to labeling to edible cannabis—with 170 laws enacted and 18 resolutions adopted.

Food donation was the hot topic by far, with 72 bills introduced, followed by food service in schools (57 bills) and restaurants (57 bills). Not far behind were cottage foods (48 bills), milk and raw milk (45 bills) and genetically modified organisms (18 bills).

Lawmakers’ concerns about donations, including safe food-handling procedures and the type of foods that can be donated, are not covered in the U.S. Food and Drug Administration’s Food Code, and few states have laws regarding donations. That puts the burden on donating facilities, which can be discouraged from providing food, though things are changing as lawmakers seek to reduce food waste.

Six nutrition-related bills were enacted, and lawmakers in Illinois, Oklahoma and Tennessee enacted measures addressing food deserts (urban areas that lack affordable or good-quality fresh food).

 Legislatures considered 32 bills related to farmers markets (seven were enacted) and mobile food vendors (six were enacted).

Fourteen states debated edible cannabis, with most defining the scope of the term (35 bills). Seven of the bills were enacted in four states.

—Doug Farquhar

CRIMINAL JUSTICE

Policy Changes Can Pare Down Probation and Parole

One in 55 adults, or 4.5 million people, are on probation or parole in this country. African-Americans and men are overrepresented, with black adults being 3.5 times more likely than whites and men being 3.5 times more likely than women to be under supervision.

Policy changes can lower the number of people under supervision and address racial and gender disparities while improving public safety, according to a new report by The Pew Charitable Trusts and Arnold Ventures.

In recent years, at least 15 states have adopted laws designed to achieve those goals by using validated risk assessments. These evaluations help determine people’s supervision requirements based on their likelihood of reoffending and their treatment needs.

States are also expanding the use of swift, certain and proportionate sanctions for breaking supervision rules along with rewards for complying with them. After South Carolina lawmakers passed such legislation in 2010, there was a 46 percent drop in the number of revocations to jail or prison, according to a 2017 evaluation.

—Amanda Essex

1 in 55 U.S. Adults Is on Probation or Parole

Supervision rates by state, 2016

More online
For the latest state actions, visit the “Food Safety Legislation” page at ncsl.org.

FOSTER CARE

Fostering ‘Reasonable and Prudent’ Parents

The need for good foster parents—who support and encourage children as they grow up and prepare for adulthood—is growing. The more than 18,000 young people who currently leave foster care at age 18 each year face lower levels of education and higher rates of homelessness, unemployment, incarceration and pregnancy than do their peers. Some lawmakers are working to make life easier for them, and the other 425,000 children in foster care, by making it easier on their foster parents.

At least 40 states have adopted the “reasonable and prudent parenting standard” required by the federal Preventing Sex Trafficking and Strengthening Families Act of 2014. It allows foster parents to make important day-to-day decisions—decisions critical to children’s social and emotional development—without seeking a caseworker’s permission. Foster parents may decide, for example, whether a child can participate in sports or cultural, social and religious activities as long as they consider the child’s maturity and developmental level and maintain the child’s health, safety and well-being.

In addition to adopting the reasonable and prudent standard, 39 states offer liability insurance to protect foster parents. Thirty-nine states and the District of Columbia require that foster parents be notified of court hearings or be allowed to attend proceedings for children in their care. Eighteen states have adopted the Foster Parents Bill of Rights, which gives foster parents the right to receive critical information on children without seeking a caseworker’s permission; to be treated with respect, paid fairly and adequately trained; and to have access to a caseworker and priority in adoptions.

—Nina Williams-Mbengue

BOOK REVIEW

Shut Out: How Licensing Can Curb Access to Work

Dan Leger wanted to be a tour guide in Savannah, Ga. He knew that to walk the storied streets and tell their tales he needed an occupational license from the city, but what was required of him to get it was a bit surprising—and personal. In addition to providing blood and urine samples, Leger was required to share intimate details about his personal life. This type of rigorous hoop-jumping might seem excessive, but it’s not uncommon.

Leger’s story of how licensing can impede access to work is just one of many highlighted in “Bottlenecks: Gaming the Government for Power and Private Profit,” by William Mellor and Dick M. Carpenter II. The authors hold nothing back in their critique of licenses that protect industry but not public health and safety.

Occupational licensing has become a contentious issue in the last five to 10 years. In theory, licenses protect health and safety by preventing harmful practices. There is bipartisan agreement that licensing is appropriate for lines of work in which public harm can be done due to improper practice. But other licensed occupations pose no straightforward risk to the public.

Licensing for these occupations, the authors write, tends to be industry-driven, designed to limit competition and benefit existing practitioners. They cite research showing that most new occupational licenses rarely, if ever, improve consumer health and safety.

“Bottlenecks” highlights the stories of coffin-selling monks, food truck owners, taxi drivers, hair braiders and others who faced down industry-driven licensing schemes. Each vignette presents the perspectives of the industry and lawmakers who supported the licensing along with those of the practitioners who opposed it.

When is licensing needed to protect consumers and when is it just manipulating the market in favor of a select few? That’s the question the authors want us to ponder.

Pushback against unnecessary licensure is both fierce and bipartisan, with members on both sides of the aisle working in all states to reduce barriers and enhance portability—the ability to transfer a license from one state to another. NCSL, The Council of State Governments and the National Governors Association Center for Best Practices have joined together to help states understand occupational licensure issues and opportunities for innovative policy options. They recently released a first-of-its-kind database that, among other things, lets policymakers see the ways licensing requirements for various occupations vary by state. The National Occupational Licensing Database can be found at www.ncsl.org/stateslicense.

—Allison Hiltz, policy associate for strategic initiatives at NCSL