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# Big News for Small Mobility: Germany Opens Up to E-Scooters

Andreas Grünwald, Christoph Nüßing, and Theresa Oehm\*

*A new German law recently allowed “small electrical vehicles” (“SEVs”) on public roads. SEVs are lightweight vehicles with electric motors, such as e-scooters. Until the law passed, it was forbidden to use such vehicles on public roads in Germany. This article reviews the regulation and what rental companies will need to consider if they expand their offerings to include e-scooter rental services.*

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Germany recently passed a new law that officially allows e-scooters on public roads. The new law gives people more choices for transportation and allows for modern, green, and clean mobility in cities. Prior to the law being passed, e-scooters were forbidden on public roads in Germany, including sidewalks and bike lanes. This changed with the new law, potentially allowing for the influx of e-scooter rentals seen in other major markets.

## What the Regulation Provides in Detail

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Germany’s new law allows “small electrical vehicles” (*Elektrokleinstfahrzeuge*—“SEVs”) on public roads. SEVs are lightweight vehicles with electric motors, such as e-scooters. Prior to the new law, it was forbidden to use such vehicles on public roads in Germany. Only certain self-balancing mobility aids, such as Segways, benefited from a general exemption under the Mobility Aid Regulation. Furthermore, the Federal State of Bavaria had already permitted e-scooters for use in certain cities.

SEVs are emission free and give people an additional option for transport. They can add value for people who need to bridge short distances, for example, from a bus or metro station to their final destination.

## To Which Vehicles Does the Regulation Apply?

For the regulation to apply, SEVs must meet certain conditions:

- The vehicle must be driven by electrical power;
- The vehicle must have a handlebar (for steering or holding) of a certain minimum size;
- The vehicle must not weigh more than 55 kg (approximately 121 lbs);
- The vehicle must be designed to reach a minimum speed of six kph (approximately 3.7 mph) and a maximum speed of 20 kph (approximately 12.4 mph); and
- The regulation distinguishes between vehicles without a seat, and self-balancing vehicles with or without a seat. Self-balancing vehicles may have a motor consuming a maximum of 1,400 watts of power, while all other vehicles must be limited to 500 watts.

With these regulations now in effect, the existing Segway exemption under the Mobility Aid Regulation is no longer required, so Segways are covered by the new law. The use of other electric vehicles (except for cars or motorcycles), however, remains prohibited on German roads. This applies to vehicles without a handlebar such as hoverboards or e-skateboards, for example.

## Rules of Use

All SEVs, regardless of their maximum speed, shall generally be allowed on all bike lanes; however, local road authorities shall be able to ban SEVs from individual bike lanes at their discretion if the use of SEVs would represent a disproportionately high safety risk.

SEV drivers do not need a license, but they must be at least 14 years old. The legal age for driving an SEV has been a controversial topic in the legislative process. Initially, the government proposed two different classes of SEVs: SEVs with a maximum speed of 12 kph and SEVs with a maximum speed of up to 20 kph. Under this proposal, anyone over the age of 12 would have been allowed to drive slower SEVs, while drivers would have had to be at least 14 years old for the faster ones. Also, the original draft provided that slower scooters should be allowed only on sidewalks and in

pedestrian zones, and it required their users not to drive faster than walking speed.

This approach was criticized because it could cause conflict with pedestrians if e-scooters were allowed on sidewalks or in pedestrian zones, and for putting children, seniors, blind or visually impaired, and people with cognitive disabilities in danger. Moreover, it was considered unrealistic that users would comply with the rule requiring them not to drive faster than walking speed, even though the scooter allows for higher speeds. The version that was eventually adopted, therefore, does not include a general authorization to use SEVs other than on bike lanes. It does, however, allow local road authorities to allow SEVs on other passageways at their own discretion. Such exemptions shall be identified with the following road sign:



## What Rental Companies Need to Consider

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The new SEV regulation offers new opportunities for providing mobility services in Germany. With the new regulation now in force, providers can expand their offerings to include e-scooter rental services.

### Compliance with Vehicle Requirements: Insurance and Security

SEVs may only be used on public roads if they belong to a type of vehicle for which a general operating license is granted under the German Road Traffic Licensing Regulation. Vehicles that are not in the scope of this general license must have an individual operating license. To obtain an individual license, or to qualify under the general operating license, the vehicle must comply with a number of minimum safety requirements as set forth in the



Regulation, e.g., regarding brakes, bells, lights, driving dynamics, and electrical safety.

Moreover, each vehicle must carry a factory plate indicating the maximum speed of the vehicle and the license number of the General Operating License. The factory plate also needs to show the words “small electric vehicle” (*Elektrokleinstfahrzeug*).

Further, each SEV must be covered by civil liability insurance and must bear an insurance plate as evidence for such coverage.

## Rental Service Conditions

E-scooter rental companies should include in their terms and conditions the obligation for customers to comply with the general rules of conduct for using an SEV—e.g., regarding possible conflicts with pedestrians, or parking.

Providers of SEV rental services should further consider whether they want to allow minors to use their services alone, allow parents to sign rental agreements on behalf of their children, or allow anyone to pass a rented SEV on to others who are legally permitted to use it (i.e., anyone aged 15 years or older). Unlike cars or motorcycles, SEVs may be used without any driver’s license and thus without ensuring that each individual user has such license.

## Note

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