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# Reforming Poland's Legal Framework for Electric Scooter Use: Enforcement Gaps, User Perspectives and Policy Recommendations*

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## Abstract

The purpose of this article is to propose changes to the law and its application that should be introduced to prevent the phenomenon of widespread disregard for legal provisions concerning the use of electric scooters in Poland. The current legal regulations on this topic will be discussed, including the legal definition of an electric scooter, the duties of its users, as well as offences committed using them and the corresponding penalties. Their inadequacy in the face of the rapidly changing reality will be demonstrated, which results in a lack of compliance by electric scooter users. Based on the research mentioned, it will be possible to determine the extent to which the applicable legal provisions are actually enforced through inspections and the imposition of sanctions. Possible changes in the category of liberalization and tightening of current legal regulations in Poland, chosen by users of electric scooters, will be presented. The article will also present proposals for changes that, if implemented, could improve the current level of compliance with legal provisions in Poland. As a culmination of the discussion, an attempt will also be made to answer the question of how to define the place of electric scooters in road traffic, taking Poland as a case study.

**Keywords:** electric scooters, legal provisions, sanctions, offences, road traffic

## Introduction

Electric scooters are a relatively new means of transport which, upon their introduction into road traffic, have posed numerous practical and legislative challenges. In this area, legislative processes often struggle to keep pace with a rapidly changing reality. For this reason, the current reality on the roads differs from what the legal regulations in this area would indicate. It can be observed that, to a large extent, these regulations are ineffective, widely disregarded, or largely unenforced. Legislative processes take time, whereas real-world conditions can change within days. As a result, the discrepancy between legal regulations and the actual conditions on the roads is highly significant. Another challenge in regulating electric scooters arises from their distinctive characteristics, which do not fit easily into the traditional categories of road traffic. On the one hand, electric scooters appear too fast and dangerous for pedestrians on pavement. On the other hand, they seem too slow and unsafe for use on public roads. Due to their distinctive and innovative nature, electric scooters attract user interest and contribute to their growing popularity. The number of people choosing electric scooters as a mode of transport is constantly increasing. As a result, dangerous situations, including collisions with pedestrians and accidents caused by scooter users significantly exceeding the speed limit, are becoming more frequent. The gap between road conditions and legal regulations leads many electric scooter users to disregard the rules, perceiving them as inadequate and unnecessary to follow. They also think that they can avoid responsibility and that nothing bad will happen if they drive a little faster. That way of thinking leads to a widespread disregard for legal regulations governing the use of electric scooters in society. What exactly causes this phenomenon and how can it be prevented? How can legal

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regulations be adapted to the rapidly changing reality on the roads? Would stricter criminal penalties act as a deterrent and encourage greater compliance with the law? Finally, how can this issue be effectively regulated, and a proper place found for electric scooters in modern road traffic? This article aims to answer these questions and to propose effective amendments to Polish legal regulations in order to eliminate, or at least reduce, the widespread disregard for the laws governing the use of electric scooters.

