

Introduced January 6, 2020
Public Hearing January 21, 2020
Council Action March 2, 2020
Executive Action March 5, 2020
Effective Date May 5, 2020

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 January 6, 2020. Ordered posted and hearing scheduled.

By order

Diane Schwartz Jones
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 January 21, 2020.

By order

Diane Schwartz Jones
Diane Schwartz Jones, Administrator

This Bill was read the third time on March 2 2020 and Passed , Passed with amendments X, Failed .

By order

Diane Schwartz Jones
Diane Schwartz Jones, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 4th day of March, 2020 at 10 a.m./p.m.

By order

Diane Schwartz Jones
Diane Schwartz Jones, Administrator

Approved/Vetoed by the County Executive March 5, 2020

Calvin Ball
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 18 “Public Works”

4 Section 18.207(b)

5
6 ~~2.~~ By amending Title 21 “Traffic Control and Transportation”

7 Section 21.101(x)

8
9 ~~2~~ 3. By adding Title 21 “Traffic Control and Transportation”

10 Subtitle 8. “Publicly Accessible Electric Scooter Sharing System Permit”

11 **Title 18. Public Works.**

12 **Subtitle 2. Roads.**

13
14 **Section 18.207. - Nontransit activity on County roads—Prohibited.**

15 (b) Definitions:

16 (1) County road means the paved portion of a County owned or controlled road, road right-
17 of-way, or bridge, including the shoulder, and the median areas, regardless of whether the
18 median areas are paved.

19 (2) Patronage means support, benefaction, investment, backing, sponsorship, aid, or
20 donations regardless of whether anything is given in return.

21 (3) Nontransit activity means any activity not related to transit and includes, but is not
22 limited to buying, selling, offering, giving of anything, and soliciting or seeking
23 patronage, by any means or media.

24 (4) Site-specific vending/operating means selling or offering to sell goods or services from a
25 stationary location on a County road with valid licenses and permits.

26 (5) Transit means traveling, crossing, conveying goods or persons, by vehicle or on foot, and
27 includes related activities such as parking, stopping, resting, and observing. A VEHICLE
28 INCLUDES A SCOOTER OPERATED UNDER A PERMIT COVERED BY SECTION 21.800 OF THIS
29 CODE.

30
31 **Title 21. Traffic Control and Transportation.**

1 (IV) REAL PROPERTY OWNED AND CONTROLLED BY THE COUNTY.

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

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

12
13 **SECTION 21.801. PERMIT APPLICATION.**

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

16 (1) THE APPLICANT’S FULL LEGAL NAME AND ANY TRADE NAME UNDER WHICH THE APPLICANT
17 OPERATES;

18 (2) PROOF OF ADEQUATE INSURANCE;

19 (3) A BOND OR OTHER SECURITY ACCEPTABLE TO THE COUNTY; ~~AND~~

20 (4) PROOF SATISFACTORY TO THE OFFICE OF TRANSPORTATION THAT THE APPLICANT IS A BUSINESS
21 ENTITY IN GOOD STANDING AND THAT DEMONSTRATES THAT THE APPLICANT HAS THE CAPACITY AND
22 EXPERIENCE TO SUCCESSFULLY OPERATE A PUBLICLY ACCESSIBLE ELECTRIC SCOOTER SHARING
23 SYSTEM; AND

24 ~~(4)~~ (5) SUCH OTHER INFORMATION AS THE COUNTY MAY REQUIRE IN AN APPLICATION FORM.

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

28
29 **SECTION 21.802. PERMIT TO OPERATE A PUBLICLY ACCESSIBLE ELECTRIC SCOOTER SYSTEM;**
30 **PERMIT TERMS; PERMIT ISSUANCE.**

