



A BIBA BROKERS' GUIDE TO

The future of mobility

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British
Insurance
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Association


DAC BEACHCROFT



We may be on the cusp of a 'transport revolution' but there's clearly still much to test and implement before autonomous vehicles can be rolled out widely.

new challenges



In this supplement we look at autonomous cars, electric vehicles, micromobility – e-scooters, e-bikes and car sharing.

With insurance brokers being at the forefront of motor insurance, this guide will help you to keep up to date with many of the latest developments in order to help and advise your clients.

Motoring is evolving and this brings new challenges for the insurance sector. Technological advances, different modes of transport and how we travel are all prevalent considerations in the future of motor insurance.

Mike Hallam

ACII, Chartered Insurance Practitioner,
Head of Technical Services, BIBA



The future

Micromobility devices such as e-bikes and e-scooters clearly satisfy a lot of requirements in terms of low-cost, 'green' travel but there remain a number of concerns around their safe operation in public spaces.



Content

PAGE 6-7

Insurance and the 'transportation transformation'

PAGE 8-11

Electric vehicles and insurance considerations

PAGE 12-15

Assisted or automated driving?

PAGE 16-19

Autonomous cars – risks and opportunities

PAGE 20-23

Micromobility – a macro trend?

PAGE 24-27

E-scooters – what's legal & what's not

Insurance and the 'transportation transformation'

Most modern forms of transport such as cars, trains and bicycles have remained fundamentally unchanged for decades, except for enhancements and modifications to allow us to travel further and faster. However, it seems we could now be on the cusp of a 'transportation transformation', with the Minister of State for the Department of Transport predicting the fastest change in transport technology since the Victorian era.¹ So what could the future of mobility look like and how might it affect the insurance industry?



Gerry Ross

Head of Commercial
Motor, Allianz

Influencing trends

A number of macro trends are shaping our travel habits, and the insurance industry by extension.

Technology

Technological advances in the automotive industry include electric cars, progress towards autonomous or 'self-driving cars' – see page 16) and connected cars. The last of these is revolutionising fleet management through the use of telematics to assess vehicle performance and driver behaviour. Naturally this presents risks in the form of hacking and cyber threats which insurers need to consider particularly as the market for connected vehicles continues to expand.

The potential for claims inflation is another insurance consideration, with increasingly complex technology and parts, plus the need for specialist repairs leading to higher repair costs.

Going 'green'

Another factor is the appetite for 'greener' options. With road transport contributing significantly to air pollution and city congestion, many commuters are keen to explore more environmentally-friendly options, from micromobility (see page 20) to electric cars and car sharing. This is coupled with the plan to tackle climate change through a ban on new petrol and diesel cars in the UK from 2030 which has prompted people to consider

substitutes. Environmental concerns are also encouraging exploration of alternative fuels to power our vehicles, such as biogas and hydrogen.

Coronavirus (Covid-19)

The Covid-19 pandemic has affected our travel habits with the large-scale move to remote working and Government regulations regarding social distancing. The long-term impact of Covid on new working models is still being realised but some predict a more permanent trend of flexible and home-working, which would result in fewer commuters, a decline in rush-hour traffic and even a continued decline in car ownership in urban areas, with people looking instead to ride sharing schemes.

The insurance angle

The insurance industry is already adapting to changing trends in mobility, developing products and solutions to keep pace with evolving requirements. However, a number of significant questions remain around liability, infrastructure, legislation and education, which need to be clarified to enable the successful and widespread rollout of a number of these technologies. Insurers will be eager to push for clear communication to consumers on how they can and cannot use these technologies, to ensure they understand the potential risks and liabilities involved.