## Current legislation

First, to better illustrate the legislative situation concerning electric scooters, the current legal provisions in this area will be presented and analyzed. The Road Traffic Act provides the legal definition of an electric scooter. According to Article 2, point 47b of the Act, it is defined as "an electrically powered, two-axle vehicle equipped with a steering handle, without a seat or pedals, designed for movement solely by the rider" (Act of 20 June, 1997). This definition distinguishes an electric scooter from bicycle by specifying the absence of a seat and pedals. It also requires that the vehicle be electrically powered, have two axles, and be equipped with a handlebar. Importantly, it is designed for a single rider, who also serves as the driver. At this point, it can be observed that this regulation is frequently disregarded by users riding electric scooters in groups, especially in pairs. Such behavior is illegal because only one person is permitted to ride an electric scooter. This is explicitly confirmed by Article 33a, paragraph 3, point 2 of the Road Traffic Act, which states: "The rider of an electric scooter is prohibited from carrying another person, an animal, or any cargo" (Act of 20 June, 1997). Transporting passengers in a vehicle that is not designed or adapted for this purpose is punishable by a fine of PLN 300 for each improperly transported person, up to a maximum of PLN 3,000, as set out in the Regulation of the Prime Minister on the Amount of Fines Imposed for Selected Types of Offences. The legal basis for this violation, which gives rise to the above-mentioned fine, is Article 97 of the Code of Petty Offences and Article 63, paragraph 1 of the Road Traffic Act. Article 63, paragraph 1 of the Act provides that "passengers may be transported only in a vehicle designed or adapted for that purpose (…)" (Act of 20 June, 1997). Article 97 of the Code of Petty Offences provides that "a road user or any other person on a public road, in a residential area or traffic zone, as well as the owner or possessor of a vehicle who violates other provisions of the Act of 20 June 1997 – Road Traffic Law, or the regulations issued on its basis, shall be subject to a fine of up to PLN 3,000 or a reprimand" (Act of 20 May, 1971). The research conducted, which examined, among other aspects, whether the surveyed electric scooter users ride with another person on a single scooter, shows surprisingly positive results. As many as 85.1% of respondents stated that they acted in accordance with the applicable law, meaning they had never ridden a scooter with another person. In turn, 12.9% of participants admitted to having done so, although only on rare occasions. Only 2% declared doing it relatively often (Riders, 2024). These results indicate that the vast majority of the population complies with this legal provision. Article 33a of the Road Traffic Act also sets out other prohibitions and obligations for e-scooter riders. Among these is the obligation to use "a roadway on which vehicles are permitted to travel at a speed not exceeding 30 km/h, where there is no cycle path, pedestrian and bicycle path, or bicycle lane" (Act of 20 June, 1997). This means that an electric scooter rider may use the roadway only when there is no bicycle or pedestrian path, and only if the speed limit on that road does not exceed 30 km/h. If neither option is available, the use of an electric scooter is prohibited. It is worth nothing that the maximum permitted speed for electric scooters is 20 km/h. As an exception, riding on a road with a 30 km/h speed limit is permitted, provided that the rider does not exceed a speed of 20 km/h. Bicycles also typically travel at speeds exceeding 20 km/h on bicycle paths or lanes. This is where the first discrepancy arises – between speed regulations and actual road conditions. Research on the speeds at which electric scooter users typically travel on bicycle paths shows that only 9.4% of respondents declared full compliance with the regulations, meaning they rode at speeds of up to 20 km/h (Fig. 1). Another 15.7% reported slightly exceeding this limit, reaching speeds of up to 25 km/h (Fig. 1). The remaining approximately 75% of users indicated speeds of up to 30 km/h, up to 35 km/h, or even around 40 km/h or more, with roughly one-third of respondents falling into each of these categories (Riders, 2024). These results clearly show that the vast majority of electric scooter users exceed the permitted speed limit.

