



Montgomery
County Council

Committee: PS/T&E
Committee Review: At a future date
Staff: Amanda Mihill, Legislative Attorney
Purpose: To introduce agenda item – no vote expected
Keywords: #MoCoEScooters

AGENDA ITEM #4A
March 3, 2020
Introduction

SUBJECT

Bill 8-20, Bicycles and E-Scooters – Operating Requirements and Registration
Lead Sponsor: Council President Katz
Co-Sponsor: Councilmember Albornoz

EXPECTED ATTENDEES

None

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- To introduce Bill – no vote expected

DESCRIPTION/ISSUE

Bill 8-20 would:

- update the definition of bicycle to conform to state law;
- permit a person to register a bicycle or electric low speed scooter owned by a County resident for personal use;
- require the registration of an electric low speed scooter provided for rent in the County and pay a registration fee; and
- establish operating requirements for electric low speed scooter use in the County.

SUMMARY OF KEY DISCUSSION POINTS

- None

This report contains:

Staff Report	Page 1
Bill 8-20	©1
Legislative Request Report	©9

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MEMORANDUM

February 27, 2020

TO: County Council

FROM: Amanda Mihill, Legislative Attorney *A. Mihill*

SUBJECT: Bill 8-20, Bicycles and E-Scooters – Operating Requirements and Registration

PURPOSE: Introduction – no Council vote required¹

Bill 8-20, Bicycles and E-Scooters – Operating Requirements and Registration, sponsored by Lead Sponsor Council President Katz and Co-Sponsor Councilmember Albornoz, is scheduled to be introduced on March 3. A public hearing is tentatively scheduled for March 24 at 1:30 p.m.

Bill 8-20 would:

- update the definition of bicycle to conform to state law;
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- require the registration of an electric low speed scooter provided for rent in the County and pay a registration fee; and
- establish operating requirements for electric low speed scooter use in the County.

This packet contains:

Bill 8-20

Legislative Request Report

Circle #

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9

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¹ #MoCoEScooters

Bill No. 8-20
Concerning: Bicycles and E-Scooters –
Operating Requirements and
Registration
Revised: 1/24/2019 Draft No. 3
Introduced: March 3, 2020
Expires: September 3, 2021
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Council President Katz
Co-Sponsor: Councilmember Alborno

AN ACT to:

- (1) update the definition of bicycle to conform to state law;
- (2) permit a person to register a bicycle or electric low speed scooter owned by a County resident for personal use;
- (3) require the registration of an electric low speed scooter provided for rent in the County and pay a registration fee;
- (4) establish operating requirements for electric low speed scooter use in the County; and
- (5) generally amend County law governing bicycle and electric low speed scooter use in the County.

By amending

Montgomery County Code
Chapter 7, Bicycles
Sections 7-1, 7-2, 7-3, 7-4, 7-4A, 7-5, 7-6, and 7-7

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1. Amend title of Chapter 7 and Sections 7-1, 7-2, 7-3, 7-4, 7-4A, 7-5,**
2 **7-6, and 7-7 as follows:**

3 **Chapter 7. Bicycles and E-Scooters.**

4 **7-1. Definitions.**

5 In this Chapter, the following words have the meanings indicated:

6 [(a) bicycle means a vehicle designed:

7 (1) to be propelled only by human power;

8 (2) to carry one or more persons; and

9 (3) with 2 wheels, one of which is at least 16 inches in diameter; and]

10 Bicycle means a vehicle that:

11 (1) is designed to be operated by human power;

12 (2) has 2 or 3 wheels, of which 1 is more than 14 inches in diameter; and

13 (3) has a drive mechanism other than pedals directly attached to a drive
14 wheel.

15 [(b) bicycle helmet means a protective helmet designed for bicycle riders that is
16 approved by the Snell Memorial Foundation or the American National
17 Standards Institute, or that the Director of Transportation determines meets an
18 equivalent standard.]

19 Electric low speed scooter or E-scooter means a vehicle that:

20 (1) is designed to transport only the operator;

21 (2) weighs less than 100 pounds;

22 (3) has single wheels in tandem or a combination of 1 or 2 wheels at the front
23 and rear of the vehicle;

24 (4) is equipped with handlebars and a platform designed to be stood on while
25 riding;

26 (5) is solely powered by an electric motor and human power; and

27 (6) is capable of operating and a speed of up to 20 miles per hour.

