RELATING TO TRANSPORTATION SHARING COMPANIES.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to establish fees for the use of City real property by transportation sharing companies in order to help defray associated costs to the City, protect public health and safety, and ensure that the use of City real property by transportation sharing companies benefits the public.

SECTION 2. Chapter 15, Revised Ordinances of Honolulu 1990 ("Traffic Code"), is amended by adding a new article to be appropriately designated by the Revisor of Ordinances and to read as follows:

"Article __. Shared Mobility Services.

Sec. 15-__.1 Definitions.

For the purposes of this article:

"Bicycle" has the same meaning as in HRS Section 291C-1.

"City property" means all real property owned or controlled by the City and County of Honolulu, whether in fee ownership, under lease, or otherwise.

"Department" means the department of transportation services.

"Deploy" means the action by a shared mobility service of making the service available to, and accessible by, the public.

"Director" means the director of transportation services of the city, or the director's duly authorized subordinate.

"Dockless" means without a structure at a permanent, fixed location from which a shared mobility device may be deployed for use by members of the public.

"Electrically motorized board" means any wheeled device that has a floorboard designed to be stood upon when riding that is not greater than 60 inches deep and 18 inches wide, is designed to transport only one person, and has an electric propulsion system averaging less than 1,000 watts, the maximum speed of which, when powered solely by a propulsion system on a paved level surface, is no more than 20 miles per hour. The device may be designed to also be powered by human propulsion. The term
includes an electrically motorized skateboard and an electrically motorized hoverboard, but excludes a motorized scooter.

"Electric bicycle" means a bicycle equipped with fully operable pedals and an electric motor of less than 750 watts.

"Electric personal assistive mobility device" means the same as in HRS Section 291C-1.

"Mobile application" means the software installed on a user's mobile device that allows the user to access shared mobility devices.

"Mobility device" means a bicycle, electric bicycle, motorized scooter, motor scooter, motorcycle, moped, electrically motorized board, or electric personal assistive mobility device.

"Moped" means the same as in HRS Section 291C-1.

"Motorcycle" means the same as in HRS Section 291C-1.

"Motorized scooter" is any two-wheeled device that has handlebars, has a floorboard that is designed to be stood upon when riding, and is powered by an electric motor. This device may also have a driver seat that does not interfere with the ability of the rider to stand and ride and may also be designed to be powered by human propulsion. The term does not include a motorcycle, motor scooter, moped, or electric bicycle.

"Motor scooter," means the same as in HRS Section 291C-1.

"Shared mobility device" means a mobility device that is meant to be utilized multiple times a day to transport different individuals; provided that such devices may or may not be: (1) accessed by a mobile application, (2) docked or dockless, or (3) power-assisted or propelled solely by human power. The term does not include car sharing vehicles, taxicabs, limousines, transportation network vehicles, buses, trucks, freight transport vehicles, special transit service vehicles, liveries, carpools, vanpools, shuttles, ferries, or pedicabs.

"Shared mobility service" means a for-profit or non-profit business that provides to the public for transportation, on an as-needed basis, the use of a shared mobility device for hire. The term includes, but is not limited to, bikesharing, scooter-sharing, motorcycle-sharing, electrically motorized board-sharing, or moped-sharing.
"Shared mobility service area permit" or "SMS area permit" means the permit approved the director issued to a shared mobility service pursuant to this article.

"SMS area" means a specific space on city property designated by the director for use by a shared mobility service in accordance with Section 15-__.2.

"Sticker" means a reserved SMS area sticker or any other identifying means as determined by the department.

Sec. 15-__.2 Reserved areas for shared mobility services.

(a) The director shall establish, mark, and designate reserved SMS areas on city property and assign them for exclusive use by a shared mobility service. The director shall limit the total number of reserved SMS areas in the city to no more than ___ in any calendar year; provided that the director may not authorize:

(1) More than ___ reserved SMS areas per street block; or

(2) Reserved SMS areas on street segments subject to tow or tow-away zones.

(b) Reserved SMS areas must be established, categorized, and assigned to shared mobility services according to rules adopted by the director under Section 15-__.5. An SMS area may include a rack, corral, docking station, pickup or drop-off zone signs, bollards, geofencing, or other appropriate equipment, markings, or physical infrastructure, as determined by the director.

(c) No shared mobility service may use city property for the storage, parking, pick up, drop-off, or docking of their shared mobility devices unless the service holds a valid and current SMS area permit issued in accordance with this section.

(d) The director may issue SMS area permits upon receipt of applications from shared mobility services on forms prescribed by the director, provided that the applicants meet the requirements of this article. Each applicant shall pay a nonrefundable permit application fee of $______ for issuance or renewal of an SMS area permit.

(e) Each SMS area permit is nontransferable and shall be valid for up to one year. SMS area permits shall be issued on a first-come, first-served basis; however, the department may implement a lottery system if the number of applications exceeds the number of permits allowed.
(f) No SMS area permit may be issued to a shared mobility service for more than ____ shared mobility devices in a year.

