

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council of Howard County, Maryland

2020 Legislative Session

Legislative Day No. 1

Bill No. 3-2020

Introduced by: The Chairperson at the request of the County Executive

AN ACT permitting a publicly accessible electric scooter sharing system for short-term electric scooter trips on certain County rights-of way; requiring certain information in support of an application for a permit; requiring permit fees as part of the permit; and generally related to electric scooters on public rights-of-way in Howard County.

Introduced and read first time _____, 2020. Ordered posted and hearing scheduled.

By order _____
Diane Schwartz Jones, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2020.

By order _____
Diane Schwartz Jones, Administrator

This Bill was read the third time on _____, 2020 and Passed ____, Passed with amendments _____, Failed _____.

By order _____
Diane Schwartz Jones, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ___ day of _____, 2020 at ___ a.m./p.m.

By order _____
Diane Schwartz Jones, Administrator

Approved/Vetoed by the County Executive _____, 2020

Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; ~~Strike-out~~ indicates material deleted by amendment; Underlining indicates material added by amendment

1 **Section 1. Be It Enacted** by the County Council of Howard County, Maryland that the Howard
2 County Code is amended as follows:

3 1. By amending Title 21 “Traffic Control and Transportation”
4 Section 21.101(x)

5
6 2. By adding Title 21 “Traffic Control and Transportation”
7 Subtitle 8. “Publicly Accessible Electric Scooter Sharing System Permit”
8

9 **Title 21. Traffic Control and Transportation.**

10 **Subtitle 1. Definitions, General Provisions.**

11
12 **Section 21.101. Definitions.**

13 (x) *Motor* *[[vehicle]]*VEHICLE:

14 (1) MEANS *[[means]]* a vehicle which is self-propelled or propelled by electric power, but not
15 operated upon rails.

16 (2) DOES NOT INCLUDE AN ELECTRIC LOW SPEED SCOOTER AS DEFINED BY SECTION 11-117.2
17 OF THE TRANSPORTATION ARTICLE OF THE ANNOTATED CODE OF MARYLAND.
18

19 **Title 21. Traffic Control and Transportation.**

20 **SUBTITLE 8. PUBLICLY ACCESSIBLE ELECTRIC SCOOTER SHARING SYSTEM PERMIT.**

21
22 **SECTION 21.800. PUBLICLY ACCESSIBLE ELECTRIC SCOOTER SHARING SYSTEM PERMIT**
23 **PROCESS; DEFINITIONS.**

24 (A) *PERMIT AUTHORITY.* THERE IS A PUBLICLY ACCESSIBLE ELECTRIC SCOOTER SHARING SYSTEM
25 PERMIT IN HOWARD COUNTY. A PERMIT IS REQUIRED WHEN A PERSON OPERATES A PUBLICLY
26 ACCESSIBLE ELECTRIC SCOOTER SHARING SYSTEM WITHIN THE PUBLIC RIGHTS-OF-WAY.

27 (B) *MAXIMUM NUMBER OF PERMITS ISSUED.* THE COUNTY SHALL ISSUE NO MORE THAN FOUR PERMITS
28 PER YEAR.

29 (C) *DEFINITIONS.* EXCEPT AS PROVIDED IN PARAGRAPH (6) OF THIS SUBSECTION, IN THIS SUBTITLE,
30 THE FOLLOWING TERMS SHALL HAVE THE MEANINGS INDICATED:

31 (1) *ADMINISTRATOR* MEANS THE ADMINISTRATOR OF THE OFFICE OF TRANSPORTATION.

1 (2) *PERMIT* MEANS THE PUBLICLY ACCESSIBLE ELECTRIC SCOOTER SHARING SYSTEM PERMIT
2 THAT SHALL INCLUDE THE TERMS REQUIRED BY SECTION 21.802 OF THIS SUBTITLE.

3 (3) *PERSON* MEANS AN INDIVIDUAL, CORPORATION, PARTNERSHIP, BUSINESS TRUST, LIMITED
4 LIABILITY COMPANY, OR ANY OTHER TYPE OF BUSINESS ENTITY.