28 Electric low speed scooter does not include:

29 (1) an electric personal assistive mobility device; or

30 (2) an electric wheelchair or other mobility aid used by a disabled individual.

31 Pedestrian zone means the portion of the sidewalk corridor where pedestrians
32 walk.

33 Personal use means riding an electric low speed scooter by the owner or any
34 other person who the owner authorizes to ride the bicycle without charging rent.

35 **7-2. [Bicycle helmets] Helmets required.**

36 (1) A person who is under age 18 must wear a [bicycle] helmet when riding
37 or being carried on a bicycle, [including] a bicycle with training wheels,
38 or an e-scooter on a public street, right-of-way, or bicycle path in the
39 County.

40 (2) The helmet must be approved by the Snell Memorial Foundation or the
41 American National Standards Institute, or that the Director of
42 Transportation determines meets an equivalent standard.

43 **7-3. Persons providing bicycles or e-scooters for hire.**

44 (a) A person who provides bicycles or e-scooters for hire must[: (a)] not rent
45 a bicycle or e-scooter to a person unless every person who [is under age
46 18 and] will ride or be carried on the bicycle or e-scooter has a [bicycle]
47 helmet as required by Section 7-2; and

48 (b) A person who provides at least 2 bicycles or e-scooters for hire in the
49 County must register under this Chapter either:

50 (1) [every] each bicycle or e-scooter provided for hire[.]; or

51 (2) a fleet of bicycles or e-scooters.

52 **7-4. Bicycle and E-scooter registration.**

- 53 (a) Any County resident who owns a bicycle or e-scooter [used] for personal
 54 use on a public street, right-of-way, or bicycle path in the County may,
 55 and the owner of a bicycle for rent in the County must:
- 56 (1) register the bicycle or e-scooter by:
- 57 (A) completing a form provided by the County Executive or
 58 designee; and
- 59 (B) paying a registration fee; and
- 60 (2) have a legible County registration decal on the bicycle or e-scooter;
 61 and
- 62 (3) remove the County registration decal when the bicycle or e-scooter
 63 is sold, transferred, or dismantled.
- 64 (b) Bicycle or e-scooter registration under this Section is not transferable.
- 65 (c) A person, other than the owner, must not remove a County registration
 66 decal from a bicycle or e-scooter.
- 67 (d) The County Executive may set bicycle and e-scooter registration fees by
 68 [executive regulation under method] Method (3) Regulation.

69 **7-4A. E-scooters.**

- 70 (a) Minimum age. A person under 14 must not operate an e-scooter.
- 71 (b) Maximum speed. A person must not operate an e-scooter at a speed
 72 greater than 15 miles per hour.
- 73 (c) Reflectors required.
- 74 (1) Every e-scooter operating in the County must have:
- 75 (A) a lamp on the front that emits a white light visible from at
 76 least 500 feet to the front; and

- 77 (B) a red reflector on the rear visible from all distances from 600
 78 feet to 100 feet to the rear when directly in front of lawful
 79 upper beams of head lamps on a motor vehicle.
- 80 (2) In addition to, or instead of, the reflector required in subsection
 81 (c)(1)(B), an e-scooter may have a functioning lamp that acts as a
 82 reflector and emits a red light or a flashing amber light visible from
 83 at least 500 feet to the rear.
- 84 (d) *Parking requirements.*
- 85 (1) An e-scooter must be parked in a standing upright position.
- 86 (2) Unless otherwise prohibited by law that specifically prohibits
 87 parking on a sidewalk, a person may park an e-scooter:
- 88 (A) on any sidewalk for up to 48 hours; and
- 89 (B) in a designated location as determined by the Director of the
 90 Department of Transportation.
- 91 (3) A person must not park an e-scooter:
- 92 (A) on a public street or alley unless the Director of the
 93 Department of Transportation has designated the area as
 94 appropriate for e-scooter parking;
- 95 (B) in a driveway without the permission of the owner of the
 96 driveway;
- 97 (C) in an area reserved for sidewalk dining;
- 98 (D) in a transit zone, including bus stops, shelters, and
 99 passenger-waiting areas, except at designated areas within a
 100 transit zone, as determined by the Director;
- 101 (E) in a loading zone;
- 102 (F) in a parking zone dedicated to accessible parking;

103 (G) in a manner that reduces the pedestrian zone to less than 4
 104 feet or that otherwise prohibits the free flow of pedestrian
 105 traffic; or

106 (H) in a manner that interferes with places of access for persons
 107 with disabilities as required by the Americans with
 108 Disabilities Act.

