



Legislation Text

File #: 19-0324, Version: 0

Explanation: Capitals indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

* **Warning:** This is an unofficial, introductory copy of the bill.
The official copy considered by the City Council is the first reader copy.

Introductory*

**City of Baltimore
Council Bill**

Introduced by: The Council President

At the request of: The Administration (Department of Transportation)

A Bill Entitled

An Ordinance concerning

Dockless Vehicles - Regulation and Taxation

For the purpose of establishing the Dockless Vehicle Program; requiring permits for dockless- vehicle-for-hire providers; imposing certain data sharing requirements upon dockless-vehicle-for-hire providers; providing for the revocation of dockless-vehicle-for-hire provider permits under certain circumstances; establishing certain standards of operation; defining certain terms; imposing certain penalties; allowing for the seizure of a dockless vehicle under certain circumstances; correcting, clarifying, and conforming related provisions governing bike lanes; imposing an excise tax on dockless-vehicle-for-hire providers; generally relating to the regulation of dockless vehicles; and providing for a special effective date.

By repealing and reordaining

Article 31 - Transit and Traffic
Section(s) 20-1(b)
Baltimore City Code
(Edition 2000)

By adding

Article 31 - Transit and Traffic
Section(s) 38-1 to 38-28, to be under the new subtitle,
“Subtitle 38. Dockless Vehicles”
Baltimore City Code
(Edition 2000)

By repealing and reordaining, with amendments

Article 1 - Mayor, City Council, and Municipal Agencies
Section(s) 40-14(e)(5) and 41-14(4)
Baltimore City Code
(Edition 2000)

By adding
Article 28 - Taxes
Section(s) 31-1 to 31-5, to be under the new subtitle,
“Subtitle 31. Dockless Vehicles”
Baltimore City Code
(Edition 2000)

Section 1. Be it ordained by the Mayor and City Council of Baltimore, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 31. Transit and Traffic

Subtitle 20. Bike Lanes

§ 20-1. Definitions.

(b) *Bike Lane.*

“Bike Lane” means a portion of a City street designated exclusively for single directional [bicycle] flow of bicycles and dockless vehicles, as those terms are defined in this article.

Subtitle 38. Dockless Vehicles

Part 1. Definitions; General Provisions

§ 38-1. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.

(b) *Dockless vehicle.*

“Dockless vehicle” means a bicycle, e-bike or e-scooter that does not require the construction of a special docking location for its use.

(c) *Dockless vehicle for hire.*

“Dockless vehicle for hire” means a dockless vehicle available for short-term rental by a provider for the purpose of providing individual transportation on a public right-of-way.

(d) *E-bike.*

(1) *In general.*

“E-bike” means a device designed and equipped with:

- (i) an electric motor for self-propulsion;
- (ii) 2 tandem wheels, either of which is more than 20 inches in diameter; and
- (iii) a locking device to either lock itself or lock to existing structures.

(2) *Exclusions.*

“E-bike” does not include:

- (i) a motorcycle;
- (ii) a motor vehicle;
- (iii) a public transportation vehicle; or
- (iv) a dirt bike as defined in Article 19, § 40-1(c) {“Definitions - Dirt bike”}; or
- (v) a minibike as defined in Article 19, § 40-1(d) {“Definitions - Minibike”}.

(e) *E-scooter.*

(1) *In general.*

“E-scooter” means a device designed and equipped with:

- (i) a motor for self-propulsion;
- (ii) 2 wheels below a platform on which a user can stand upright to operate and control the vehicle; and
- (iii) a locking device to either lock itself or lock to existing structures.

(2) *Exclusions.*

“E-scooter” does not include:

- (i) a motorcycle;
- (ii) a motor vehicle;
- (iii) a public transportation vehicle; or
- (iv) a dirt bike as defined in Article 19, § 40-1(c) {“Definitions - Dirt bike”}; or
- (v) a minibike as defined in Article 19, § 40-1(d) {“Definitions - Minibike”}.

(f) *Enforcement officer.*

“Enforcement officer” has the meaning stated in City Code Article 1, § 41-1(c).

(g) *Provider.*

“Provider” means a provider of dockless vehicles for hire.

(h) *Program.*

“Program” means the Dockless Vehicle Program established pursuant to this subtitle.

(i) *User.*

“User” means any member of the public.

§ 38-2. *Mandatory, prohibitory, and permissive terms.*

(a) *Mandatory terms.*

“Must” and “shall” are each mandatory terms used to express a requirement or to impose a duty.