(g) In no event may the director issue SMS area permits for more than ____ total shared mobility devices in one year. The director may issue SMS area permits for a maximum total number of each type of shared mobility device each year as follows:

<table>
<thead>
<tr>
<th>Type of device</th>
<th>Maximum allowed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bicycles</td>
<td>$________</td>
</tr>
<tr>
<td>Electric bicycles</td>
<td>$________</td>
</tr>
<tr>
<td>Motorized scooters</td>
<td>$________</td>
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<tr>
<td>Motor scooters</td>
<td>$________</td>
</tr>
<tr>
<td>Motorcycles</td>
<td>$________</td>
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<tr>
<td>Mopeds</td>
<td>$________</td>
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<tr>
<td>Electrically motorized boards</td>
<td>$________</td>
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<tr>
<td>Electric personal assistive mobility</td>
<td>$________</td>
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<tr>
<td>devices</td>
<td>$________</td>
</tr>
</tbody>
</table>

(h) Owners of shared mobility services must be in compliance and in good standing with all applicable permit conditions and any other obligations under law or rule, including those pertaining to taxes, fees, and citations.

(i) The director shall charge and collect the following annual fees for each reserved SMS area on city property:

<table>
<thead>
<tr>
<th>Operator fee</th>
<th>$________</th>
</tr>
</thead>
<tbody>
<tr>
<td>Per shared mobility device fee:</td>
<td></td>
</tr>
<tr>
<td>Bicycles</td>
<td>$________</td>
</tr>
<tr>
<td>Electric bicycles</td>
<td>$________</td>
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<tr>
<td>Motorized scooters</td>
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<td>Motor scooters</td>
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<td>Motorcycles</td>
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<td>Motorcycles</td>
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<td>Mopeds</td>
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</table>
### A BILL FOR AN ORDINANCE

<table>
<thead>
<tr>
<th>Electrically motorized boards</th>
<th>$__________</th>
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</thead>
<tbody>
<tr>
<td>Electric personal assistive mobility devices</td>
<td>$__________</td>
</tr>
</tbody>
</table>

(j) Any shared mobility service that is assigned one or more reserved SMS areas shall pay to the director annual fees as provided for in subsection (d), plus a fee of $20 for a reserved SMS area sticker for each of its shared mobility devices that will be allowed to use an SMS area pursuant to a permit issued in accordance with this article. When a reserved SMS area sticker is mutilated, damaged, defaced, or lost, a replacement sticker will be issued upon payment of $20.

(k) Reserved SMS area stickers will be effective for a calendar year, state the date of expiration, be uniquely numbered, and be displayed in a prominent location on a shared mobility device. The annual fee for the reserved SMS area or sticker will be prorated on a monthly basis if the SMS area is assigned or the sticker is purchased after January 31.

(l) A person may not park, store, or leave unattended a mobility device in a reserved SMS area unless there is affixed to the mobility device a valid and current reserved SMS area sticker acquired pursuant to this section.

(m) Any mobility device parked in a reserved SMS area without a valid and current reserved SMS area sticker is subject to being towed or otherwise removed, and the owner of the mobility device is subject to a fine of $100 for each offense.

Sec. 15--.3 Eligibility for SMS stickers.

Any shared mobility service shall provide proof to the department that it is properly registered with the State of Hawaii department of taxation pursuant to HRS Section 251-3(a) before it may apply for stickers under this article.

Sec. 15--.4 Administrative enforcement.

(a) Articles 4 and 26 apply to the enforcement of this article. If any shared mobility service is found to be in violation of this chapter or other applicable laws, the department may immediately revoke the shared mobility service’s SMS area stickers and may refuse to issue additional SMS area stickers to the shared mobility service.
(b) In the event a shared mobility service is no longer willing or able to operate within the city, the owner of the service must provide the city with written notice, at least 14 days in advance of it ceasing operations in the city. Once the owner ceases operations, it must immediately surrender its permits to the city, and remove all of its devices and associated equipment from all city property.

(c) An owner of a shared mobility service whose SMS area permit is revoked or surrendered shall not be eligible to reapply for an SMS area permit for six months from the date of revocation or surrender.

Sec. 15-___.5 Adoption of rules.

The director shall adopt rules, in accordance with HRS Chapter 91, having the force and effect of law for the implementation, administration, and enforcement of this article."