109 **7-5. Enforcement.**

110 (a) *Enforcement.* The County Police Department must enforce [the
 111 requirements of] this Chapter. The Maryland-National Capital Park and
 112 Planning Commission Police may enforce [the requirements of] this
 113 Chapter on Maryland-National Capital Park and Planning Commission
 114 property.

115 (b) *Penalty.* Any violation of this Chapter is a class C violation.

116 (c) *Waiver.*

117 (1) The fine for a person's first violation of a bicycle helmet
 118 requirement of this Chapter must be waived if:

119 (A) the person charged:

120 (i) is a minor; and

121 (ii) produces proof that the person has obtained a bicycle
 122 helmet for the person's use; or

123 (B) the person charged:

124 (i) is the parent or guardian of a minor; and

125 (ii) produces proof that the person has obtained a bicycle
 126 helmet for use by that minor.

127 (2) The citation for a person's first violation of a bicycle or e-scooter
 128 registration requirement of this Chapter must be rescinded if the

129 person charged produces proof within 15 days after the citation is
130 issued that the bicycle or e-scooter has been registered.

131 (d) *Impoundment.*

132 (1) The County Police Department and the Maryland-National Capital
133 Park and Planning Commission Police may impound any
134 unregistered bicycle or e-scooter that is provided for rent until the
135 bicycle or e-scooter is properly registered. The Maryland-National
136 Capital Park and Planning Commission Police may dispose of an
137 unregistered [bicycles] bicycle or e-scooter that is provided for rent
138 under Commission regulations.

139 (2) The County police must give an impounding receipt to the owner
140 or operator of the unregistered bicycle or e-scooter that is provided
141 for rent. If an unregistered bicycle or e-scooter provided for rent is
142 impounded, the County police must hold an unregistered bicycle
143 or e-scooter provided for rent until it is:

144 (A) registered;

145 (B) donated to a non-profit organization that is exempt from
146 taxation under Section 501(c)(3) of the Internal Revenue
147 Code in the discretion of the Chief Administrative Officer if
148 reasonable attempts to locate the owner are unsuccessful; or

149 (C) disposed of in the manner provided for abandoned motor
150 vehicles under Section 31-63.

151 [(3) The net proceeds received from the sale of impounded or
152 abandoned bicycles by the County police must be deposited in the
153 Police Relief and Retirement Fund.]

154 **7-6. Parental responsibility.**

155 A parent or guardian of a minor must not knowingly allow that minor to violate
156 this Chapter.

157 **7-7. Evidence of negligence.**

158 Failure of a person to use a [bicycle] helmet as required by this Chapter, or
159 evidence that a parent or guardian of a minor knowingly allowed the minor to violate
160 a [bicycle] helmet requirement of this Chapter, must not:

- 161 (a) be considered evidence of negligence;
- 162 (b) be considered evidence of contributory negligence;
- 163 (c) limit liability of a party or an insurer; or
- 164 (d) diminish recovery for damages arising out of the ownership,
165 maintenance, or operation of a motor vehicle.

LEGISLATIVE REQUEST REPORT

Bill 8-20

Bicycles and E-Scooters – Operating Requirements and Registration

DESCRIPTION:	Bill 8-20 would update the definition of bicycle to conform to state law, permit a person to register a bicycle or electric low speed scooter owned by a County resident for personal use, require the registration of an electric low speed scooter provided for rent in the County and pay a registration fee, and establish operating requirements for electric low speed scooter use in the County.
PROBLEM:	E-scooters are a growing transportation method, but there few laws or regulations regarding their operation.
GOALS AND OBJECTIVES:	To provide operating expectations for e-scooters
COORDINATION:	Transportation, Police
FISCAL IMPACT:	To be requested.
ECONOMIC IMPACT:	To be requested.
EVALUATION:	To be researched.
EXPERIENCE ELSEWHERE:	To be researched.
SOURCE OF INFORMATION:	Amanda Mihill, Legislative Attorney (240) 777-7815
APPLICATION WITHIN MUNICIPALITIES:	To be researched.
PENALTIES:	A violation of Chapter 7 is a Class C violation; see also Section 7-5.