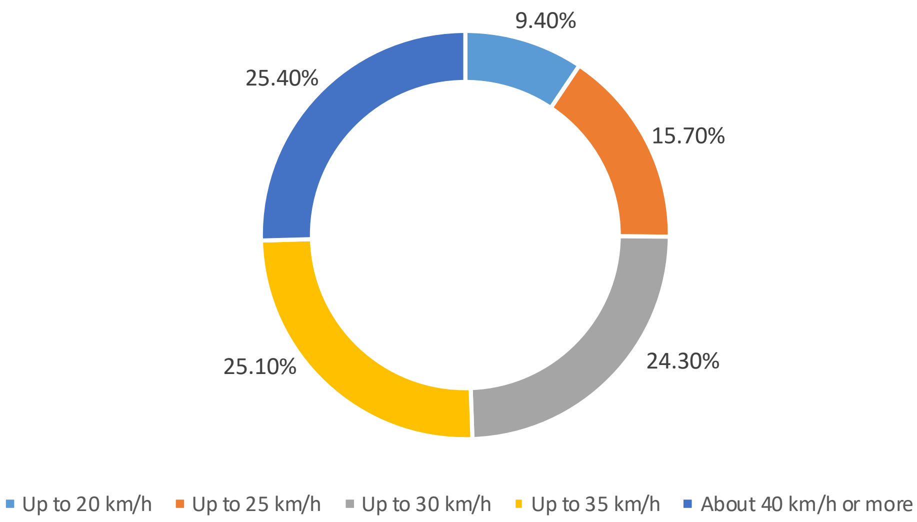


**Figure 1. Speed limit for riding an e-scooter on a bicycle road**

The prohibitions set out in Article 33a, paragraph 3 of the Road Traffic Act also include a ban on "pulling or towing another vehicle" (Act of 20 June, 1997) and on "riding on the roadway, except when using a bicycle lane, a bicycle crossing, or a roadway where vehicle traffic is permitted at a speed not exceeding 30 km/h, in cases where no bicycle path, pedestrian and bicycle path, or bicycle lane is available" (Act of 20 June, 1997). The latter provision, in a sense, repeats what is set out in Article 33a, Section 1 of the same Act. Article 33a, Section 2 of the act provides that "riding on a pedestrian path by an electric scooter rider is exceptionally permitted when the pedestrian path runs alongside a roadway where vehicle traffic is allowed at speeds exceeding 30 km/h, and where no bicycle path, pedestrian and bicycle path, or bicycle lane is available" (Act of 20 June, 1997). Based on the regulations discussed, the following hierarchy of road use for electric scooters can be inferred: first, riders should use a cycle path, a combined pedestrian and cycle path, or a cycle lane. Only if none of these options are available may they use a pedestrian path or a roadway with a 30 km/h speed limit. If an electric scooter rider chooses to use a pedestrian path, they must remember that in this situation "they are obliged to travel at a speed similar to that of a pedestrian, exercise particular caution, yield to pedestrians, and avoid obstructing their movement" (Act of 20 June, 1997). Accidents in this context are common because electric scooter riders rarely yield to pedestrians and often travel faster – or even significantly faster – than pedestrians. E-scooters on pedestrian paths present the greatest risk to pedestrian safety and health. Riders frequently pass pedestrians at close range, which, if a pedestrian unexpectedly steps towards the scooter, could lead to a serious accident. Failure to comply with the above regulations constitutes an offense under Article 86a of the Code of Petty Offences, which provides: "Whoever, while riding an electric scooter on a pedestrian path, fails to travel at a speed close to that of a pedestrian or fails to yield the right of way to a pedestrian shall be subject to a fine or a reprimand" (Act of 20 May, 1971). The penalty imposed via a ticket in such cases is PLN 300 for both violations: exceeding the pedestrian-level speed and failing to yield to pedestrians (Regulation of the Prime Minister of 24 November 2003). In practice, however, this provision appears to be largely unenforced. Returning to the research, the following trends can be observed. When asked about their typical speed on a sidewalk, 67.4% of respondents stated that they travel at 5-7 km/h when pedestrians are present, but ride significantly faster when the sidewalk is empty (Riders, 2024), (Fig. 2). The problem is that in the evening, when visibility is reduced, pedestrians are harder to spot, and they can suddenly appear on the sidewalk at any moment. Consequently, the reported behavior appears quite risky. Additionally, the study found that 24% of electric scooter users typically exceed 5-7 km/h even when pedestrians are present on the sidewalk (Riders, 2024), (Fig. 2.). This indicates that nearly a quarter of riders travel faster than permitted on pedestrian paths, creating a significant risk of accidents. Only 5.1% of respondents reported riding at pedestrian-level speeds (approximately 5-7 km/h), even on empty sidewalks. Furthermore, 3.5% stated that they never use sidewalks (Riders, 2024), (Fig. 2). These findings clearly demonstrate that compliance with this regulation is very low.

