



Montgomery
County Council

Committee: PS/T&E

Committee Review: At a future date

Staff: Amanda Mihill, Legislative Attorney

Purpose: To receive testimony – no vote expected

Keywords: #MoCoEScooters

AGENDA ITEM #8

June 9, 2020

Public Hearing

SUBJECT

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

Lead Sponsor: Council President Katz

Co-Sponsor: Councilmember Albornoz

EXPECTED ATTENDEES

Members of the public

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- Public Hearing – 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

Bill 8-20

Legislative Request Report

Economic Impact statement

Fiscal Impact statement

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MEMORANDUM

June 4, 2020

TO: County Council

FROM: Amanda Mihill, Legislative Attorney

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

PURPOSE: Public Hearing – 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, was introduced on March 3. A joint Public Safety/Transportation and Environment Committee worksession is tentatively scheduled for June 25 at 1:30 p.m.

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.

This packet contains:

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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. 4
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>

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

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

Electric low speed scooter does not include:

(1) an electric personal assistive mobility device; or

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

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

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

7-2. [Bicycle helmets] Helmets required.

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

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

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

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

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

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

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

7-4. Bicycle and E-scooter registration.

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

7-4A. E-scooters.

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

(B) a red reflector on the rear visible from all distances from 600 feet to 100 feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle.

(2) In addition to, or instead of, the reflector required in subsection (c)(1)(B), an e-scooter may have a functioning lamp that acts as a reflector and emits a red light or a flashing amber light visible from at least 500 feet to the rear.

(d) *Parking requirements.*

(1) An e-scooter must be parked in a standing upright position.

(2) Unless otherwise prohibited by law that specifically prohibits parking on a sidewalk, a person may park an e-scooter:

(A) on any sidewalk for up to 48 hours; and

(B) in a designated location as determined by the Director of the Department of Transportation.

(3) A person must not park an e-scooter:

(A) on a public street or alley unless the Director of the Department of Transportation has designated the area as appropriate for e-scooter parking;

(B) in a driveway without the permission of the owner of the driveway;

(C) in an area reserved for sidewalk dining;

(D) in a transit zone, including bus stops, shelters, and passenger-waiting areas, except at designated areas within a transit zone, as determined by the Director;

(E) in a loading zone;

(F) in a parking zone dedicated to accessible parking;

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

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

7-5. Enforcement.

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

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

(c) *Waiver.*

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

(A) the person charged:

(i) is a minor; and

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

(B) the person charged:

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

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

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

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

(d) *Impoundment.*

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

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

(A) registered;

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

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

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

7-6. Parental responsibility.

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

7-7. Evidence of negligence.

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

- (a) be considered evidence of negligence;
- (b) be considered evidence of contributory negligence;
- (c) limit liability of a party or an insurer; or
- (d) diminish recovery for damages arising out of the ownership, 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.

Bill 8-20

Bicycles and E-Scooters – Operating Requirements and Registration

SUMMARY

Overall, the Office of Legislative Oversight (OLO) expects Bill 8-20 to have a negligible impact on the Montgomery County economy.

BACKGROUND

While e-scooters are becoming a more popular mode of transportation in the County, there are few laws and regulations guiding their operation. The purpose of Bill 8-20 is to fill this regulatory gap and, as the Legislative Request Report states, “provide operating expectations for e-scooters.” If passed, several provisions of Bill 8-20 could theoretically have economic impacts. These provisions include: owners of a bicycle/e-scooter for rent are required to register and pay a registration fee; every e-scooter operating in the County must have required reflectors; the County Police Department and the Maryland-National Capital Park and Planning Commission Police may impound unregistered bicycles and e-scooters provided for rent; and providers of bicycles and e-scooters for rent must require renters to have a helmet.

INFORMATION, ASSUMPTIONS and METHODOLOGIES

No information or methodologies were needed for this statement. The assumptions underlying the claims made in the subsequent sections are based on the judgement of OLO staff.

VARIABLES

The variables that theoretically could affect economic impacts in the County are registration fees for bicycles and e-scooters; reflector purchases; transportation costs and wage losses from recovering impounded bicycles and e-scooters; the rate of bicycle and e-scooter riders who wear a helmet; and healthcare costs related to bicycle and e-scooter accidents. Although these variables could affect the analysis of economic impacts, OLO believes these impacts would be negligible and difficult to quantify.

