

Introduced June 1, 2020  
Public Hearing June 15, 2020  
Council Action July 6, 2020  
Executive Action July 7, 2020  
Effective Date September 6, 2020

**County Council of Howard County, Maryland**

2019 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 June 1, 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 June 15, 2020.  
By order Diane Schwartz Jones  
Diane Schwartz Jones, Administrator

This Bill was read the third time on July 6, 2020 and Passed , Passed with amendments \_\_\_\_\_, Failed \_\_\_\_\_.  
By order Diane Schwartz Jones  
Diane Schwartz Jones, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 7th day of July, 2020 at \_\_\_ a.m./p.m.  
By order Diane Schwartz Jones  
Diane Schwartz Jones, Administrator

Approved by the County Executive July 7, 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  
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.

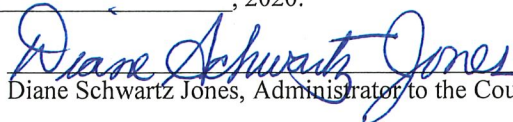
11 (4) IF, AFTER NOTICE, THE PERSON AGAINST WHOM THE ACTION IS CONTEMPLATED  
12 DECLINES TO PARTICIPATE IN A HEARING OR FAILS TO APPEAR, THE ADMINISTRATOR MAY,  
13 NEVERTHELESS, HEAR AND DETERMINE THE MATTER.

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.***

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on July 7, 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

**Office of the County Auditor**  
**Auditor's Analysis**

**Council Bill No. 37-2020**

Introduced: June 1, 2020  
Auditor: Michelle R. Harrod

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Fiscal Impact:

We are unable to determine the fiscal impact of this legislation at this time.

The Office of Transportation (OOT) has indicated they do not anticipate increased expense in the implementation of this legislation.

The proposed legislation does not specify what would happen to the permit fee should a permit be suspended or revoked. *We have asked the sponsor for clarification of this issue.*

Purpose:

The proposed legislation provides guidelines for operating an electric scooter sharing system within the public right-of-way. Specifically, it provides that operations cannot obstruct public right-of-way and that County employees may remove a scooter in violation of this.

It also clarifies that the following would be grounds for denial, suspension, or revocation of a permit:

- Making false representation or false statements on an application;
- Being convicted of a felony or misdemeanor related to the fitness or qualifications by the vendor to engage in activity allowed under the permit;
- Violating the conditions of the permit;
- Failing to maintain the insurance or bond required; or
- Operating an electric scooter sharing system without a permit.

Other Comments:

The OOT has further indicated that this proposed legislation would provide additional oversight authority and could strengthen their negotiations with the vendor by clarifying operating and vendor requirements.