



For those about to SCOOT

‘To scoot or not to scoot – that is the question!’ They’re great for zipping to work and avoiding the traffic snarl-ups, but how legal are e-scooters? **Bill Holohan** pushes off

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We refute you



ith apologies from one William to another: “To scoot or not to scoot – that is the

question! Whether 'tis legal on the road to use two-wheeled things that do not cost a fortune, or to take two wheels against a sea of vehicles, and breach the law to use them?”

Any commuter cannot but have observed people using electric scooters and bikes, commonly referred to as e-scooters and e-bikes, zipping along, often at speed, in the bike lane, on the road, or on the footpath.

They can weigh between 10kg and 20kg and are easily stored when folded – ideal for commuters. Instead of sweating away on a bike or walking long distances, commuters can swoosh to their destinations, fold up their transport, and put it under their desk or workspace for the day. After charging for a few hours, these e-scooters and e-bikes can travel at up to 30km per hour for a range of up to 20km. No kid's toy, then.

The problem is, though, that mixing speedy e-powered vehicles with pedestrians, conventional bikes, motorcycles, buses, lorries and cars on Irish roads can be dangerous. To put this into context, [accident rates](#) reported by the Road Safety Authority (RSA) for 2018 show that a total of 42 pedestrians, 15 motorcyclists and nine pedal cyclists died on Irish roads. How long before users of e-powered vehicles start featuring in these statistics?

Depending on whether you view e-vehicles as a blessing or a plague, the thought may have crossed your mind as to whether or not these are, in law, any different to a moped or motorbike and, consequently, whether the users require a licence, tax and insurance? To make matters worse, if you have been using one without tax, insurance, etc, it may have crossed your mind that it is illegal to ride a mechanically powered vehicle in bike lanes – a heartbreak for the devotee of the e-scooter/e-bike.

There are commuters using electric scooters daily who are probably not conscious of the fact that they may be required to register the scooter, wear a helmet, and have a licence (see [section 22](#) of the *Road Traffic Act 1961*), tax (electrical vehicles are taxed at a flat rate of €35 per annum) and insurance (see

COVER STORY



AT A GLANCE

- Commuters using electric scooters are probably not conscious of the fact that they may be required to register the scooter, wear a helmet, and have a licence
- Vehicles classified as mechanically propelled open up a host of obligations under the *Road Traffic Acts*
- The definition of ‘MPV’ can depend very much on whether you scoot or pedal, and on whether the vehicle can be totally propelled by its engine, without physical intervention
- The Minister for Transport has asked the RSA to look at how such vehicles are regulated in other EU states – and their road-safety implications when used on public roads



PIC: SHUTTERSTOCK

[section 56](#) of the *Road Traffic Act 1961*).

On 24 May 2017, *KildareNow.com* reported a hearing in the Naas District Court. A cyclist who had a tiny 48cc petrol engine attached to his bicycle believed that it was not a mechanically propelled vehicle (MPV). Consequently, he understood that he was exempt from the requirements to have a driving licence, tax, and insurance – but nonetheless appeared before the court for having used it. (He may have felt that he was safe to do so, given that the then Minister

for the Environment [Noel Dempsey](#), in 2002, had declared that electric bicycles were not subject to the requirements for tax and insurance.)

The facts of the case were that, in June 2015, gardaí had found the cyclist unconscious on the ground, several feet away from his bicycle, with a concentration of 203mg of alcohol per 100ml of breath. The gentleman had previous convictions for drink-driving and was serving a ten-year ban on driving. His solicitor explained that he had purchased the powered bicycle online, with the advertisement for sale, specifying that it was not an actual MPV. Nonetheless, Judge Desmond Zaidan convicted and fined him on the basis that it *was* an MPV.

Flick of the switch

The *Road Traffic Acts* define an MPV as including a vehicle with electrical propulsion. And as soon as something is classed as mechanically propelled, it opens up a host of obligations, as drivers must meet statutory requirements laid out in the *Road Traffic Acts*.