¹ Government Office for Science. A time of unprecedented change in the transport system. The Future of Mobility. January 2019. piii

Electric vehicles and insurance considerations

Global sales of electric cars increased by 43% in 2020 compared to the previous year, reaching 3.24 million vehicles.¹ This trend looks set to continue with the International Energy Agency predicting 100 million electric cars on the road by 2030. With electric vehicles (EVs) often viewed as a greener alternative to petrol and diesel cars, (of which new sales will be banned by 2030), what implications are there for the insurance industry - and is this technology too good to be true?



Mark Pearce

Loss Control Technical Lead, Allianz

It's not easy being green...

Transport is currently the largest emitting sector of the UK economy. With the UK's commitment to reach net zero emissions by 2050, some see EVs as a significant factor in achieving this target. It's true that, since EVs run on batteries rather than fossil fuels, they emit fewer greenhouse gases and air pollutants than non-electric vehicles. However they are not without their issues. Firstly the manufacturing process for EVs creates fractionally **more** emissions than traditional cars.² Additionally, EV batteries often require elements such as lithium and cobalt which can involve unethical and unsafe mining practices in certain countries. Consequently, cobalt-free battery

technologies are being developed, such as nickel-iron-aluminium and lithium-iron-phosphate. There's also the issue of electricity; with more EVs on the roads there are predictions that demand for electricity could increase by 200 TWh (Terawatt-hours).³

However there are many positives to counteract the negatives. Lithium-ion batteries can power an EV for 15-20 years and once drained, can be reused for energy storage, including for renewable energies. Furthermore, some automotive companies such as Volkswagen have launched a battery recycling programme to take raw materials and reinvest in the manufacturing process.

43%

Global sales of electric cars increased by 43% in 2020 compared to the previous year, reaching 3.24 million vehicles.

¹ International Energy Agency Global EV Outlook 2021.

² Ovo Energy. Are electric cars really better for the environment than petrol or diesel? November 2020.

³ House of Commons Library. Electric vehicles and infrastructure. 23 June 2021.

Consumer concerns

Despite their rising popularity, it seems not all consumers are yet fully convinced of the merits of an EV. An AA motoring poll⁴ revealed that 81% of people consider electric cars to be too expensive. It's true that the upfront cost is higher on average for an EV but the overall cost of ownership may be lower in the long-term, due to cheaper charging costs and reduced tax.

Consumers are also concerned about the driving range afforded from a single charge, associated charging times and the worry of being stranded without a charging point. The infrastructure for electric cars is continually evolving and adapting and it's even predicted that more flexible working trends in a post-Covid world could result in shorter and more efficient journeys.

Insurance implications

Use of EVs does bring about a number of new risk exposures. Concerns have been noted regarding battery-related fire risks, where damaged lithium-ion batteries combust due to damage (in a vehicle accident for example), overcharging, being subject to high temperatures, or a latent manufacturing defect). This could lead to claims for commercial property and motor insurers, particularly where multiple cars and charging points are co-located in car parks and office premises.

Product liability insurance will also be extremely important for manufacturers and suppliers, since the combination of technology and increasing demand for faster development times heightens the risk of defects.

Electric vehicles comprise complicated, integrated components which are increasingly connected through sensors and embedded software. This not only leads to higher repair and labour costs but potentially to delays due to increased complexity of supply chains. The battery also brings high costs, since any repair work requires decommissioning of the battery which adds to the repair time. According to the AA, 65% of drivers want EV insurance to cover damage to the main drive battery.⁵

With many EVs also operating as connected vehicles which transmit data over networks, the risk of cyber threat and malicious attacks increases. There have already been product recalls in the automotive sector as a result of cyber security.

Driver competence is still key when it comes to EVs and it's important to note that EVs have functions and features which differ from petrol and diesel vehicles. Areas to consider in relation to driver training include:

- differences in performance and power delivery
- pedestrian and cyclist awareness (since EVs may be near silent at low speeds)
- journey planning (where it's critical for drivers to understand battery capacity, maximum battery life and the charging infrastructure on route)
- speed awareness, acceleration and throttle use
- maximising battery range, safe charging (including use and maintenance of charging connections and charging points).