(b) *Prohibitory terms.*

“May not” and “no ... may” are each mandatory negative terms used to establish a prohibition.

(c) *Permissive terms.*

“May” is permissive.

§ 38-3. *Rules and Regulations.*

(a) *In general.*

The Director must adopt rules and regulations to carry out this subtitle.

(b) *Filing with Legislative Reference.*

A copy of all rules and regulations adopted under this subtitle must be filed with the Department of Legislative Reference before they take effect.

(c) *Posted to Department website.*

A copy of all rules and regulations adopted under this subtitle must be posted on a Department website.

§§ 38-4 to 38-5. *{Reserved}*

Part 2. Dockless Vehicle Program

§ 38-6. Dockless Vehicle Program established.

(a) *In general.*

There is a Dockless Vehicle Program established for the purpose of regulating the operation of dockless vehicles and dockless vehicles for hire.

(b) *Department of Transportation to administer.*

The Department is responsible for administering in a manner consistent with this subtitle.

(c) *Cost recovery.*

The cost of Program administration shall be charged to the providers through the imposition of fees established by the Department and approved by the Board of Estimates.

(d) *Program termination.*

(1) The Program may be terminated at any time by:

- (i) the Director, with 60 days prior notice to the City Council and all providers; or
- (ii) ordinance of the Mayor and City Council.

(2) A termination of the Program operates to

- (i) revoke all existing permits issued under this subtitle; and
- (ii) require all dockless vehicles for hire to be removed from public right-of-ways within 48 hours from the effective date of the termination.

§ 38-7. Scope of Program.

The Program established under this subtitle shall:

- (1) provide, in a manner established by the Director, equitable access to dockless vehicles for hire throughout the City and in under-served areas; and
- (2) be limited to permitting:
 - (i) no more than 6 providers, allocated, as determined by the Director, among the 3 types of dockless vehicles permitted under this subtitle; and
 - (ii) no more than 12,000 dockless vehicles to be allocated, as determined by the Director, among the 3 types of dockless vehicles permitted under this subtitle.

§ 38-8. Permit required.

(a) *In general.*

No provider may operate a dockless-vehicle-for-hire business without having first obtained a permit from the Director.

(b) *Issuance.*

The Director may issue a permit under this subtitle in the form the Director requires.

§ 38-9. Permit applications.

(a) *Form.*

An application for a permit to operate a dockless-vehicle-for-hire business must be submitted in the form required by the rules and regulations adopted under this subtitle.

(b) *Contents.*

The permit application must include:

- (1) the provider's full legal name and any trade name(s) under which it operates;
- (2) documentary evidence from an insurance company indicating that the insurance company has bound itself to provide liability insurance to the provider as required by the Director in the rules and regulations adopted under this subtitle;
- (3) an agreement to indemnify the City;
- (4) a performance bond as provided in § 38-23 of this subtitle; and
- (5) any other information required by the rules and regulations adopted under this subtitle.

§ 38-10. Term and renewal.

(a) *Term.*

A permit issued under this subtitle expires on the 1st anniversary of its effective date and is renewable as provided in this section.

(b) *Renewal application.*

The application for renewal must be in the form and contain the information required under § 38-9 of this subtitle.

§ 38-11. Permit not transferable or shareable.

A permit issued under this subtitle to any provider is not assignable or transferable to or shareable with any other provider not identified in the permit.

§ 38-12. Data sharing requirements.

(a) *In general.*

As a condition to holding a permit, a provider must submit data and reports as required by the Director

in a format determined by the director.

(b) *Confidentiality.*

- (1) Except as otherwise required by law, the data and reports provided to the Department under this section must be kept confidential.
- (2) If disclosure of the data and reports is required by law, the Department must provide the provider with reasonable prior notice of the disclosure.

(c) *User privacy protections.*

A provider must establish a privacy policy approved by the Department that safeguards user information.

§ 38-13. Permit revocation.

(a) *In general.*

After a hearing conducted in accordance with the rules and regulations adopted under this subtitle and with proper notice to the provider, the Department may revoke a permit if the Department finds that the provider:

- (1) intentionally or knowingly made a false statement as to a material matter on the permit application;
- (2) failed to maintain the liability insurance required the Director in the rules and regulations adopted under this subtitle;
- (3) failed to supply the data required under this subtitle;
- (4) failed to pay any fees and taxes required under this subtitle or the Baltimore City Code;
- (5) failed to provide a performance bond as provided in § 38-23 of this subtitle; or
- (6) was convicted twice within a 12-month period of a violation of this subtitle.