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

- 1 (1) A DESIGNATION OF THE AREAS WHERE SCOOTERS MAY BE OPERATED WITHIN THE COLUMBIA
2 PLANNING AREA;
- 3 (2) A DESIGNATION OF THE AREAS WHERE SCOOTERS MAY BE PARKED WITHIN THE COLUMBIA
4 PLANNING AREA;
- 5 (3) THE REQUIREMENT TO PROVIDE A DEVICE USED TO REGULATE THE SCOOTER SPEED;
- 6 (4) RESPONSIBILITIES OF THE PERMIT HOLDER;
- 7 (5) THE REQUIREMENT TO PAY AN ANNUAL PERMIT FEE AND THE AMOUNT OF THE FEE;
- 8 (6) A REQUIREMENT THAT THE PERMIT HOLDER WILL PROVIDE A BOND OR OTHER SECURITY
9 ACCEPTABLE TO THE COUNTY WHICH BOND SHALL BE IN AN AMOUNT SUFFICIENT TO COVER
10 COSTS TO THE COUNTY;
- 11 (7) A REQUIREMENT TO KEEP AND PROVIDE CERTAIN DATA AND REPORTS;
- 12 (8) A REQUIREMENT TO HOLD CERTAIN LEVELS OF GENERAL LIABILITY INSURANCE COVERAGE
13 AND WORKERS' COMPENSATION INSURANCE COVERAGE;
- 14 (9) INDEMNIFICATION OF THE COUNTY BY THE PERMIT HOLDER;
- 15 (10) THE TERM OF THE PERMIT AND ANY CONDITIONS OF PERMIT MODIFICATION;
- 16 (11) THE MINIMUM AND MAXIMUM NUMBER OF SCOOTERS THAT A PERMIT HOLDER CAN
17 OPERATE;
- 18 (12) CONDITIONS UNDER WHICH THE PERMIT CAN BE REVOKED; ~~AND~~
- 19 (13) A REQUIREMENT THAT PERMISSION MUST BE OBTAINED FROM THE COLUMBIA
20 ASSOCIATION TO OPERATE ON COLUMBIA ASSOCIATION PATHWAYS;
- 21 (14) A REQUIREMENT THAT THE PERMIT HOLDER SHALL PROVIDE AN AFFIDAVIT THAT THE
22 PERMIT HOLDER HAS ENTERED INTO THE NECESSARY AGREEMENT WITH A PRIVATE PROPERTY
23 OWNER TO OPERATE ON PRIVATE PROPERTY;
- 24 (i) AT THE TIME OF THE PERMIT APPLICATION; AND
- 25 (ii) AS NEW AGREEMENTS ARE ENTERED INTO DURING THE TERM OF THE PERMIT;
- 26 (15) A REQUIREMENT THAT A PERSON UNDER THE AGE OF 18 MAY NOT HAVE ACCESS TO A
27 SCOOTER; AND
- 28 ~~(13)~~ (16) ANY OTHER REQUIREMENT THAT THE ADMINISTRATOR DEEMS NECESSARY.
- 29 (B) *NONTRANSFERABLE*. A PERMIT ISSUED UNDER THIS SUBTITLE IS NOT ASSIGNABLE OR
30 TRANSFERRABLE TO OR SHAREABLE WITH ANY OTHER PERSON NOT IDENTIFIED IN THE PERMIT.
- 31 (C) DUTIES OF A PERMIT HOLDER.

1 (1) HELMET INCENTIVES. A PERMIT HOLDER SHALL ENCOURAGE THE USE OF HELMETS
2 THROUGH INCENTIVE PROGRAMS LIKE DISCOUNTS OR GIVEAWAYS.

3 (2) CONDITION OF SCOOTER. A PERMIT HOLDER SHALL ENSURE THAT EACH SCOOTER THAT THE
4 HOLDER PROVIDES TO A USER UNDER THIS SUBTITLE IS IN GOOD WORKING CONDITION AND
5 MEETS THE SAFETY AND QUALITY STANDARDS THAT THE OFFICE OF TRANSPORTATION
6 REQUIRES.

7 (3) LABEL CONTAINING CONTACT INFORMATION. A PERMIT HOLDER SHALL ENSURE THAT EACH
8 SCOOTER CONTAINS A PROMINENT LABEL THAT PROVIDES THE NAME AND CONTACT
9 INFORMATION OF THE PERMIT HOLDER.

10 (4) COMPLIANCE RELATED TO THE AMERICANS WITH DISABILITIES ACT. RELATED TO SCOOTER
11 USE AND PARKING, THE PERMIT HOLDER SHALL:

12 (1) EDUCATE SCOOTER USERS ON THE AMERICANS WITH DISABILITIES ACT; AND

13 (2) ENSURE COMPLIANCE WITH THE REQUIREMENTS OF THE AMERICANS WITH DISABILITIES
14 ACT.

15 (D) MULTIMODAL TRANSPORTATION BOARD. PRIOR TO ANNUAL EXECUTION, THE MULTIMODAL
16 TRANSPORTATION BOARD SHALL REVIEW AND PROVIDE RECOMMENDATIONS TO THE OFFICE OF
17 TRANSPORTATION ON THE FORM OF THE PERMIT. THE BOARD'S REVIEW SHALL INCLUDE THE
18 OPERATING ZONES AND SHALL TAKE PLACE AT A PUBLIC HEARING.

19
20 **SECTION 21.803. PERMIT FEES.**

21 PRIOR TO THE ISSUANCE OF A PERMIT UNDER THIS SUBTITLE, THE COUNTY SHALL CHARGE, AND AN
22 APPLICANT SHALL PAY, A PERMIT FEE FOR A PERMIT ISSUED UNDER THIS SUBTITLE. THE AMOUNT OF
23 THE PERMIT FEE SHALL BE SET FORTH IN THE PERMIT ENTERED INTO UNDER SECTION 21.802 OF THIS
24 SUBTITLE BY COUNCIL RESOLUTION.

25
26 **SECTION 21.804. TERM.**

27 (A) IN GENERAL.