In a workplace setting (motor vehicle repair shop or showroom facility) it's

important to consider any different or additional risks posed to technicians and to ensure they've received adequate information, instruction and training to work on EVs. Some specific hazards in the workplace include components capable of delivering a potentially fatal electric shock, storage of electric energy which could cause explosion or fire and motors which could move unexpectedly due to magnetic forces.

The Health and Safety Executive, RISC Authority and Institute of the Motor Industry produce information and guidance relevant to driving, charging and working on EVs.

The future

Sales numbers demonstrate a clear and growing appetite for EVs, coupled with Government incentives for individuals and businesses, either to contribute to the cost of buying an electric vehicle or to install charging points. The insurance industry is cognisant of this and developing solutions for specific EV exposures. Brokers will play an important part in advising customers on the different insurance needs and motor policies for EVs to ensure they have the right cover in place.



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Mark Pearce

Assisted or automated driving?



Peter Allchorne

Partner at DAC
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What constitutes a self-driving vehicle is defined within section 1 of the Automated and Electric Vehicles Act 2018 (AEVA) as '...capable, in at least some circumstances or situations, of safely driving themselves'. Section 8 of AEVA goes on to say '...a vehicle is "driving itself" if it is operating in a mode in which it is not being controlled, and does not need to be monitored, by an individual.'

When an automated vehicle is operating in self-driving mode, provided it was appropriate for the driver to engage the automated driving system (ADS) and all safety critical software updates have been carried out, the driver is not responsible for any negligent acts or omissions of the ADS in the event of a collision. While the vehicle is undertaking the dynamic driving task, the driver's status becomes that of a user-in-charge (UIC) and under

section 2 of AEVA the motor insurer will be responsible for dealing with any third party claims arising from accidents caused by the ADS, subject to a statutory right of recovery from the entity responsible for the ADS (the ADSE) under section 5 of the Act. For the purpose of AEVA, the UIC is treated as an innocent third party.

However, where the ADS issues a transition demand, requesting that the driver take back control within

a defined period, should the driver fail to do so, he/she will nonetheless regain the status of driver at the expiration of that period, and with it any civil and criminal liabilities that attach.

Although AEVA is now enacted, the concept of self-driving cars remains very much a theoretical concept, and there will therefore be no case law to draw on initially, as and when they do come to market.



ALKS will only be operative in motorway traffic jams and traffic 'waves'.

37mph

The UK Government is, in keeping with its strategy to make the UK a hub for the development of new technologies, hungry to find a first use case for vehicle automation, particularly in the post-Brexit environment. It is likely that this use case will come in the guise of Automated Lane Keeping Systems (ALKS). Such systems, recognised by the UN-ECE (which, amongst other things, provides type approval for new vehicles), are capable of controlling a vehicle in limited road scenarios with a central reservation and at speeds of up to 37mph (60km/h). In essence, ALKS will only be operative in motorway traffic jams / traffic 'waves'.

When activated, the ALKS controls the vehicle's speed and steering, keeping the vehicle within its lane at all times. The driver must remain in the driver's seat and be ready and able to take back control of the driving when prompted by the vehicle. UN-ECE Regulation 157 does not permit ALKS vehicles to make a lateral manoeuvre out of lane, which means that, should the disengaged driver fail to respond to a transition demand in time, the vehicle will either proceed at a speed of no more than 37mph or

will come to a stop in a live traffic lane, depending on the manufacturer's specifications. According to a number of industry stakeholders and road safety organisations, these are both potentially dangerous scenarios set against a backdrop of free flowing motorway traffic.

ALKS combine a number of technologies such as lane keeping assist (LKA), adaptive cruise control (ACC) and autonomous emergency braking (AEB), which hitherto have been described as assisted driver assistance systems (ADAS), rather than automation. While the technology continues to evolve, the current limitations of radar or LIDAR, cameras and sensors mean they are not capable of identifying and processing all hazards on the road, including motorcycles and pedestrians outside the centre of the lane of traffic. It is perhaps not surprising then that many commentators argue that the technology is not yet sufficiently advanced so as to enable the human driver to safely come 'out of the loop'.