(b) *Form and effect of revocation.*

- (1) Any revocation under this section must be in writing from the Department and specify the reasons for the action.
- (2) A provider receiving a revocation under this section is prohibited from applying for a permit under this subtitle for 2 years from the date of the revocation.

§ 38-14. Appeals.

(a) *In General.*

A provider aggrieved by a decision of the Department may appeal that decision to the Director in writing within 10 days of the Department's decision.

(b) *Decision.*

The Director must issue a written decision within 30 days of receipt of the provider's appeal.

§ 38-15. Data breaches.

If a provider determines that a breach of its data system has occurred and that the breach has placed user personal information at risk, the provider must, within 48 hours of that determination, notify the Department and all current and prior users of the breach and the likely consequences of the breach.

§§ 38-16 to 38-17. {Reserved}

Part 3. Standards of Operation

§ 38-18. Unlawful operation.

An e-bike or e-scooter may not be ridden:

- (1) in a manner that violates applicable State or local law;
- (2) at speeds that exceeds 15 miles per hour;
- (3) by a person younger than 16-years of age;
- (4) with a passenger;
- (5) without the use of a headlight or headlamp after dusk, before dawn, or when the safe operation of a vehicle requires the use of headlight or headlamp;
- (6) on a public right-of-way with a posted speed that exceeds 30 miles per hour;
- (7) on a sidewalk, unless the posted speed on the abutting public right-of-way exceeds 30 miles per hour and the speed of the e-bike or e-scooter on the sidewalk does not exceed 6 miles per hour;
- (8) while carrying a package, bundle, or other article that prevents the user from keeping both hands on the handlebars; or
- (9) while physically controlling more than one e-bike or e-scooter.

§ 38-19. Unlawful parking.

(a) *Public streets and alleys.*

A dockless vehicle may not be parked on a public street or alley unless the Director has designated an area specially-designed to accommodate dockless vehicle parking.

(b) *Sidewalks.*

Unless otherwise prohibited by law, rule, or regulation that prohibits parking on a sidewalk, dockless vehicles may be parked:

- (1) on any sidewalk; or

(2) only at designated locations on sidewalks as determined by the Director.

(c) *Miscellaneous locations.*

A dockless vehicle may not be parked in:

- (1) a driveway;
- (2) an area reserved for sidewalk dining;
- (3) a transit zone, including bus stops, shelters, and passenger-waiting areas;
- (4) a loading zone;
- (5) a parking zone dedicated to accessible parking;
- (6) a manner that reduces the pedestrian zone to less than 4 feet or that otherwise prohibits the free flow of pedestrian traffic;
- (7) a manner that interferes with places of access for persons with disabilities as required by the Americans with Disabilities Act; or
- (8) a manner or location prohibited by the Director by rule or regulation.

(d) *Discarded dockless vehicles.*

Dockless vehicles must be parked in a standing upright position.

§ 38-20. User education.

(a) *In general.*

A provider must educate its users in the laws, rules, and regulations applicable to the riding, operation, and parking of dockless vehicles.

(b) *Publication.*

As a component of the education required under this section, a provider must make visible on its dockless vehicles or publish on its mobile application, or both, the standards of operation set forth in § 38-17 and § 38-18 of this subtitle.

§ 38-21. Advertising prohibited.

A provider may not display third party advertising on its dockless vehicles.

§ 38-22. Provider operational responsibilities.

A provider must:

- (1) operate a 24-hour customer service phone number for users, the general public, and City officials to report dockless vehicles that are inoperable or suspected of being operated or parked in apparent violation of the law;

- (2) remove its dockless vehicles from any public right-of-way between dusk and dawn as determined by the Director in the rules and regulations adopted under this subtitle;
- (3) ensure that its dockless vehicles are parked as required by law, rule, or regulation;
- (4) remove or reposition its dockless vehicles that are parked illegally within 2 hours of being notified by the Department or any other government agency of a violation;
- (5) remove or reposition its dockless vehicles that are parked illegally within 6 hours of being notified by the public;
- (6) ensure that its dockless vehicles adhere to applicable national safety standards;
- (7) ensure that its operations adhere to the requirements of equitable access as determined by the Director in the rules and regulations adopted under this subtitle; and
- (8) comply with all other requirements established by the Director for the operation of dockless vehicles for hire.