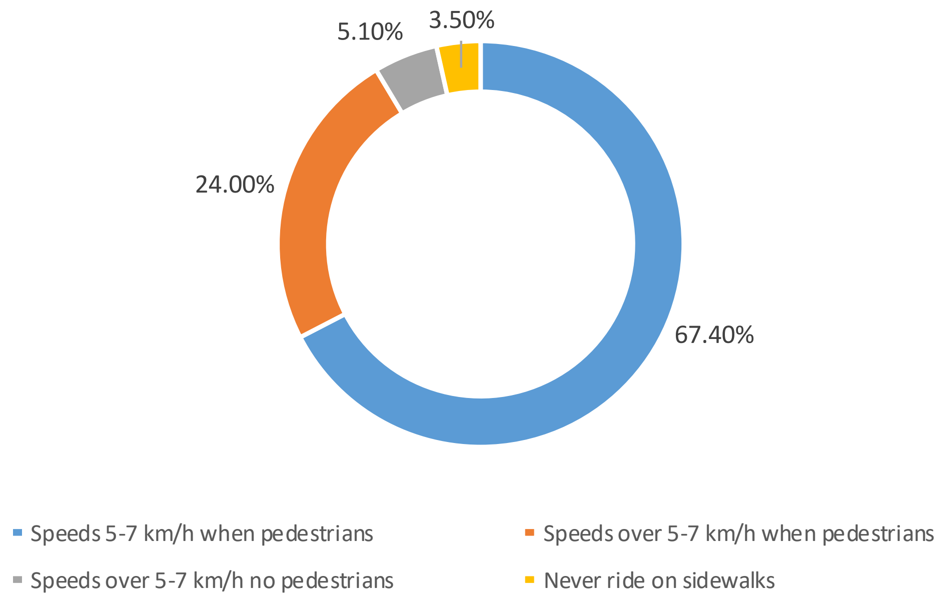


**Figure 2. E-scooter speed on sidewalks**

It is also worth noting Article 33d of the Road Traffic Act, which prohibits "allowing a child under 10 years of age to ride an electric scooter on the road" (Act of 20 June, 1997). The following paragraph specifies that "in a residential zone, a child under 10 may ride an electric scooter only under the supervision of an adult" (Act of 20 June, 1997). For individuals aged 10-18, riding an electric scooter on the road requires a bicycle card or a driving license of category AM, A1, B1, or T. No documents are required for riders over 18 years of age (Stefański, 2024). Riding an electric scooter after consumption of alcohol or under the influence is illegal. A blood alcohol concentration (BAC) of 0.2 to 0.5 per mille is considered as "driving after consumption of alcohol", while a BAC above 0.5 per mille is considered as "driving under the influence". Consequently, the legal limit is below 0.2 per mille. The distinction between "driving after consumption of alcohol" and "driving under the influence" is important due to the differing penalties. Article 87 § 2 of the Code of Petty Offences provides that if a person, "after consumption of alcohol or a similarly acting substance, drives a vehicle other than that specified in § 1(a motor vehicle) on a public road, in a residential area, or a traffic zone, they shall be subject to arrest or a fine of no less than PLN 1,000" (Act of 20 May, 1971). Electric scooters are not classified as motor vehicles. Therefore, the provisions regarding non-motor vehicle apply. Article 87 § 1 of the Code of Petty Offences provides that "whoever, being after consumption of alcohol or a similarly acting substance, drives a motor vehicle on land, water or in air traffic shall be subject to arrest or to a fine not less than PLN 2,5000" (Act of 20 May, 1971). Paragraph § 1a of the same article refers to § 1 and states that "the same penalty (arrest or a fine of not less than PLN 2,5000) shall apply to anyone who, being under the influence of alcohol or a similarly acting substance, drives a vehicle other than that specified in § 1 on the public road, in a residential area or in traffic zone" (Act of 20 May, 1971). Furthermore, Article 87 § 4 provides that "in the event of an offence referred to in § 1a or § 2, a driving ban may be imposed on vehicles other than those specified in § 1 (motor vehicles)" (Act of 20 May, 1971). To assess how this legal regulation corresponds with actual behavior, it is worth referring to studies in which respondents were asked whether they had ever ridden an electric scooter after consumption of alcohol. According to these studies, as many as 76.6% of respondents reported that they had never ridden after consumption of alcohol (Fig. 3). Notably, 16.6% admitted to doing so, but only after consuming small amounts of alcohol, estimating their blood alcohol concentration to be below 0.2 per mille. Fewer than 5% stated that they had ridden an electric scooter after consumption of alcohol and reaching a blood alcohol concentration of 0.2 per mille or higher, although they described this as an isolated incident. Only 2% of respondents indicated that they occasionally rode an electric scooter after consumption or under the influence of alcohol (Riders, 2024), (Fig. 3). It is therefore evident that only a small proportion of individuals engage in illegal behavior. Perhaps the severity of the fines effectively deters e-scooter users from riding with a blood alcohol concentration above the legal limit.