The issue of transition demands is particularly problematic in the context of ALKS vehicles. The proposed timescale of

The issue of transition demands is particularly problematic in the context of ALKS vehicles.



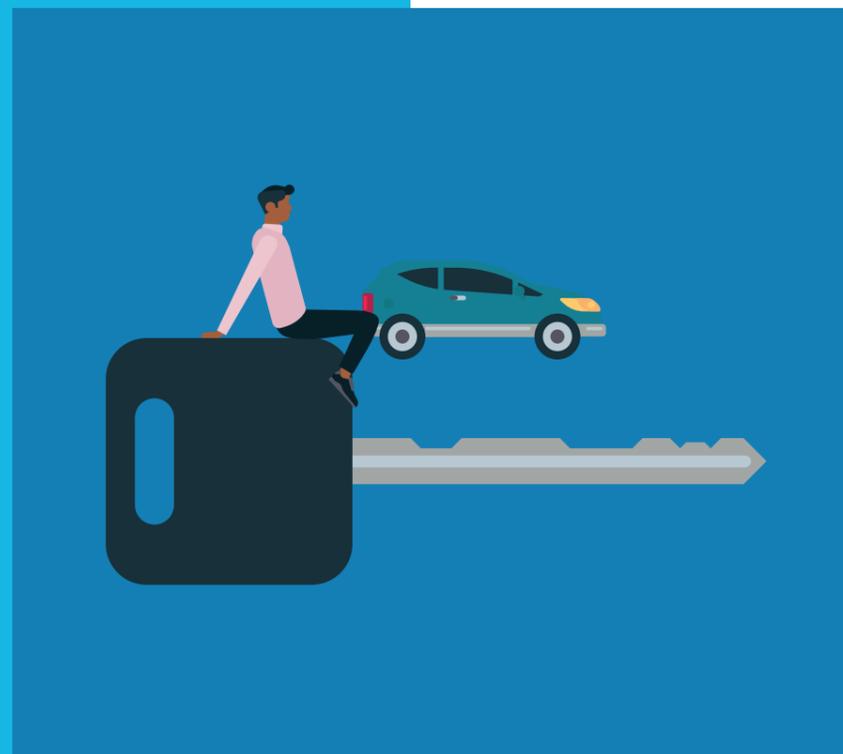
a minimum of 10 seconds between the issue of a transition demand to the human driver and the vehicle handing back control means that ALKS vehicles cannot reasonably pass the monitoring and control tests under section 8 of AEVA, and that the human driver must not be allowed to become so distracted such that he/she is ready to engage with the dynamic driving task at short notice.

Finally, there are a number of legislative amendments that will be required to facilitate the legal deployment of ALKS vehicles on UK roads. Necessary changes to primary legislation include the Road Traffic Act 1988, the Road Traffic Regulation Act 1984, the Police Reform Act 2002, and the Traffic Management Act 2004. Numerous pieces of delegated legislation will also require to be amended, including the Motorways Traffic (England and Wales) Regulations 1982, the Road Vehicles (Construction and Use) Regulations 1986, the Motorways Traffic (Scotland) Regulations 1995, and the Traffic Signs Regulations and General Directions 2016, as well as various sections of the Highway Code (on which the Department for Transport has recently consulted).

Autonomous cars the risks and opportunities

Some people may have felt excited by a recent BBC news headline titled "Self-driving cars to be allowed on the road this year"¹; however, this excitement may be a little premature.

Autonomous vehicles, also known as 'AVs' or 'self-driving cars' come in many guises, depending on their different levels of automation (see table on page 18). Currently, the highest level of automation permitted on UK roads is level 2 (partial driving automation), and both the insurance and automotive industries are keen to dispel any misconceptions of Automated Lane Keeping Systems (ALKS) being labelled as 'self driving' technology.



