

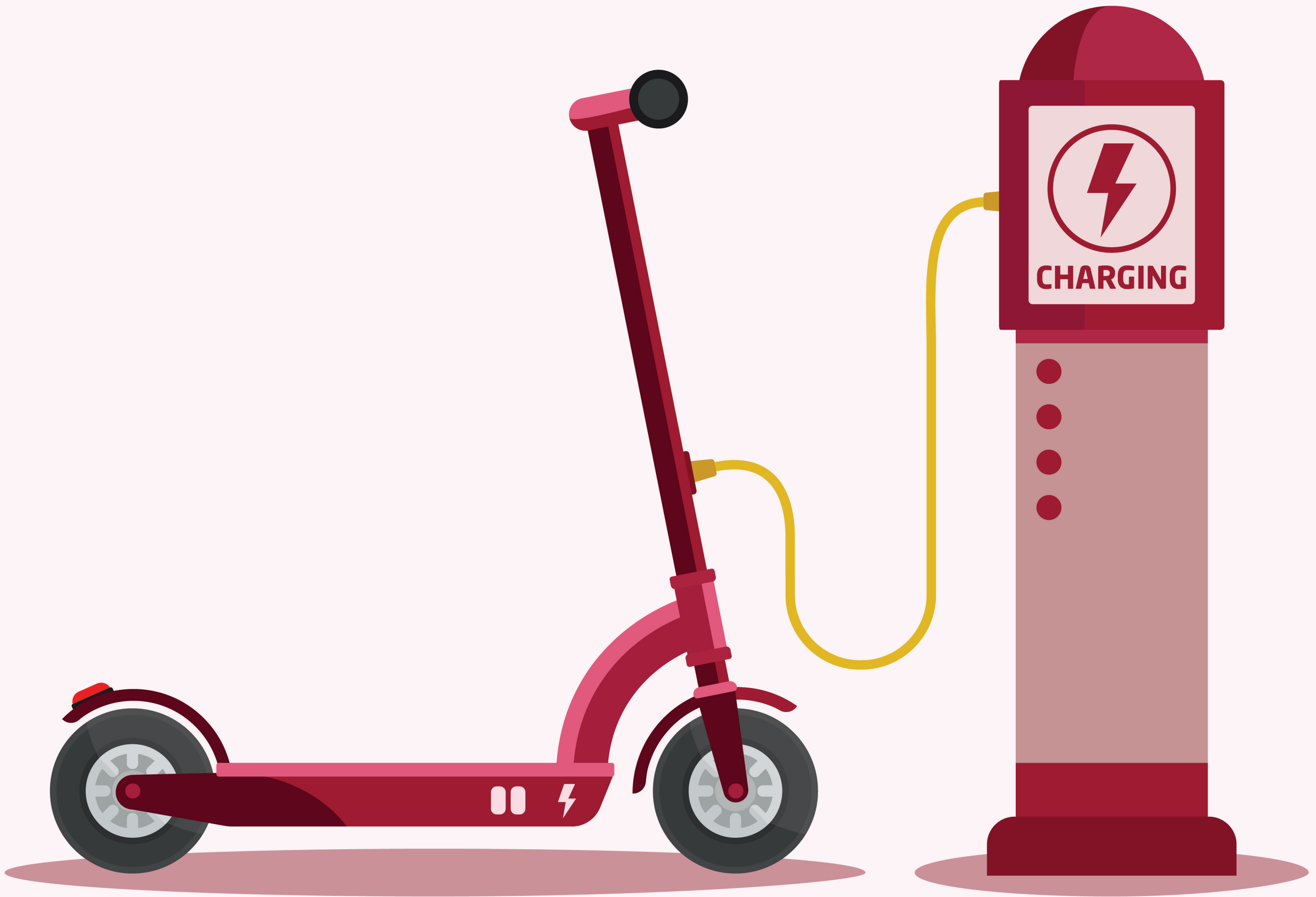
Gökçe

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THE EASIEST FORM OF TRANSPORTATION: E-SCOOTER



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Preference for personal vehicles in transportation is deemed as a crucial factor causing traffic congestion. The chance of fast and easy transportation gradually decreases, as the number of vehicles in traffic increases. On the other hand, e-scooters, recently entered in our lives, have provided a great ease in transportation.