SECTION 3. Section 15-13.9, Revised Ordinances of Honolulu 1990 ("Authority to store vehicles"), as amended by Ordinance 19-1, is amended by amending subsection (a) to read as follows:

"(a) Officers and employees of the Honolulu police department and department of customer services may remove vehicles or mobility devices, or cause them to be removed, from a street, highway, or pedestrian mall to a storage area or other place of safety under any of the following circumstances:

(1) When any vehicle is left unattended upon any bridge or elevated structure, viaduct, causeway, or left unattended in any tube or tunnel, where such vehicle constitutes an obstruction to traffic;

(2) When any vehicle upon a highway is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle request the removal of the vehicle or are by reason of physical injury incapacitated to such an extent as to be unable to provide for the vehicle's custody or removal;

(3) When any vehicle is left unattended upon a street and is parked illegally so as to constitute a definite hazard or obstruction to the normal movement of traffic;

(4) When any vehicle is left unattended or parked in a tow zone during the time of restricted parking during the morning peak traffic hours designated
by official signs specifying the hours of restricted parking every day, except Saturdays, Sundays, and public holidays on the streets or portions thereof described in Schedule XVII;

(5) When any vehicle is left unattended or parked in a tow zone during the time of restricted parking during the afternoon peak traffic hours designated by official signs specifying the hours of restricted parking every day, except Saturdays, Sundays, and public holidays on the streets or portions thereof described in Schedule XVIII;

(6) When any vehicle is left unattended or parked in a tow zone during the time of restricted parking during the morning and/or afternoon peak traffic hours designated by official signs specifying the hours of restricted parking every day, except Saturdays, Sundays, and public holidays on the streets or portions thereof described in Schedule XIX;

(7) When any vehicle is left unattended or parked in a tow zone at all hours of any day on the streets or portions thereof described in Schedule XX;

(8) When any vehicle is left unattended or parked in a tow zone during the time of restricted parking designated by official signs specifying those times of restricted parking on the streets or portions thereof described in Schedule XXI;

(9) When any vehicle is left unattended or parked upon a street and is parked in front of a public or private driveway so as to constitute an obstruction to vehicular traffic using or attempting to use such driveway for purposes of egress or ingress;

(10) When any vehicle is left unattended on a street, or portion thereof, so as to interfere with or impede construction, demolition, repair and/or maintenance work being done on, adjacent to, above or below the street, provided a permit has been issued for the work by the director of transportation services, and adequate regulatory signs are posted designating the time of the prohibition;

(11) When any vehicle is left unattended upon any street within 10 feet of a fire hydrant;

(12) When any vehicle is left unattended upon any street within four feet of either side of a public or private driveway;
(13) When any vehicle is left unattended or parked in a crosswalk, or within 20 feet of a crosswalk at an intersection, or within 20 feet upon the approach to any midblock crosswalk;

(14) When any vehicle is left unattended at any time on the roadway portion of any freeway; or when any vehicle, except an authorized emergency vehicle or highway maintenance or construction equipment, is left unattended on the median, shoulder, or any other portion, other than the roadway portion, of any freeway for more than four hours;

(15) When any bus, truck, truck-trailer, trailer, van, house trailer, or any vehicle used for commercial purposes whose gross vehicle weight is 10,000 pounds or more, except vehicles of the public utilities and construction equipment while engaged in repair or construction work, or vehicles actually loading or unloading goods, wares or merchandise, is parked on any public street for more than four consecutive hours;

(16) When any vehicle is left unattended in a transit or an express bus lane;

(17) When any vehicle is left unattended upon any bicycle lane or bicycle path;

(18) When any vehicle is left unattended or parked in violation of the pedestrian mall provisions of Article 25;

(19) When any vehicle is left unattended or parked in an official bus stop as described in Schedule XXV;

(20) When any vehicle is parked, stopped, or left standing in violation of Section 15-14.1(a)(21) to (a)(26);

(21) When any vehicle is left unattended or parked on any public street, [read:] roadway, or highway, and the vehicle has any one or more of the following:

   (A) No valid vehicle registration emblem or an expired vehicle registration emblem;

   (B) No valid sticker affixed certifying a certificate of inspection as required in HRS Section 286-26 or an expired certificate of inspection sticker; or

   (C) No valid license plates.
For purposes of this paragraph: "Public street, roadway, or highway" includes the entire width, including berm or shoulder, of every road, alley, street, way, lane, trail, highway, bikeway, or bridge when any part thereof is open for use by the public;

(22) When a vehicle is parked in a restrictive parking zone in violation of Article [of this chapter; and],

(23) When a vehicle is parked in a reserved car-sharing on-street parking stall without a valid and current reserved car-sharing on-street parking stall sticker in accordance with Section 15-28.1(g)[ ]; and

(24) When a mobility device is parked in an area designated by the director as an SMS area without a valid and current SMS area sticker in accordance with Section 15- .2."

SECTION 4. Ordinance material to be repealed is bracketed and stricken. New material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the brackets, the material that has been bracketed and stricken, or the underscoring. In SECTION 3 of this ordinance, the Revisor of Ordinances shall insert in ROH Section 15-3.9(a)(22) the number of the article enacted by Ordinance 19-1, SECTION 2.
SECTION 5. This ordinance takes effect 120 days following its approval.

DATE OF INTRODUCTION:

AUG 1 2019
Honolulu, Hawaii

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of ____________, 20 __________.

KIRK CALDWELL, Mayor
City and County of Honolulu