- While registration fees would extract income from providers of bicycles and e-scooters, we do not anticipate that the fees would be large enough to harm providers or generate a negative multiplier effect in any significant manner.
- While the bill may generate increased purchases of reflectors, we anticipate that these costs would be minimal for providers and that any benefit would go to vendors outside of the County.
- While recovering impounded bicycles and e-scooters would create transportation and/or wage costs for owners of bicycles and e-scooters, we do not anticipate that occurrences of impoundment would be high enough for negative ripple effects to be felt in any significant manner.

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- While requiring renters to have a helmet may increase rates of riders wearing helmets, we do not anticipate that the rate increase would be large enough to meaningfully reduce healthcare costs related to bicycle and e-scooter accidents.
-

IMPACTS

Businesses, Non-Profits, Other Private Organizations

Workforce, operating costs, property values, capital investment, taxation policy, economic development, competitiveness, etc.

OLO believes Bill 8-20 would have, at most, a negligible economic impact on County businesses, non-profits, and other private organizations in terms of workforce, operating costs, property values, capital investment, taxation policy, economic development, and competitiveness.

Residents

Employment, property values, taxes paid, etc.

OLO believes Bill 8-20 would have, at most, a negligible economic impact on County residents in terms of employment, property values, and taxes paid.

WORKS CITED

None.

CAVEATS

Two caveats to the economic analysis performed here should be noted. First, predicting the economic impacts of legislation is a challenging analytical endeavor due to data limitations, the multitude of causes of economic outcomes, economic shocks, uncertainty, and other factors. Second, the analysis performed here is intended to *inform* the legislative process, not determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

CONTRIBUTIONS

Stephen Roblin (OLO) drafted this economic impact statement.

Fiscal Impact Statement
Council Bill 8-20 Bicycles and E-Scooters – Operating Requirements and Registration

1. Legislative Summary

Bill 8-20 permits a person to register a bicycle or electric low-speed scooter owned by a County resident for personal use. It requires such registration for an electric low-speed scooter provided for rent in the County, as well as the payment of a registration fee. It also establishes operating requirements for electric low speed scooter use in the County.

2. An estimate of changes in County revenues and expenditures regardless of whether the revenues or expenditures are assumed in the recommended or approved budget. Includes source of information, assumptions, and methodologies used.

The Department of Transportation (DOT) anticipates hiring a contractor to map the location and use of e-scooters provided for rent in the County at a cost of approximately \$40,000. This cost is based on a current contract with a consultant performing these duties. It is expected that revenue from the registration fee set by the County Council will cover this cost.

3. Revenue and expenditure estimates covering at least the next 6 fiscal years.

At \$40,000 per year, the cost will be \$240,000 over the next 6 fiscal years. The registration fee should be set at a level to cover these costs.

4. An actuarial analysis through the entire amortization period for each bill that would affect retiree pension or group insurance costs.

Not applicable.

5. An estimate of expenditures related to County's information technology (IT) systems, including Enterprise Resource Planning (ERP) systems.

Not applicable.

6. Later actions that may affect future revenue and expenditures if the bill authorizes future spending.

Not applicable.

7. An estimate of the staff time needed to implement the bill.

It is expected that staff time will be necessary to process rental e-scooter registrations. The specific amount of time will depend of the number of registrations, but the total time is expected to be low.

8. An explanation of how the addition of new staff responsibilities would affect other duties.

Staff time to process rental e-scooter registrations is expected to be low, thus impact on other duties will be minimal. There may also be additional time needed to track and respond to complaints.

9. An estimate of costs when an additional appropriation is needed.

It is expected that \$40,000 will be needed to cover the cost of the consultant to map the location and use of e-scooters provided for rent in the County.

10. A description of any variable that could affect revenue and cost estimates.

Costs for the consultant are fixed as an increase in the number of scooters operating in the County will not require additional expense. DOT staff time may increase with an increase in the number of scooters due to the number of complaints to track and respond.

11. Ranges of revenue or expenditures that are uncertain or difficult to project.

Not applicable.

12. If a bill is likely to have no fiscal impact, why that is the case.

Any additional costs incurred by the County are expected to be covered by the registration fee.

13. Other fiscal impacts or comments.

Not applicable.

14. The following contributed to and concurred with this analysis:

Gary Erenrich, Department of Transportation

Brady Goldsmith, Office of Management and Budget



Richard S. Madaleno, Director
Office of Management and Budget

4/13/20

Date