5 (4) *PUBLIC RIGHTS-OF-WAY* MEANS THE:

- 6 (I) ROADS OWNED AND MAINTAINED BY THE COUNTY;
- 7 (II) PATHWAYS AND PARK LAND OWNED BY THE COUNTY;
- 8 (III) SIDEWALKS OWNED BY THE COUNTY; AND
- 9 (IV) REAL PROPERTY OWNED AND CONTROLLED BY THE COUNTY.

10 (5) *PUBLICLY ACCESSIBLE ELECTRIC SCOOTER SHARING SYSTEM* MEANS A PROGRAM PROVIDING
11 ELECTRIC SCOOTERS FOR SHORT-TERM TRIPS WITHOUT REQUIRING THE INSTALLATION OF
12 ANY INFRASTRUCTURE WITHIN THE COUNTY OTHER THAN THE DEPLOYMENT OF SCOOTERS
13 OR UTILIZING A DOCKING SYSTEM FOR CHARGING THAT IS DEPLOYED AND MAINTAINED BY
14 THE PERMIT HOLDER WITH THE WRITTEN APPROVAL OF A PROPERTY OWNER.

15 (6) *SCOOTER* MEANS AN “ELECTRIC LOW SPEED SCOOTER” AS DEFINED BY SECTION 11.117.2 OF
16 THE TRANSPORTATION ARTICLE OF THE ANNOTATED CODE OF MARYLAND. A SCOOTER
17 WILL BE TREATED AS A BICYCLE, AS DEFINED BY SECTION 11-104 OF THE TRANSPORTATION
18 ARTICLE OF THE ANNOTATED CODE OF MARYLAND, WHEREVER THE TERM “BICYCLE” IS
19 USED IN THIS CODE.

20
21 **SECTION 21.801. PERMIT APPLICATION.**

22 (A) *PERMIT APPLICATION*. THE ADMINISTRATOR SHALL CREATE AN APPLICATION FORM THAT SHALL
23 REQUIRE AN APPLICANT TO SUBMIT THE FOLLOWING INFORMATION:

- 24 (1) THE APPLICANT’S FULL LEGAL NAME AND ANY TRADE NAME UNDER WHICH THE APPLICANT
25 OPERATES;
- 26 (2) PROOF OF ADEQUATE INSURANCE;
- 27 (3) A BOND OR OTHER SECURITY ACCEPTABLE TO THE COUNTY; AND
- 28 (4) SUCH OTHER INFORMATION AS THE COUNTY MAY REQUIRE IN AN APPLICATION FORM.

29 (B) *CONSIDERATION OF AN APPLICATION*. THE ADMINISTRATOR, IN CONSULTATION WITH THE
30 DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS, SHALL CONSIDER AN APPLICATION SUBMITTED
31 UNDER THIS SECTION.

1 **SECTION 21.802. PERMIT TO OPERATE A PUBLICLY ACCESSIBLE ELECTRIC SCOOTER SYSTEM;**
2 **PERMIT TERMS; PERMIT ISSUANCE.**

3 (A) *TERMS OF THE PERMIT.* A PERMIT SHALL INCLUDE, WITHOUT LIMITATION:

- 4 (1) A DESIGNATION OF THE AREAS WHERE SCOOTERS MAY BE OPERATED;
5 (2) A DESIGNATION OF THE AREAS WHERE SCOOTERS MAY BE PARKED;
6 (3) THE REQUIREMENT TO PROVIDE A DEVICE USED TO REGULATE THE SCOOTER SPEED;
7 (4) RESPONSIBILITIES OF THE PERMIT HOLDER;
8 (5) THE REQUIREMENT TO PAY AN ANNUAL PERMIT FEE AND THE AMOUNT OF THE FEE;
9 (6) A REQUIREMENT THAT THE PERMIT HOLDER WILL PROVIDE A BOND OR OTHER SECURITY
10 ACCEPTABLE TO THE COUNTY WHICH BOND SHALL BE IN AN AMOUNT SUFFICIENT TO COVER
11 COSTS TO THE COUNTY;
12 (7) A REQUIREMENT TO KEEP AND PROVIDE CERTAIN DATA AND REPORTS;
13 (8) A REQUIREMENT TO HOLD CERTAIN LEVELS OF GENERAL LIABILITY INSURANCE COVERAGE
14 AND WORKERS' COMPENSATION INSURANCE COVERAGE;
15 (9) INDEMNIFICATION OF THE COUNTY BY THE PERMIT HOLDER;
16 (10) THE TERM OF THE PERMIT AND ANY CONDITIONS OF PERMIT MODIFICATION;
17 (11) THE MINIMUM AND MAXIMUM NUMBER OF SCOOTERS THAT A PERMIT HOLDER CAN
18 OPERATE;
19 (12) CONDITIONS UNDER WHICH THE PERMIT CAN BE REVOKED; AND
20 (13) ANY OTHER REQUIREMENT THAT THE ADMINISTRATOR DEEMS NECESSARY.

