

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

County Council of Howard County, Maryland

2020 Legislative Session

Legislative Day No. 9

Bill No. 37 -2020

Introduced by Deb Jung

AN ACT specifying the status of the public right of way in relation to a Publicly Accessible Electric Scooter Sharing System ; providing for denial, suspension, or revocation of a Publicly Accessible Electric Scooter Sharing System Permit under specified circumstances; providing for a hearing before final action; and generally relating 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 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
2 Howard County Code is amended as follows:

3 By adding Title 21 “Traffic Control and Transportation”

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

5 Section 21.805A. Public right-of-way; permit denial, suspension,
6 or revocation.

7
8 **Title 21. Traffic Control and Transportation.**

9 **Subtitle 8. Publicly Accessible Electric Scooter Sharing System Permit.**

10
11 **SECTION 21.805A. PUBLIC RIGHT-OF-WAY; PERMIT DENIAL, SUSPENSION, OR REVOCATION.**

12 (A) *PUBLIC RIGHT-OF-WAY.*

13 (1) (I) OPERATION OF A PUBLICLY ACCESSIBLE ELECTRIC SCOOTER SHARING SYSTEM IS A
14 COMMERCIAL ENTERPRISE AND IS A PRIVILEGE, NOT A RIGHT, THAT IS ALWAYS SUBORDINATE TO
15 THE PUBLIC USE AND ENJOYMENT OF THE PUBLIC RIGHT-OF-WAY.

16 (II) OPERATIONS UNDER A PUBLICLY ACCESSIBLE ELECTRIC SCOOTER SHARING SYSTEM
17 SHALL NOT CREATE OBSTRUCTIONS OF THE PUBLIC RIGHT-OF-WAY THAT IMPEDE OR INTERFERE
18 WITH SAFE AND ACCESSIBLE PEDESTRIAN USE OF THE PUBLIC RIGHT-OF-WAY.

19 (2) A UNIT OF COUNTY GOVERNMENT OR A DESIGNEE OF A UNIT MAY REMOVE A SCOOTER
20 FROM THE PUBLIC RIGHT-OF-WAY BECAUSE OF AN EMERGENCY OR IF THE PUBLIC RIGHT-OF-WAY
21 IS WHOLLY OR PARTLY OBSTRUCTED BY THE SCOOTER.

22 (B) *GROUND FOR PERMIT DENIAL, SUSPENSION, OR REVOCATION.*

23 THE ADMINISTRATOR OF THE OFFICE OF TRANSPORTATION MAY DENY, SUSPEND, OR REVOKE A
24 PERMIT SOUGHT OR ISSUED UNDER THIS SUBTITLE IF THE APPLICANT OR PERMIT HOLDER:

25 (1) KNOWINGLY MAKES A FALSE REPRESENTATION OR FALSE STATEMENT IN AN
26 APPLICATION, REPORT, OR OTHER DOCUMENT THAT THE APPLICANT OR PERMIT HOLDER SUBMITS
27 OR IS REQUIRED TO KEEP UNDER THIS SUBTITLE;

28 (2) IS CONVICTED UNDER THE LAWS OF THE UNITED STATES OR OF ANY STATE OF:

29 (I) A FELONY; OR

30 (II) A MISDEMEANOR THAT IS DIRECTLY RELATED TO THE FITNESS AND QUALIFICATION
31 OF THE PERMIT HOLDER TO ENGAGE IN THE ACTIVITIES ALLOWED UNDER THE PERMIT;

32 (3) VIOLATES SUBSECTION (A)(1) OF THIS SECTION OR ANY OTHER PROVISION OF THIS
33 SUBTITLE OR VIOLATES ANY TERM OR CONDITION OF THE PERMIT;

1 (4) FAILS TO MAINTAIN THE INSURANCE OR BOND REQUIRED BY THIS SUBTITLE; OR
2 (5) OPERATES OR ATTEMPTS TO OPERATE A PUBLICLY ACCESSIBLE ELECTRIC SCOOTER
3 SHARING SYSTEM WITHIN THE PUBLIC RIGHT-OF-WAY WITHOUT HOLDING A PERMIT TO DO SO.

4 (C) HEARING,

5 (1) BEFORE THE ADMINISTRATOR OF THE OFFICE OF TRANSPORTATION TAKES ANY FINAL
6 ACTION UNDER THIS SECTION, THE ADMINISTRATOR SHALL GIVE THE PERSON AGAINST WHOM
7 THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE ADMINISTRATOR.

8 (2) NOTICE OF THE OPPORTUNITY FOR A HEARING SHALL BE SENT BY CERTIFIED MAIL TO THE
9 LAST KNOWN ADDRESS OF THE PERSON.

10 (3) THE PERSON MAY BE REPRESENTED AT THE HEARING BY COUNSEL.

11 (4) IF, AFTER NOTICE, THE PERSON AGAINST WHOM THE ACTION IS CONTEMPLATED
12 DECLINES TO PARTICIPATE IN A HEARING OR FAILS TO APPEAR, THE ADMINISTRATOR MAY,
13 NEVERTHELESS, HEAR AND DETERMINE THE MATTER.

14

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