Gerry Ross

Head of Commercial
Motor, Allianz

Autonomous vehicles and Assisted Lane Keeping Systems (ALKS) – an important distinction

Fully autonomous vehicles can be described as vehicles which can sense and respond appropriately to the environment and conditions around them without human involvement. However, as the table overleaf illustrates, there are many different steps on the journey to full automation, plus a wealth of challenges with regards to regulatory and insurance considerations. In April, a Government announcement appeared to refer to ALKS as a 'self-driving vehicle system' which was met with consternation by Thattham Research and the Association of British Insurers (ABI).

Thattham Research was keen to clarify that ALKS technology is classed as 'assisted technology' rather than 'autonomous technology'. The former is already found in many modern cars and, as the name suggests, assists the driver in safely keeping control of the vehicle without taking over the control. Conversely, autonomous technology requires no input from the driver in order to make decisions, such as choosing to automatically apply the brakes if it senses an imminent danger of collision. The insurance industry is concerned that labelling ALKS as 'automated technology' is providing unrealistic expectations,

with a study by Thattham Research revealing that over half of British drivers (53%) believe they could already purchase a car fully able to drive itself, and that 11% would consider taking a brief nap when using an Assisted Driving system.²

Safety and legal requirements

The ABI and Thattham Research have cited four non-negotiable criteria which will need to be satisfied before ALKS can be categorised as automated technology:

- The vehicle must be both able (and permitted through legislation) safely to change lanes to avoid an incident.
- The vehicle must be able to identify a safe place to stop at the side of a road rather than in a 'live' lane.
- The technology must be able to identify and respond to UK road signs (and this needs to be assured by an independent organisation).
- For any incident, data must be made available remotely through a neutral server to identify who was 'in charge' – the driver or the vehicle.

The Automated and Electric Vehicles Act 2018, which received Royal Assent in 2018, came into force on 21 April 2021. This now provides a framework to identify automated vehicles in Great Britain.

¹ BBC News: 'Self-driving' cars to be allowed on UK roads this year. 28 April 2021
² Thattham Research Survey. 7 January 2019.

Different levels of automation

Different levels of automation		
0	No Driving Automation	Human controls all the driving such as steering, braking and acceleration.
1	Driver Assistance	The lowest level of automation. Most functions are controlled by the driver but a specific one, (e.g. steering or braking) can be performed automatically by the vehicle's advanced driver assistance system (ADAS).
2	Partial Driving Automation	ADAS can control both steering and braking/accelerating under some circumstances but the driver must pay full attention at all time and perform the rest of the driving task.
3	Conditional Driving Automation	An automated driving system can perform all aspects of driving under some circumstances. The human driver must be ready to take back control at any time the automated system requests.
4	High Driving Automation	An automated driving system can perform all driving tasks on suitably maintained roads and the driver does not need to pay attention in these circumstances.
5	Full Driving Automation	The automated driving system does all the driving in all circumstances; no human intervention is required.



11% would consider taking a brief nap when using an Assisted Driving System.

Insurance implications

Insurers are already grappling with a number of challenges likely to be presented by fully autonomous vehicle technology.

Firstly there's the issue of determining liability in the event of an accident. Whilst automated cars won't be subject to the same distractions as human drivers, they are subject to the same laws of physics, such as stopping distances. Furthermore, any self-driving car may only be as safe as the most competent human driving a vehicle with advanced level 2 automation – and it's acknowledged that even highly competent drivers have accidents. So where a fully autonomous vehicle is involved in an incident, it will most likely fall to sensor data to determine who or what was at fault. This itself brings new risks in the form of data manipulation,

hacking and cyber threats.