The MPV will need to have brakes, steering, audible warning devices (such as a horn or a bell), headlamps, rear lighting and reflectors. These are usually found as standard equipment on electric scooters, bikes, cars and other modes of transport.

In fact, and in law, whether or not something of that nature is an MPV all comes down to whether you are prepared to ‘scoot’ or pedal. Depending on your answer, as the individual referred to above found out, you could end up committing a criminal offence. The facts are that the law applies differently, depending on whether you need to scoot or pedal – or more specifically, on the technical specifications of particular models.

If they do not need to ‘push off’ – scoot or pedal as the case may be – in order to get the scooter or the bike in motion, and instead relies entirely on the motor to do that, then, according to Irish law, it is regarded as an MPV. If an electric scooter requires pedalling or an initial manual scoot to take off, and the motor only kicks in once already in motion, or to maintain it, it is not considered an MPV.

Kicked in the teeth

As the Garda Press Office puts it: “This office understands [the distinction] is whether they are powered solely by an



THERE ARE COMMUTERS USING ELECTRIC SCOOTERS DAILY WHO ARE PROBABLY NOT CONSCIOUS OF THE FACT THAT THEY MAY BE REQUIRED TO REGISTER THE SCOOTER, WEAR A HELMET, AND HAVE A LICENCE, TAX (ELECTRICAL VEHICLES ARE TAXED AT A FLAT RATE OF €35 PER ANNUM) AND INSURANCE

electric or mechanical means or assisted, that is, using human power to initiate movement.”

Sgt Alan Frawley of the Garda Press Office said in 2017 that the key issue was whether bicycles continued to move without pedalling. Most electric bicycles on sale in Ireland are classed as ‘electrically assisted bicycles’ because they need the user to keep pedalling for the bike to keep moving – the electric motor only acts as a boost to pedalling, and the bicycle will slow down and stop after pedalling stops.

Sgt Frawley said: “The key to whether or not a vehicle is a mechanically propelled vehicle for the purposes of the *Road Traffic Act 1961* lies with its means of propulsion. Each vehicle has to be looked at on its own merits. Thus, if a vehicle is or can be propelled other than manually, it is a mechanically propelled vehicle for the purposes of the 1961 act.

“If a vehicle has a source of power that only aids a vehicle’s manual propulsion and cannot propel the vehicle on its own, then the vehicle is not an MPV for the purposes of the 1961 act. Into this category would fall an electrically assisted bicycle. This is because the vehicle stops when the pedalling stops.”

He added: “In relation to the electric units, electrically assisted pedal cycles are commonly referred to as ‘pedelecs’ to describe bicycles with electric motors or batteries too small to drive them without pedalling. Their speed is limited to 25km per hour and the motor cuts out if pedalling ceases. In contrast, mopeds can move without assistance of pedals. For guidance, if an electric bike can be operated without pedalling, it is a moped, that is, a low-powered motorcycle, and is subject to motor tax.”



PICTURE: SHUTTERSTOCK

Assuming that the gardai have the correct interpretation, then electric bicycles would not need to be taxed and insured, and one could ride them in bike lanes and would not need a licence to ride them.

High voltage

However, Conor Pope, writing in *The Irish Times* in March 2019, reported that a Department of Transport spokesman had told him that a legal requirement to tax and insure e-scooters, e-bikes and e-skateboards could not be complied with, as it was not possible to insure such MPVs.

The report quoted the department spokesman as saying: “They are not considered suitable for use in a public

place.” He also said that Minister for Transport Shane Ross had asked the RSA to research how such vehicles are regulated in other countries, particularly other EU member states, as he was “keen to understand the road-safety implications of the use of such vehicles on public roads, especially when interacting with other vehicles”.

The spokesman said that once the research was completed, a decision would be taken on whether to amend existing legislation, the department needing “to be satisfied that permitting such vehicles on our roads will not give rise to safety concerns, both for the users themselves and for all other road users, including



Q FOCAL POINT

RIDE ON

For an e-bike/battery scooter to be registered, it will need an electronic certificate of conformity (e-CoC) from the manufacturer. If the manufacturer cannot supply an e-CoC, this means your e-bike/scooter can only be used on private property or purpose-built tracks. For more information in relation to [registration](#), see www.revenue.ie and search for 'VRT'.