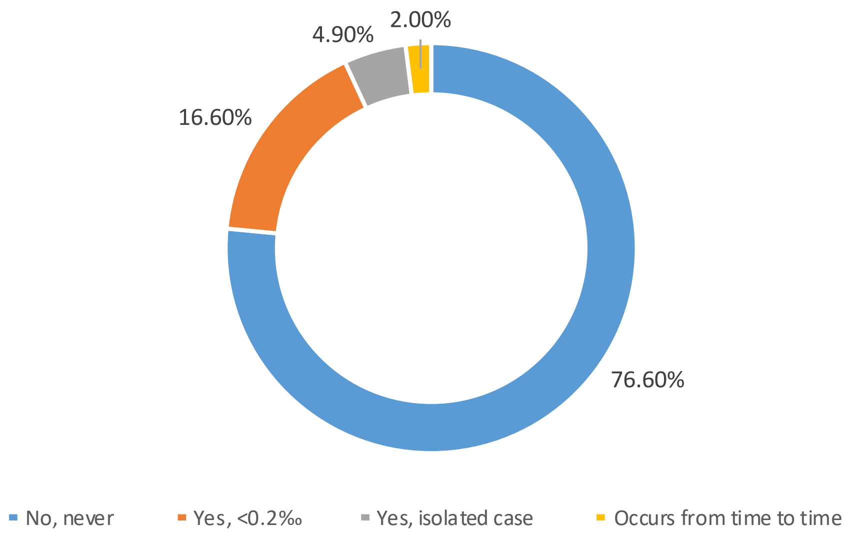


**Figure 3. Riding an e-scooter after drinking alcohol**

## Prospects for adapting legal regulations to road traffic realities

To illustrate how legal provisions operate in practice, it is necessary to examine research concerning police interventions – their frequency, nature, and outcomes, such as the issuance of tickets or warnings. Respondents were first asked whether they had ever been subjected to an intervention or inspection by the Police or Municipal Guard in connection with riding an electric scooter (Fig. 3). As many as 87.4% of respondents reported that they had never experienced such a situation, while the remaining 12.6% answered in the affirmative. Subsequently, respondents were asked about the reasons for the intervention by the Police or Municipal Guard. The results indicated that the majority (29.5%) of the checks concerned sobriety testing. This was followed by stops for riding in prohibited areas and for verifying the legality of an electric scooter, both accounting for 18.2%. Surprisingly, and concerningly, stops for speeding were the least frequent, representing only 4.5% of all interventions (Riders, 2024). It appears that speeding violations are largely ignored. On a positive note, sobriety checks among e-scooter users are conducted relatively frequently.

