

REQUEST FOR LEGAL SERVICES

RECEIVED

By Corporation Counsel at 1:48 pm, Oct 21, 2022

Date: October 21, 2022
From: Yuki Lei K. Sugimura, Chair
Infrastructure and Transportation Committee

TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Michael Hopper, Esq.

Subject: BILL 133 (2022), RELATING TO COMMERCIAL DOCKLESS VEHICLES AND PENALTIES (IT-115)

Background Data: Please review the attached revised proposed bill. Please transmit response to it.committee@mauicounty.us with a reference to IT-115.

Work Requested: ☒ [X] FOR APPROVAL AS TO FORM AND LEGALITY
☐ [] OTHER:

Requestor's signature  Yuki Lei K. Sugimura	Contact Person <u>Laksmi Abraham</u> (Telephone Extension: <u>7659</u>)
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☐ [] ROUTINE (WITHIN 15 WORKING DAYS) ☐ [] RUSH (WITHIN 5 WORKING DAYS)
☐ [] PRIORITY (WITHIN 10 WORKING DAYS) ☐ [] URGENT (WITHIN 3 WORKING DAYS)

☒ [X] SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): October 26, 2022
REASON: For posting for November 4, 2022, Council Meeting.

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO: MJH	ASSIGNMENT NO. 2021-0015	BY: maa
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TO REQUESTOR:  ☐ [] OTHER (SEE COMMENTS BELOW) AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE):

DEPARTMENT OF THE CORPORATION COUNSEL

Date 10-21-22

By 

(Rev. 7/03)

it:ltr:115acc01:lma

Attachment

ORDINANCE NO. _____

BILL NO. 133, CD1 (2022)

A BILL FOR AN ORDINANCE TO AMEND TITLE 10, VEHICLES AND TRAFFIC,
MAUI COUNTY CODE, RELATING TO COMMERCIAL DOCKLESS VEHICLES
AND PENALTIES

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. The County of Maui has the authority and responsibility to protect public health, safety, and security, and under state law, the authority to enact and enforce ordinances necessary to prevent or summarily remove public nuisances and compel the removal of any public nuisance from streets, sidewalks, and public places. The Council finds that recent transportation and technology innovations in mobility options have created a demand for both privately-owned and on-demand dockless small vehicle systems, that include bicycles, scooters, electric bicycles, and electric scooters. Dockless vehicles left on County sidewalks will create a tripping hazard, make sidewalks inaccessible for the disabled, and create a cluttered and unsafe environment. It is in the best interest of the County and the preservation of public health and safety that the County prohibit the operations of shared on-demand dockless vehicle systems that operate in the public right-of-way or on public property.

SECTION 2. Chapter 10.04.030, Maui County Code, is amended by adding new definitions to be appropriately inserted and to read as follows:

“Dockless vehicle” means a bicycle, scooter, low-speed electric bicycle, electric foot scooter, and other small, wheeled

vehicle designed specifically for shared use using Global Positioning System (GPS) or similar technology and can be deployed as part of a dockless vehicle system, but does not include a motorized wheelchair, or other personal mobility device designed for use by a person with a disability.

“Dockless vehicle system” means a commercial system that provides bicycles, scooters, low-speed electric bicycles, electric foot scooters, or other small, wheeled vehicles for short-term rentals for point-to-point trips that may be locked and unlocked without the requirement of a bicycle rack or docking station.

"Electric foot scooter" means the same as the term is defined in Section 249-1, Hawaii Revised Statutes.

“Low-speed electric bicycle” means the same as the term is defined in 15 U.S. Code section 2085.”

SECTION 3. Title 10, Maui County Code, is amended by adding a new chapter to be appropriately designated and to read as follows:

“Chapter 10.73

DOCKLESS VEHICLES

Sections:

- 10.73.010 Prohibition.**
- 10.73.020 Parking of dockless vehicles.**
- 10.73.030 Operation of dockless vehicles.**

10.73.010 Prohibition. It is unlawful to offer for use or rent, or to rent, a dockless vehicle.

10.73.020 Parking of dockless vehicles. A. It is unlawful to park, leave standing, leave lying, abandon, or otherwise place a dockless vehicle on a sidewalk, street or highway, or on public property.

B. Members of the police department are authorized to remove dockless vehicles that are in violation of this subsection in accordance with the removal procedure in section 10.48.210.

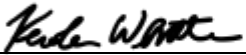
10.73.030 Operation of dockless vehicles. It is unlawful to operate a dockless vehicle on a sidewalk.”

SECTION 4. Chapter 10.72.020, Maui County Code, is amended to read as follows:

“10.72.020 [-] Violation—Penalty. Any person convicted of a violation of any section or provision of this title will be punished by a fine of not more than [~~\$100~~] \$200 for the first offense, and not more than [~~\$250~~] \$500 for every subsequent offense.”

SECTION 5. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:



Department of the Corporation Counsel
County of Maui

it:misc:115abill01:lma

INTRODUCED BY:

Tamara A.M. Paltin

TAMARA PALTIN

IT Committee

From: Keola Whittaker <Keola.R.Whittaker@co.maui.hi.us>
Sent: Friday, October 21, 2022 3:39 PM
To: IT Committee
Cc: Graham Resell
Subject: IT-115 - signed
Attachments: signed dockless vehicles.pdf

You don't often get email from keola.r.whittaker@co.maui.hi.us. [Learn why this is important](#)

Please see attached.

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