It's likely that autonomous and connected vehicles could become targets for cyber hackers, as vehicles systems become inextricably linked with the Internet of Things (IoT) and exchange data with other vehicles, consequently presenting a higher number of attack surfaces. Automotive 'over the air' (OTA) updates (similar to software updates performed remotely on smartphones) are already used to fix software glitches and security vulnerabilities but also introduce the potential for malicious cyber attacks.

Insurers also need to consider the transitional phase, where both traditional vehicles and vehicles with differing levels of automation both simultaneously occupy UK roads. During this period, there may be a spike in claims costs due to

more expensive repairs needed by autonomous vehicles. However, it's hoped that this will be offset in the longer-term by safety improvements associated with assisted and autonomous vehicle technology, resulting in fewer accidents.

Summary

We may be on the cusp of a 'transport revolution' but there's clearly still much to test and implement before autonomous vehicles can be rolled out widely. It's important for insurers and the automotive industry to work together on educating consumers around the differences between assisted and automated technology, both to manage expectations but also to raise awareness of safety implications.



Stephen Clery

Manager, Commercial
Motor, Allianz

With around 40 million vehicles fighting for space on UK roads¹, people are increasingly looking to e-scooters and e-bikes, also known as 'micromobility devices' as alternative methods of transport. These electric forms of travel offer many benefits, being more eco-friendly, lower cost and helping to ease the burden on the transport network. However these are not without risk and the rules regarding their use are still not widely understood.



Micromobility: a macro trend?

What defines an e-bike and e-scooter?

Electric bikes are standard bicycles equipped with an electric motor and battery. The battery supplies power to the motor, which provides additional power only whilst the rider is pedalling. The cyclist is in control of the motor which adjusts assistance and controls the torque; currently the legal speed limit for e-bikes is set at 15.5mph.

Similarly to e-bikes, e-scooters are manual scooters which use a rechargeable battery to propel a motor, driving the scooter forwards. Their top speed in the UK is also limited to 15.5mph in most areas,

despite many models' ability to exceed this.

The legal position

The law currently treats e-bikes and e-scooters very differently. E-bikes are subject to specific UK regulation – the Electrically Assisted Pedal Cycle (Amendment) Regulations 2015. This means that if they conform to this, they are treated the same as conventional bicycles and may be ridden legally on public roads or cycleways. However, if they don't conform, e-bikes are deemed to be subject to the same legislation as motor vehicles, requiring insurance and road tax.

On the other hand, it's currently illegal to ride e-scooters in public spaces as they are categorised as 'Personal Light Electric Vehicles' and do not comply with the Road Traffic Act or Highways Act. They may only lawfully be ridden on private land with the landowner's permission. Anyone caught riding an e-scooter in public could face a £300 fine, points on their licence or having the scooter seized; to date more than 353 e-scooters have been seized by the Met and a recent crackdown in Brixton town centre resulted in 20 vehicles being impounded.²

¹ Car Magazine. Number of cars on UK roads surpasses 40 million for first time. 21 April 2020.
² LBC. Police launch crackdown on e-scooter riders in south London. 18 May 2021.



As part of an official 12 month Government trial from 7 June 2021, e-scooters were made available to rent and be ridden on roads and cycleways in several London boroughs.

E-scooter trials

As part of an official 12 month Government trial from 7 June 2021, e-scooters were made available to rent and be ridden on roads and cycleways in several London boroughs. These trials come with a number of stipulations: any trial participants need a full or provisional car, motorcycle or moped licence and will additionally have to take an e-learning safety course before they initially hire the scooter. Furthermore, the scooters are limited to a maximum speed of 12.5mph and must have front and rear lights which are permanently switched on. Currently only three different operators have been authorised to provide the rental e-scooters – Dott, Lime and TIER.

Previously, Middlesbrough was the first town to launch an e-scooter rental scheme in 2020 but this came under wide criticism following hundreds of injuries and warnings of 'drink riding' and antisocial behaviour.

The risks

The use of e-bikes and e-scooters carries certain risks, often associated with human error.