Since e-scooters are rechargeable, they are able to operate without fuel. It is extremely cheap and easy to use this vehicle, operating up to five hours. Also, e-scooters provide convenience on daily transportation to individuals, as being much lighter than a bicycle and being found in almost every corner. Even, a digital application is developed for one of the e-scooter brands and by this application users are able to locate the nearest e-scooter available. Thus, instant renting option and easy travel advantage in congested traffic has been provided for the users.

E-scooters, at first started providing its services in San Francisco streets in 2018, were come into service with an opening price of \$1 and 15 cents requested for each minute of its usage. In addition, e-scooters, which run out of battery, can be charged at home for \$5 and then left on the street. However, all e-scooters were collected by the relevant department responsible for transportation in San Francisco (SMFTA) with emergence of the licensing problem. Many companies, which took advantage of such situation and anticipated the upcoming competitive environment, quickly made application to obtain a license. The market value of “Lime”, “Spin” and “Bird”, being one of these undertakings, have exceeded millions of dollars, continue to rise.

Such trend has begun in Turkey with the placement of e-scooters on busy streets in 2019. E-scooters, which at first aroused curiosity in the country but i were approached with hesitation to be used, has recently become indispensable as being an easy transportation opportunity.

In Turkey, there has been no regulation on e-scooters yet. The Ministry of Transport and Infrastructure has been working on a draft legislation. Since e-scooters are “vehicle” within the scope of Highway Traffic Law (HTL), the HTL may be taken into consideration within this period. E-scooters can be assumed as “electric bicycle” within the scope of HTL , as they have wheels, do not with manpower but with a with a motor not and do not exceed 25 km per hour. In this context, it would be appropriate to state that current regulations regarding bicycles can also be applied to e-scooters.

There is a risk of a third party being injured due to the fault of a e-scooter’s driver/user since e-scooter is a vehicle which requires balance, just as a bicycle or motorcycle. In the case where e-scooters are regarded as bicycle, e-scooter’s driver/user shall be responsible for damages caused to third parties. There is no doubt that the driver who causes another person’s injury with his wrongful acts in traffic even while driving an e-scooter, shall be responsible from such act.

On the other hand, the damage may arise from technical problems of e-scooter, not from driver’s fault to drive it in accordance with rules. In this case, operator the e-scooter shall also be liable from such damages for reasons such as not performing routine maintenance of the e-scooter as required, not keeping it suitable for use or not performing necessary repairs.

In cases where the e-scooter has a system/software error, operator's responsibility can also be considered.

Since e-scooters are easily accessible and used for short periods, many people use the same e-scooter within the same day. Therefore, it is quite difficult to detect which driver/user caused a damage to the e-scooter. At this point, we are of the opinion that, setting up a registration system, in which license plate and registration record for e-scooters and driver license or delivery-receipt form for identification of users are uploaded, can enable determination of responsible person.

Another issue that should be evaluated from legal perspective is e-scooter drivers' equipment. Although we consider e-scooter as a bicycle by qualification; this vehicle operates with electricity and move independently in traffic. In this respect, it is possible for e-scooter's driver/users to get harmed as they do not have any protective equipment in case of an accident. For this reason, protective equipment, especially helmets, should be determined for e-scooter drivers, such equipment should be provided to drivers together with e-scooters and it should be a legal obligation to use such equipment.

Another issue is whether e-scooters, navigating independently in traffic, are privileged over other vehicles and pedestrians. In our opinion, e-scooters' right of way and priority for turning should be as it is for bicycles. Also, e-scooters having devices and signs, such as bells and headlights, which can warn other vehicles can prevent disturbance of order in traffic and prevent possible accidents.

Consequently, since there is no legal regulation on e-scooters yet, legal status of these vehicles and applicable rules can be evaluated according to provisions of HTL for now. In addition, it is considered that regulations and research to be made by the Ministry of Transport and Infrastructure in the future will bring more detailed legal regulations on e-scooters.

Answers. Not theories.

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