§ 38-23. Performance bond.

(a) *In general.*

Providers must provide a performance bond in an amount and form specified by the Director.

(b) *Use.*

The funds available from the bond required by this section shall be applied to pay for:

- (1) damage to public property caused by a provider's dockless vehicles; or
- (2) the removal and storage of a provider's dockless vehicles that are parked illegally.

§ 38-24. Seizure.

(a) *In general.*

A dockless vehicle for hire is subject to seizure if it is parked or used in violation of this subtitle.

(b) *Warrant not necessary.*

- (1) An enforcement officer need not have a warrant in order to seize a dockless vehicle for hire in violation of this subtitle if:
 - (i) the enforcement officer has probable cause to believe that the dockless vehicle for hire has been parked or used in violation of this subtitle; and
 - (ii) a warrant is not constitutionally required under the circumstances.

(2) Whenever an enforcement officer seizes a dockless vehicle for hire under this section, the enforcement officer may cause it to be moved to a place designated by the Department.

(c) *Vehicles returned on payment.*

Any dockless vehicle for hire seized under this section must be returned to its provider on payment from funds provided by the performance bond required by § 38-23 of this subtitle.

(d) *Rules and regulations.*

The rules and regulations adopted under this subtitle must include the administration and processes necessary to implement this section.

§§ 38-25 to 38-26. *{Reserved}*

Part 4. Penalties and Enforcement

§ 38-27. Enforcement by citation.

(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this subtitle may be enforced by issuance of:

(1) an environmental citation as authorized by the City Code Article 1, Subtitle 40 {"Environmental Control Board"}; or

(2) a civil citation as authorized by the City Code Article 1, Subtitle 41 {"civil citations"}.

(b) *Process not exclusive.*

The issuance of a citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

(c) *Each day a separate offense.*

Each day that a violation continues is separate offense.

§ 38-28. Criminal penalties.

(a) *In general.*

Except as otherwise specified, any person who violates any provisions of this subtitle or of the rules and regulations adopted under this subtitle is guilty of a misdemeanor and, on conviction, is subject to fine of not more than \$1,000 or to imprisonment for not more than 30 days or to both fine and imprisonment for each offense.

(b) *Each day a separate offense.*

Each day that a violation continues is separate offense.

Article 1. Mayor, City Council, and Municipal Agencies

Subtitle 40. Environmental Control Board

§ 40-14. Violations to which subtitle applies.

(e) *Provisions and penalties enumerated.*

(5) *Article 31. Transit and Traffic*

Subtitle 38. Dockless Vehicles

§ 38-17. Unlawful operation

\$20

§ 38-18. Unlawful parking

\$20

Article 1. Mayor, City Council, and Municipal

Agencies

Subtitle 41. Civil Citations

§ 41-14. Offenses to which subtitle applies - Listing.

(4) *Article 31. Transit and Traffic*

Subtitle 38. Dockless Vehicles

§ 38-17. Unlawful operation

\$20

§ 38-18. Unlawful parking

\$20

Article 28. Taxes

Subtitle 31. Dockless Vehicles

§ 31-1. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.

(b) *Director.*

“Director” means the Director of the Department of Finance or the Director’s designee.

(c) *Dockless vehicle for hire.*

“Dockless vehicle for hire” has the meaning stated in City Code Article 31, § 38-1(c) {“Definitions - Dockless vehicle for hire”}.

(d) *Provider.*

“Provider” has the meaning stated in City Code Article 31, § 38-1(f) {“Definitions - Provider”}.

§ 31-2. Tax imposed.

An excise tax is levied and imposed upon every provider of dockless vehicles for hire.

§ 31-3. Amount of tax.

The amount of the tax is 10 cents per dockless-vehicle-for-hire rental.

§ 31-4. Remittance and reports.

(a) *Remittance.*

A provider shall remit the tax imposed by this subtitle to the Director on or before the first day of January and the first day of July of each year.

(b) *Reports.*

(1) Each remittance must be accompanied by a report of all service transactions for the period reported.

(2) The report must be in the form and contain the information that the Director requires.

§ 31-5. Rules and regulations.

(a) *In general.*

The Director must adopt rules and regulations to carry out this subtitle.

(b) *Filing with Legislative Reference.*

A copy of all rules and regulations adopted under this subtitle must be filed with the Department of Legislative Reference before they take effect.

Section 2. And be it further ordained, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

Section 3. And be it further ordained, That this Ordinance takes effect on May 1, 2019.