Whilst e-bikes are deemed in law to be the same as non-power-assisted cycles, in many respects e-bikes share similarities with low-performing motorcycles – but without the same legal and insurance requirements. For example, riders don't need a licence, registration, insurance,

helmet or any protective gear. As a result riders may be tempted to ignore certain speed limits or road signs which could lead to dangerous situations on the road. Newer, more experienced users may also be unused to the extra weight of an e-bike compared to a pushbike and initially find the acceleration tricky to handle.

E-scooters have repeatedly come under fire for being labelled as dangerous for many reasons. Firstly they are quiet and relatively unnoticeable to unsuspecting pedestrians. Consequently there have been calls to ensure that dedicated spaces are allocated for e-scooters, so they are kept away from pedestrians and traffic.

There's also the risk of misuse where a rider acts without due care and attention or is under the influence of alcohol. In February, five men were charged with drink-driving whilst operating electric scooters in Newcastle.³

Another risk is that of head injury. The brain injury charity Headway provided recommendations to the Department for Transport (DfT), including fitting e-scooters with noise emitters and to promote the wearing of helmets for riders. In 2019 the first e-scooter rider to be killed in the UK died after she crashed in Battersea. A number of accidents have since been reported and the Met has stated that illegal usage means there have likely been many more.

³ BBC News. Newcastle e-scooters: Five men charged with drink-driving. 25 February 2021.

Insurance considerations

The increasing popularity of e-bikes and e-scooters has presented a number of considerations for insurers.

For example, whilst riding an e-scooter on the road is illegal (other than authorised rental e-scooters during the trial period), this does not automatically mean that there is contributory negligence in the event of an accident.

E-scooters are motor vehicles and if they cause an accident and are not insured then liability falls to the Motor Insurance Bureau under the Uninsured Drivers Agreement. It's predicted there may be a rise in personal injury claims as the London e-scooter fleet trials continue. Another consideration is the incidence of injury and third party damage claims following fire or explosion where e-bikes and e-scooters have overheated whilst charging. This can occur either as a result of the use of an incorrect charger or from battery damage.

Tailored insurance solutions are available for both e-bikes and e-scooters. In 2020 Allianz Partners agreed to provide insurance cover for Lime – the electric bike and scooter rental company involved in the Government trial. However, recognising the associated risks, as part of this partnership Allianz and Lime are running a global safety education programme for e-scooter riders, as well as sponsoring 50,000 helmets over two years.

The future

Micromobility devices such as e-bikes and e-scooters clearly satisfy a lot of requirements in terms of low-cost, 'green' travel but there remain a number of concerns around their safe operation in public spaces. It's likely the e-scooter trial will inform any future decisions on legislative change and the insurance industry will be poised to continually adapt their products and solutions accordingly.



E-scooters – what's legal & what's not



Caroline Hall

DAC Beachcroft,
Partner at DACB

E-scooters seem to have been taking over the roads and pavements of English cities since summer 2020, with the Government e-scooter trials kicking off in July 2020 in Middlesbrough. However, there is confusion about what is and isn't legal in the e-scooter world. Add in e-bikes and people are understandably unsure of what the rules actually are. Insurance? Roads or pavement riding? Can a retailer sell an e-scooter if they are illegal to ride anywhere but on private land? Is an e-bike the same as an e-scooter?

E-Scooters

Marketed as good for the environment and a safe way to travel in post pandemic England, the e-scooter has suddenly become a common sight in most areas of the country. However, currently only the e-scooters involved in the Government trials are legal to ride on English roads. Each city which has opted for a trial works with a rental company, which supplies the scooters. The data that is collected is then fed back to the Government, to help decision-making surrounding legislation when the trials end.