28 A PERMIT EXPIRES ONE YEAR AFTER THE DAY THAT THE PERMIT IS ISSUED.

29 (B) NON-RENEWAL.

30 (1) A PERMIT MAY NOT BE RENEWED, HOWEVER, A PERMIT HOLDER MAY APPLY FOR A NEW PERMIT.

1 (2) THE OFFICE OF TRANSPORTATION MAY ISSUE A SECOND OR SUBSEQUENT PERMIT WITH AN
2 EFFECTIVE DATE THAT ALLOWS FOR CONTINUITY OF THE BUSINESS OF THE APPLICANT.”.

3
4 ~~SECTION 21.804~~ SECTION 21.805. USE OF PUBLIC RIGHTS-OF-WAY.

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

8
9 ~~SECTION 21.805~~ SECTION 21.806. PENALTIES.

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

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

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

20
21 ~~SECTION 21.806. 21.807~~ DUTIES OF THE OFFICE OF TRANSPORTATION.

22 (A) IN GENERAL.

23 THE OFFICE OF TRANSPORTATION SHALL DEVELOP AN OPERATIONS PLAN TO CARRY OUT THIS
24 SUBTITLE.

25 (B) WEB PAGE.

26 THE OFFICE OF TRANSPORTATION SHALL HAVE A WEB SITE THAT INCLUDES:

27 (1) THE OPERATIONS PLAN; AND

28 (2) CONTACT INFORMATION FOR EACH PERMIT HOLDER.”.

29 ~~SECTION 21.806. 21.808.~~ REPORT.

30 (A) IN GENERAL.

1 THE OFFICE OF TRANSPORTATION SHALL SUBMIT TO THE COUNTY EXECUTIVE AND, SUBJECT TO
2 SECTION 22.1000 OF THE COUNTY CODE, THE COUNTY COUNCIL A REPORT ON THE OPERATION OF THE
3 PUBLICLY ACCESSIBLE ELECTRIC SCOOTER SHARING SYSTEM.

4 (B) CONTENTS.

5 THE REPORT SHALL INCLUDE:

6 (1) INFORMATION ABOUT THE ACTIVITIES OF EACH PERMIT HOLDER;

7 (2) THE COST TO THE COUNTY OF OPERATING THE PUBLICLY ACCESSIBLE ELECTRIC SCOOTER
8 SHARING SYSTEM;

9 (3) AN ANALYSIS OF ANY COMPLAINTS RELATED TO THE SYSTEM RECEIVED FROM THE PUBLIC,
10 PROPERTY OWNERS, OR GOVERNMENTAL UNITS;

11 (4) INFORMATION ABOUT ACCIDENTS INVOLVING SCOOTERS USED IN THE PUBLICLY ACCESSIBLE
12 ELECTRIC SCOOTER SHARING SYSTEM; AND

13 (5) RECOMMENDATIONS FOR CHANGES TO THIS SUBTITLE OR THE PERMITS ISSUED UNDER THIS
14 SUBTITLE.

15 (C) DUE DATES.

16 THE INITIAL REPORT REQUIRED BY THIS SECTION SHALL BE SUBMITTED NOT LATER THAN EIGHT
17 MONTHS AFTER THE DAY THE FIRST PERMIT IS ISSUED. SUBSEQUENT REPORTS SHALL BE ISSUED EACH YEAR
18 ON OR BEFORE THE DAY THAT IS EIGHT MONTHS AFTER THE ANNIVERSARY OF THE DAY THE FIRST PERMIT
19 IS ISSUED.

20
21 ~~SECTION 21.806~~ SECTION 21.809. SEVERABILITY.

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

27
28 ~~SECTION 21.807, 21.810~~ SHORT TITLE.

29 THIS SUBTITLE IS THE PILOT HOWARD COUNTY SCOOTER SHARING SYSTEM ACT.

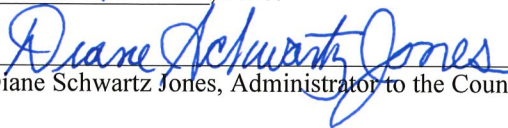
30 Section 2. And Be It Further Enacted by the County Council of Howard, County, Maryland, that the
31 fee for a permit for a publicly accessible electric scooter sharing system from the effective date of this
32 Act through June 30, 2020 is \$10,000 and that at the end of June 30, 2020, with no further action

1 required by the County Council, this Section 2 of this Act shall be abrogated and of no further force and
2 effect.

3 **Section 3.** *And Be It Further Enacted* by the County Council of Howard County, Maryland that
4 *this Act shall become effective 61 days after its enactment.*

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on March 5, 2020.



Diane Schwartz Jones, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on _____, 2020.

Diane Schwartz Jones, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on _____, 2020.

Diane Schwartz Jones, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on _____, 2020.

Diane Schwartz Jones, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on _____, 2020.

Diane Schwartz Jones, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on _____, 2020.

Diane Schwartz Jones, Administrator to the County Council