21 (B) *NONTRANSFERABLE.* A PERMIT ISSUED UNDER THIS SUBTITLE IS NOT ASSIGNABLE OR
22 TRANSFERRABLE TO OR SHAREABLE WITH ANY OTHER PERSON NOT IDENTIFIED IN THE PERMIT.

23
24 **SECTION 21.803. PERMIT FEES.**

25 PRIOR TO THE ISSUANCE OF A PERMIT UNDER THIS SUBTITLE, THE COUNTY SHALL CHARGE, AND AN
26 APPLICANT SHALL PAY, A PERMIT FEE FOR A PERMIT ISSUED UNDER THIS SUBTITLE. THE AMOUNT OF
27 THE PERMIT FEE SHALL BE SET FORTH IN THE PERMIT ENTERED INTO UNDER SECTION 21.802 OF THIS
28 SUBTITLE.

1 **SECTION 21.804. USE OF PUBLIC RIGHTS-OF-WAY.**

2 NOTHING IN THIS SUBTITLE SHALL OTHERWISE AFFECT OR LIMIT THE COUNTY'S PROPRIETARY RIGHT
3 TO CHARGE A SEPARATE FEE OR TO REQUIRE A SEPARATE CONSENT FOR ACCESS TO OR THE USE OF
4 THE PUBLIC RIGHTS-OF-WAY.

5
6 **SECTION 21.805. PENALTIES.**

7 (A) THE COUNTY MAY INSTITUTE ANY ACTION AT LAW OR EQUITY, INCLUDING INJUNCTION, TO
8 ENFORCE THE PROVISIONS OF THIS SUBTITLE OR THE PERMIT.

9 (B) ALTERNATIVELY, AND IN ADDITION TO AND CONCURRENT WITH ALL OTHER REMEDIES, THE
10 COUNTY MAY ENFORCE THE PROVISIONS OF THIS SUBTITLE OR THE PERMIT WITH CIVIL PENALTIES IN
11 ACCORDANCE WITH TITLE 24 OF THIS CODE. A VIOLATION OF THIS SUBTITLE IS A CLASS C OFFENSE
12 AS PROVIDED IN SECTION 24.107 OF THIS CODE. EACH DAY THAT A VIOLATION CONTINUES IS A
13 SEPARATE OFFENSE. EACH SCOOTER THAT FAILS TO COMPLY WITH THE PERMIT IS A SEPARATE
14 VIOLATION.

15 (C) A PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE OR THE PERMIT IS GUILTY OF A
16 MISDEMEANOR AND, UPON CONVICTION, IS SUBJECT TO A FINE WHICH SHALL NOT EXCEED \$1,000.00.

17
18 **SECTION 21.806. SEVERABILITY.**

19 IF ANY SECTION, SUBSECTION, SENTENCE, CLAUSE, PHRASE OR PORTION OF THIS SUBTITLE IS HELD
20 INVALID BY ANY COURT OF COMPETENT JURISDICTION, THAT PORTION SHALL BE DEEMED A
21 SEPARATE, DISTINCT AND INDEPENDENT PROVISION; AND THE INVALIDITY SHALL NOT AFFECT THE
22 VALIDITY OF THE REMAINING PORTIONS OF THE SUBTITLE AND FOR THIS PURPOSE, THE PROVISIONS
23 OF THIS ACT ARE DECLARED SEVERABLE.

24

25 ***Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland that***
26 ***this Act shall become effective 61 days after its enactment.***