E-scooters provided within trial areas have maximum speed limits of 15.5mph, or 8mph in some specifically designated 'go-slow' areas in London. Within trial areas they are geofenced so they will stop working if taken outside of the area, or if they enter "go slow areas" their speed will be reduced. The maximum speed limit is 15.5mph although this has been reduced to 12.5mph for the London trials, which started in London on 7 June 2021. As the trials have progressed across the country many of the providers have reduced the top speeds down to 12.5mph, with Bournemouth reducing the speed on its promenade to 3mph between 10am – 6pm for the duration of the summer.

Anyone wishing to hire an e-scooter in the trial must be over 16 and have at least a provisional driving licence with category Q entitlement. Helmet wearing is recommended but not a requirement, although some providers are offering reduced ride costs if proof of wearing a helmet is uploaded to their app. In some European cities insurers have tied in with scooter providers to provide free helmets if safety courses are undertaken.

All trial scooters come with motor insurance, with the rental company providing the cover as part of the rental. The scooters remain classified as motor vehicles, hence the insurance cover being provided for the trials. Therefore riders can be charged with drink and drug riding offences, for careless and dangerous driving and receive penalty points for jumping red lights, using a mobile phone, riding on a pavement or surpassing an e-scooter speed limit. There have been a number of reports of riders being prosecuted and losing their licence when caught riding whilst drunk. A curfew on use was introduced in Newcastle after a number of students were stopped shortly after trials started and were found to be intoxicated. Other providers have introduced sobriety tests.

Originally meant to end in summer 2021 the trials have now been extended to 31 March 2022 to ensure that the "most comprehensive evidence" is collated for the Government to make the decision as to whether e-scooters should be legalised.

184%

Increase in the sale of e-scooters year on year in November 2020.

Privately owned e-scooters remain legal to buy but illegal to ride on anything other than private land, and then only with the landowner's permission. However, the Government trials have triggered an increase in the purchase of private scooters, with Halfords reporting a 184% increase in the sale of scooters year on year in November 2020.

Privately owned e-scooters are also classified as "personal light electric vehicles" (PLEV). These therefore require a driving licence, insurance, a helmet, paid road tax and a registration plate, none of which can currently be obtained and therefore the scooters remain classified as unroadworthy. If caught riding one

on a road or in another public space, a rider can face an on-the-spot fine of £300 and up to 6 penalty points on their licence for riding without insurance, along with the possibility of the scooter being confiscated. As with the trial scooters, the drink, drug, careless and dangerous driving offences also all apply.

Due to the prevalence of trial scooters many people are now buying e-scooters, which retailers are perfectly entitled to sell, but whether the person buying the e-scooter realises they can't use it anywhere other than on their own property or that of a friend is open to question. Some websites give no warnings and information in store can be in very small print.

E-bikes

E-bikes, in comparison to e-scooters are relatively straightforward as they are not classified as motor vehicles but are instead "EAPC" (electrically assisted pedal cycles) if they meet the following criteria:

- The electric assistance can only be provided to a maximum of 15.5mph
- The motor used must be no more than 250 watts
- The e-bike's pedals must be in motion for motor assistance to be provided
- The rider must be 14 years of age or over.

If an electric bike doesn't meet these criteria then they may fit other categories which classify them as

motor vehicles, and in fact see them as mopeds. If it does fit the above criteria then the rules are the same as for a standard bicycle; insurance is not required, they can be ridden where bikes can and a helmet is not required, but again is recommended.

The road ahead

When the Government e-scooter trials finish next year and legislation of e-scooters is reviewed, it is believed that the Government may plump for a similar approach to e-bikes i.e. lower age limit, restricted speed and wattage. The main question for all involved is whether, to afford appropriate protection to other road users, there will be a minimum insurance requirement for e-scooters. The Government could opt for an

option similar to Germany where insurance is provided at the point of sale. However, with another 10 months of data to be collated, an increasing number of accidents being reported in the trials and reports of a number of deaths of riders of illegal e-scooters, it is clear this is not a straightforward decision and the final position should be based on what the data reveals.



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