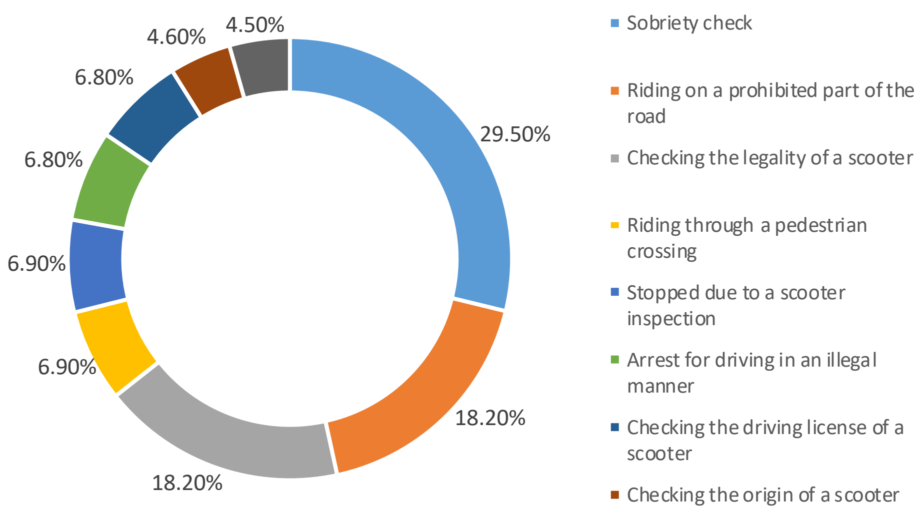


**Figure 3. Scope of intervention by the Police or Municipal Guard**

The final aspect examined in this context concerned the outcomes of police or Municipal Guard interventions in the form of fines or warnings. The majority of respondents (59.1%) reported that they had never received a fine or warning as a result of such interventions. Among those who did receive sanctions, 27.3% indicated that they had received a warning, 11.4% reported having received a fine, and only 2.3% stated that they were awaiting court proceedings (Riders, 2024). These findings indicate that the majority of carried out interventions do not lead to sanctions. When consequences are imposed, a warning is more than twice as likely as a fine. On average, only one in ten inspections results in a fine, suggesting that fines are infrequently applied and that, in most cases, enforcement is relatively lenient, with warnings being the predominant outcome. The studies discussed above highlight the limited enforcement of legal regulations concerning the use of electric scooters in road traffic and the violations associated with their improper use. In this context, adapting legal regulations to reflect the realities of road traffic and ensuring their effective enforcement during inspections appears both urgent and necessary.

But what specific changes should be implemented? To address this question, electric scooter users were asked for their opinions in the survey (Fig. 4). First, the survey addressed proposed changes aimed at liberalizing the current law. Two suggestions were the most popular among respondents. The most frequently supported proposal (by 74.3% of respondents) was to allow electric scooters on all roads where cyclists can ride. The second most popular change (supported by 64.9% of respondents) was to increase the maximum permissible speed of electric scooters to at least 25-32 km/h. Additionally, 44.3% of respondents favored abolishing the requirement for a factory-installed speed limiter. Interestingly, 31.4% of respondents supported the addition of a seat on electric scooters. Only 0.6% of respondents believed that current regulations should not be liberalized in any way (Riders, 2024). This indicates that nearly all electric scooter users support the liberalization of regulations, particularly regarding riding on public roads and increasing the maximum speed limit to 25-32 km/h. Such changes appear justified, given that electric scooters are currently limited to a maximum speed of 20 km/h. In areas without dedicated roads or bicycle lanes, riding on streets with a speed limit of 30 km/h is permitted, however electric scooters are still restricted to a maximum speed of 20 km/h. It is therefore unsurprising that electric scooter users advocate for the ability to ride at speeds of up to 30 km/h. The general trend indicates that electric scooter users would like their vehicles to be treated similarly to bicycles, as reflected in their desire for features such as a seat or the ability to ride at speeds and on roads permitted for bicycles. However, it should be noted that the legal definition of an electric scooter specifies that such a vehicle does not have a seat or pedals, which among other factors distinguished it from bicycles. Consequently, electric scooters cannot be treated in the same manner as bicycles. Any potential increase in the maximum speed of electric scooters should be limited to roads with a speed limit of up to 30 km/h, raising the scooters' speed to that level. Such an increase should not be applied in other contexts, particularly on pedestrian paths. The current restriction of 20 km/h, especially on roads where other vehicles may travel at up to 30 km/h, is "neither technologically adequate nor consistent with the principle of equality before the law" (Burtowy, 2023)when compared, for example to bicycles, with which these sections of road are shared (Burtowy, 2023).

