

E-scooters need a hike in New Zealand regulation and processing

By Peter McRae

Never mind being a public nuisance, let's look at the public's safety around e-scooters for hire commercially in public places, and what the NZ government should be doing to address this.

With at least 1000 public-hire e-scooters now populating the pavements and roadways of Christchurch and Auckland, and numbers expected to grow as the e-transport category grows, from an importing point of view there are a number of regulation, categorisation and commercial concerns the NZ government needs to address in order to protect public safety.

As a customs broker, classification of imported items and regulation surrounding these items are my prime concern. Historically, governments have acted too late when dealing with the introduction of new motorised vehicles, sadly often leading to public safety slip-ups and even tragedy. The hoverboards that caught fire in 2015 are an example, and it appears to me that the New Zealand Transport Agency (NZTA) hasn't learned this time around.

The key issues currently identifiable in New Zealand straddle three areas:

- ▶ The appropriate design and resulting classification of e-scooters as vehicles for transportation, not toys
- ▶ Risk management for the expected increase in future motorised scooter imports
- ▶ The need for greater regulation and systemic collaboration to ensure rider safety (via helmets, speed, etc) and to protect public safety.

Classification and supporting regulation

Let's start with the lack of clarity about classification of e-scooters and subsequent regulation that should be in place to support it. These scooters are not toys; they travel at speeds of up to 48 kph. In the importing world, when an item is brought into the country it is afforded a unique eight-digit classification which identifies the type of product. The code for toys always begins with 95, while all motorised bicycles, e-scooters and motor vehicles begin with

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87. So classification clearly shows them to be vehicles.

However, the NZTA is sending mixed messages in its communication about e-scooters, leaving potential holes in regulation that should be there to protect people. On 18 September this year, the NZTA gazetted a notice that classifies an e-scooter as not being a motor vehicle. The gazette stated that its purpose was to "remove the requirement for scooters designed in the style of traditional children's toys, with a footboard, two or three wheels and a long steering handle, to be registered as motor vehicles if they are also fitted with low-powered electric auxiliary propulsion motors".

My reading of this gazette is that while they are not toys (even if they may look like toys), they are also not vehicles (even though they have motorised propulsion). The outcome of such a deregulation would see e-scooters require less safety features, and be treated more as toys, despite their use on roads and public footpaths.

The NZTA is demonstrating a clear lack of understanding of the commercial vs public future of these vehicles. Should the e-scooter company be expected to assume all responsibility for public safety with these vehicles? And how would this even look? In the real world, this would not be the case. Furthermore, the decision not to require a helmet is at odds with the classification of e-scooters as a motorised vehicle and even non-motorised bicycles in New Zealand. The safety level regarding e-scooters has clearly not been met in New Zealand.

Risks for future imports

With the commercial introduction of e-scooters for hire, we can expect New Zealand to see an increase in the private importation of motorised scooters, or the importation of more motorised scooters for sale. When large quantities of smaller importers begin to introduce them, a host of new issues also arise around regulation and safety control. The key areas of risk are the following.

Asbestos in brake pads

Historically, this remains an area of concern in Australia and New Zealand, even after the Imports and Exports (Asbestos-containing Products) Prohibition Order 2016.

Fire safety of motors

Inappropriate safety features have led to fatal fires of hoverboards, suggesting the same could be true in the future for motorised scooters.

Electric motor verification

This relates to what the importing paperwork says versus what the motor's capacity actually is, and is required to avoid illegal importing of small engines with capacities for speed that far exceed New Zealand rules and therefore affect footpath and road safety for all.

First market entrants Onzo and Lime claim their engines have a

maximum 600 W engine and only travel up to 25 kph, therefore meeting NZTA regulation for vehicles on footpaths. But will all future imports be checked to ensure all motorised scooters meet this regulation too?

As numbers of imports rise, so too does the requirement for NZTA to check more closely whether they do in fact meet the safety requirements that they claim to meet at the border.

The current system needs adjustment

The gatekeeper to New Zealand is the NZ Customs Service. Internally, the NZTA and Ministry of Health should be working together to put safeguards in place for e-scooters, including that they should only be ridden in restricted areas, riders must wear a helmet, and minimum age guidelines.

With the reality being that more and more e-transport businesses will enter New Zealand, it will become more and more critical that importing standards are upheld – and potentially even improved – to ensure the highest possible public safety.

The way that NZ Customs and NZTA officials deal with these kinds of vehicle imports can pave the way to a safer future. Let's hope this is the case.



Peter McRae is the CEO of Platinum Freight Management and an internationally recognised customs broker with 17 years' Australasian industry experience