Electrically assisted bicycles are currently restricted to 25km/h to prevent the user from going faster. A [parliamentary question](#) asked by Clare Daly in July 2015 was responded to by stating that the Minister for Transport had no current plan to increase the speed allowed. The 25km/h (15mph) speed limit and the engine size limit of 250 watts were set in 1978.

Section 3 of the *Road Traffic Act 1961*, defines 'mechanically propelled vehicle', subject to subsection (2) of this section, as "a vehicle intended or adapted

for propulsion by mechanical means, including

- a) A bicycle or tricycle with an attachment for propelling it by mechanical power, whether or not the attachment is being used,
- b) A vehicle, the means of propulsion of which is electrical or partly electrical and partly mechanical, but not including a tramcar or other vehicle running on permanent rails."

Under section 11 of the 1961 act, the minister can make regulations regarding specifications of MPVs.

In fact, and in law, with the exception of motorised wheelchairs, MPVs are not permitted in bike lanes or on footpaths, and must be used on the road.

It is illegal for persons under the age of 16 to ride an MPV in a public place. If the bike is not an MPV, there is no law against

children riding it in a public place.

There is no law against engine/converter kits on push bikes/scooters. However, the addition of an engine may result in the bike being treated as an MPV, which means it'll have to be registered, taxed, insured, etc.

Electrical vehicles are taxed at a flat rate of €35 per annum. Motor tax is an annual duty payable on motor vehicles (subject to exemptions) in Ireland for use in public places. A new system for MPVs was introduced on 1 July 2008, with tax rates based on the carbon dioxide emissions of the MPV while in operation. Prior to this, tax rates were assessed on engine displacement.

Motorcycles are all taxed the same, regardless of engine displacement, with a special rate for electrically powered cycles. Rates can be found at www.dttas.ie (search for 'motor tax rates 2016').

cyclists, pedestrians and motorists".

In the same article, AA spokesman Barry Aldworth called for "greater legislative clarity", as such motor transport would have the "potential to act as an additional mode of transport, particularly in urban areas".

The RSA, in fact, provides a page on its website of '[FAQs on e-bikes, pedelecs or battery scooters](#)'. This clarifies that an electric bicycle, also known as an e-bike or booster bike, is a bicycle with an electric motor, with there being many types of e-bikes – from e-bikes that have only a small motor to assist the rider's pedal-power (pedelecs) to more powerful e-bikes that don't need to be pedalled at all (power on demand), unless the rider wishes.

It also states that an electric/battery-powered scooter is a small platform with two or more wheels, which is propelled by an electric motor, and that, besides the motor, the rider can also propel the electric scooter forward by pushing off the ground.

The RSA statement says that, regardless of the type of bike, the rule is as follows: "If it can be powered by mechanical or



A '15 seconds to curtain' Scooter

electrical power alone (that is, it can go without you pedalling or scooting it), then it is considered to be a mechanically propelled vehicle ... Therefore, it must be roadworthy, registered, taxed and insured. The driver of the vehicle must hold the appropriate driving licence and is obliged to wear a crash helmet."

Q LOOK IT UP

LEGISLATION:

- [Road Traffic Act 1961](#)

LITERATURE:

- 'Electric cycles not liable for tax, declares Dempsey' (*The Irish Times*, 4 March 2002)
- 'FAQs on e-bikes, pedelecs or battery scooters' (www.rsa.ie)
- Louise McCarthy, 'Naas Court today sees man banned for being drunk while cycling' (*KildareNow.com*, 24 May 2017)
- [Motor Taxation Rates of Duty on Motor Vehicles \(effective 1 January 2016\)](#), Department of the Environment, Community and Local Government (December 2015)
- Conor Pope, 'Law means electric scooters are a non-starter on Irish roads' (*The Irish Times*, 9 March 2019)