

Child seats on shared bikes at issue

Shared bike companies discourage the use of removable child seats on their bikes and warn that users must take full responsibility for any accidents involving a child seat.

The child seats – which can be attached to different brands of shared bikes – popped up in online marketplaces with advertisements claiming the products are safe, reliable and easily attached and removed from the bikes.

But several bike-sharing companies including Ofo, Mobike and Mingbikes released statements saying their user agreements forbid carrying extra passengers on the bikes because of safety risks, and warning that they assume no legal responsibility if a violation leads to an accident.

Ofo said its on-street personnel, who mostly shift bikes between locations depending on demand, will attempt to persuade bike users to remove child seats if they spot them. If persuasion fails, employees are instructed to contact the police, it said.

A Mobike employee in the public relations department who asked not to be named said the company has been contacting online shopping websites that sell the detachable child seats, including Taobao, and asking them to remove the product because of safety concerns.

“We have been negotiating with Taobao and other shopping websites to remove the child seats from the shelves because of potential safety risks, but the initiative is in the hands of the websites,” the employee said.

Taobao said negotiations with Mobike are ongoing.

According to the Road Safety Law in effect since 2011, local governments can decide if bike riders can carry passengers depending on the local situation. For example, Beijing’s road safety regulation allows adult riders to take passengers under age 12 on fixed seats, while riders under 18 are forbidden to carry passengers.

Wang Weiwei, a lawyer at Beijing Zhongwen Law Firm who has an interest in laws and regulations on road safety, said the child seats designed for the shared bikes are not “fixed”, so their sale and use should be banned in Beijing and other cities with similar regulations.

“The bike company is still liable if an accident arises due to a quality issue with the bike,” Wang said. “The shopping websites, along with the manufacturers, are also liable for compensation if they fail to monitor the goods they are selling on the platform,” he said.

Zhu Wei, deputy director of the Communication Law Center at China University of Political Science and Law, said parents who knowingly use the product in violation of the user agreement should take primary responsibility for an accident or injury.

“The product manufacturer, who should have expected the safety risks the product brings about, is also to blame. In places where the product is contrary to local road safety regulations, the supervisory body should ban its sale and use,” he said.

“Shared bikes have brought people back once again to the age of bicycles, but people are already unfamiliar with related regulations and laws. The public’s awareness of the law and safety still needs to be improved.”

The Beijing Commission of Transport did not respond to a request for comment.

In July, Ofo became the first shared bike company to face a lawsuit in China over an accident involving one of its bikes. The lawsuit came in March after an 11-year-old boy was killed in a collision with a bus in Shanghai.