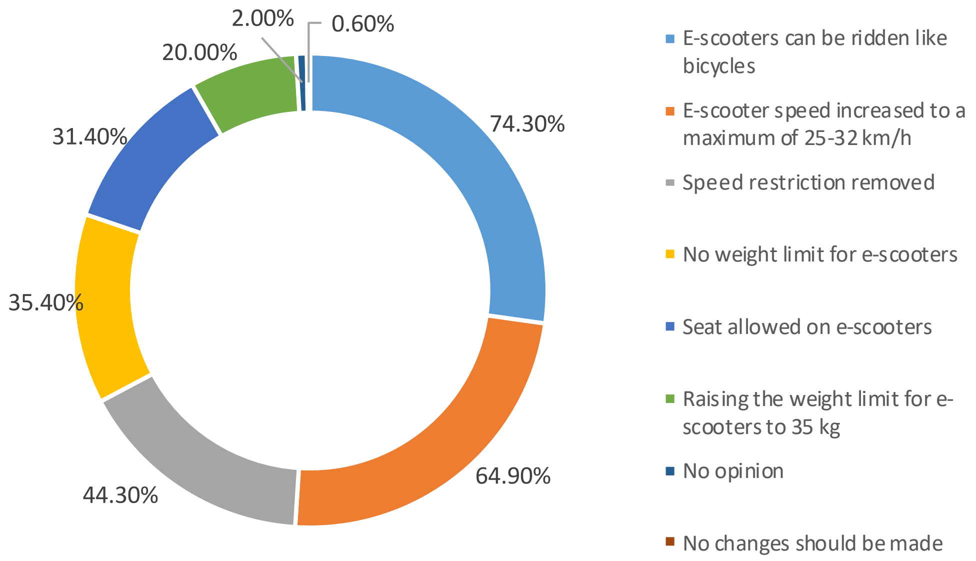


**Figure 4. Liberalization of e-scooter regulations**

Regarding the tightening of current regulations, electric scooter users participating in the survey expressed the following opinions. The most frequently selected measure was the introduction of mandatory helmet use for all users, supported by 48% of respondents. Nearly as popular (46%) was raising the minimum age for riding an electric scooter to 12-14 years. As an alternative to mandatory helmet use for all, 39.7% of respondents supported requiring helmets only for underage users. By contrast, 14.6% of respondents believed that no additional restrictions were necessary (Riders, 2024). The responses provided by users primarily emphasize rider safety. Mandatory helmet use, particularly for minors, is a highly appropriate measure that would contribute to increased safety on roads and paths used by electric scooters. Similarly, raising the minimum age for riding an electric scooter is a sensible idea, considering not only safety but also the rider's level of development and awareness. It is worth noting that the current draft amendment to the Road Traffic Act requires children and adolescents under 16 to wear a protective helmet when riding a bicycle, electric scooter, or other personal mobility device. Implementing such a requirement would reduce the number of tragic accidents, which are constantly increasing year by year. According to statistics from the Police Headquarters, the number of accidents involving electric scooters in the first half of 2025 increased by 85%, while the number of children injured in such accidents rose by over 95% (Horbaczewski, 2025). A mandatory helmet requirement for electric scooter riders, particularly for minors, should be implemented to ensure their safety as well as that of other road users. Moreover, imposing fines for not wearing a helmet and their effective enforcement, could significantly improve legal compliance.

The studies cited and discussed indicate that the widespread disregard for legal regulations governing electric scooter use largely results from the infrequent enforcement of these rules, even in the form of fines. Inspections typically conclude with warnings, which ultimately have no effect on users' behavior. Consequently, electric scooter riders perceive a lack of accountability and are less motivated to comply with existing regulations. Could stricter penalties, such as higher fines, arrest, or restriction of liberty, serve as an effective deterrent, compelling electric scooter users to comply more consistently with the law? Alternatively, the number of inspections could be increased and warning sanction eliminated, so that the least severe penalty would be a fine of meaningful consequence. Implementing such changes would likely lead to improved adherence to legal regulations among electric scooter riders.

When considering how to find space for electric scooters in road traffic, the most effective solution appears to be the creation of a dedicated lane for electric scooters, like the lanes provided for pedestrians, bicycles, cars and other motor vehicles. Electric scooters constitute a distinct mode of transportation. They are most similar to bicycles and, consequently, should primarily use bicycle lanes, followed by other appropriate roads. However, electric scooters differ from bicycles in that they can travel at speeds of up to 20 km/h, which is slower than most bicycles. This may hinder cyclists' movement and require them to overtake electric scooters. Even on roads with speed limits of up to 30 km/h, electric scooters still move more slowly, further impeding other vehicles. Therefore, unless the permissible speed is increased in such situations, it is difficult to argue that these roads provide an appropriate space for electric scooters in traffic. Riding on pedestrian sidewalks requires e-scooters to travel at speeds close to those of pedestrians (approximately 5-7 km/h), which obviously increases pedestrian safety. However, this defeats the purpose of using an electric scooter, as one could walk just as easily at the same speed. Consequently, users often exceed the permitted speed on sidewalks, creating hazards and contributing to numerous accidents. Therefore, riding electric scooters on public roads shared with pedestrians should be completely prohibited. If this option is not removed and the speed limit on cycle lanes and roads is not increased to 30 km/h, the only viable solution is to designate a separate lane specifically for electric scooters. This solution appears to be the most advantageous, although it would be costly, time-consuming, and difficult to implement in many areas. It also remains uncertain whatever users would actually use such lanes or continue to ride as they do now. Furthermore, some users might feel excluded from regular traffic or conversely, distinguished due to the creation of a separate lane designated specifically for them.

## Summary

To summarize, it can be concluded that the problem of legal regulations not aligning with the realities of road traffic is genuine and requires changes aimed at ensuring greater compliance with legal provisions among e-scooter users. The widespread disregard for these rules largely stems from the lack of effective enforcement of existing standards. Therefore, both the number and effectiveness of inspections should be increased. Strengthening penalties, by raising fines, eliminating warnings, and potentially introducing penalties such as arrest or restriction of liberty, could also produce positive outcomes, encouraging more e-scooter users to comply with legal provisions. Another issue that requires change is the current speed limit, which should be increased from 20 km/h to 30 km/h on roads where this limit also applies. On the other hand, prohibiting electric scooters from pedestrian routes, where accidents most frequently occur, would enhance safety and reduce the number of situations posing a threat to the life and health of pedestrians. Introducing a mandatory helmet requirement for underage electric scooter users, and potentially for all users, would, in turn, enhance their safety on the road. Raising the minimum age for riding an electric scooter from 10 to 13 years also appears to be a reasonable and well-justified solution. The most effective solution would be to create a dedicated lane exclusively for electric scooters, which would eliminate the need to adapt them to other modes of transport and instead provide a distinct space for them within road traffic.

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