

**ORDINANCE NO. 2024-6  
CHAPTER 47  
ARTICLE X**

**AN ORDINANCE to amend Chapter 47 of the 2019 Detroit City Code, *Transportation for Hire, Article X, Electric Personal Mobility Devices*, by amending Division 2, *Shared Mobility Permits, Section 47-10-14, Issuance of permits*, to revise the timing when shared mobility permits must be issued, and Division 3, *Responsibilities of Owners of Shared Fleets and Operators of Electric Personal Mobility Devices, Section 47-10-39, Insurance requirements*, and Section 47-10-40, *Indemnity*, to clarify and expand the scope of permit recipients' insurance and indemnification requirements.**

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT THAT:

**Section 1.** Chapter 47 of the 2019 Detroit City Code, *Transportation for Hire, Article X, Electric Personal Mobility Devices*, be amended by amending Division 2, Section 47-10-14, and Division 3, Sections 47-10-39 and 47-10-40, to read as follows:

**CHAPTER 47. TRANSPORTATION FOR HIRE  
ARTICLE X. ELECTRIC PERSONAL MOBILITY DEVICES  
DIVISION 2. SHARED MOBILITY PERMITS**

**Sec. 47-10-14. Issuance of permits.**

(a) The Department shall issue shared mobility permits in accordance with the provisions of this section.

(b) Not later than the first December 31st following the effective date of this article, which is March 1, 2023, and again not later than December 31st of each even-numbered year thereafter, the Department shall promulgate parameters, including associated minimum requirements, for the evaluation of shared mobility applications in accordance with Section 47-10-15 of this Code and set the dates when acceptance of shared mobility permit applications will be commenced and concluded. The Department shall accept of shared mobility permit applications for a continuous period of not less than 60 days and not more than 90 days.

(c) The Department shall notice the opportunity to submit applications for shared mobility permits. Such notice shall include all applicable parameters and associated minimum requirements, and accept shared mobility permit applications for the period specified pursuant to Subsection (b) of this section.

(d) Upon conclusion of the application acceptance period, the Department shall complete all of the following activities:

- (1) Within 30 days, review and rank all complete and timely applications based on the parameters promulgated under Subsection (b) of this section. The Department may separately rank applications related to different types of electric personal mobility devices;
- (2) Upon approval by City Council through adoption of a resolution containing the Department's ranking of applications, issue permits to the top-ranked applicants in order of their relative ranking subject to applicable terms and conditions; and
- (3) Assign the same effective date and expiration date to each permit issued under this subsection.

(e) If any owner to which a shared mobility permit has been issued pursuant to Subsection (d)(2) of this section is terminated prior to the stated expiration date of such permit, the Department may reassign such permit to another owner in accordance with the following:

- (1) The Department shall notice the opportunity to submit applications for reassignment of the terminated permit, including the terms and conditions of such permit, and accept shared mobility permit applications for a period of not more than 90 days;
- (2) Review and rank all complete and timely applications based on the parameters promulgated under Subsection (b) of this section as such parameters are applicable;
- (3) Upon approval by City Council through adoption of a resolution containing the Department's ranking of applications, reassign the permit to the top-ranked applicant; and
- (4) The terms and conditions of any permit being reassigned pursuant to this subsection, including but not limited to its expiration date, must not be revised in the course of its reassignment.

**DIVISION 3. RESPONSIBILITIES OF OWNERS OF SHARED FLEETS  
AND OPERATORS OF ELECTRIC PERSONAL MOBILITY DEVICES**

**Sec. 47-10-39. Insurance requirements.**

(a) For the duration of its shared mobility permit, each owner shall procure and maintain insurance against claims for injuries to persons or damage to property that may arise from, or in connection with, the performance of the work hereunder by the owner, its agents, representatives, employees, or subcontractors.

(b) The minimum scope and limits of such insurance coverage shall be at least as broad as provided for in the table below. If the owner maintains broader coverage or higher limits than the minimums shown in the table, the City of Detroit requires and shall be entitled to the broader coverage or higher limits maintained by the owner. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the City of Detroit.

<b>Insurance Type:</b>	<b>Minimum Coverage Requirement:</b>
Workers' Compensation	Michigan statutory minimum
Employer's Liability	\$500,000.00 minimum each disease \$500,000.00 minimum each person \$500,000.00 minimum each accident
Errors and Omissions	\$1,000,000.00 each occurrence \$1,000,000.00 in aggregate
Commercial General Liability (broad form comprehensive)	\$5,000,000.00 each occurrence, including products and completed operations, property damage, bodily injury, and personal and advertising injury No limit in aggregate
Automobile Liability (covering all owned, hired and non-owned vehicles with personal and property protection insurance, including residual liability insurance under Michigan no-fault insurance law)	\$1,000,000.00 combined single limit for bodily injury and property damage

(c) The above-referenced insurance policies must contain, or be endorsed to contain, the following provisions, as applicable:

- (1) *Additional insured:* The City of Detroit, its officers, officials, employees, and volunteers must be covered as additional insureds on the commercial general liability, automobile liability, and errors and omissions policies.
- (2) *Primary coverage:* For any claim against any insurance policy required in this section, the owner's insurance shall be primary coverage as least as broad as Insurance Services Office Form CG 20 01 04 13 as respects the City of Detroit, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the City of Detroit, its officers, officials, employees, or volunteers shall be in excess of, and not contribute to, the owner's insurance.
- (3) *Notice of cancellation:* Each insurance policy required in this section must state that coverage shall not be canceled except after notice has been given to the City of Detroit.
- (4) *Waiver of subrogation:* The owner must grant to the City of Detroit a waiver of any right of subrogation, which any insurer of said owner may acquire against the City of Detroit by virtue of payment of any loss. The owner must agree to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether the City of Detroit has received a waiver of subrogation endorsement from the insurer. The Workers' Compensation policy shall be endorsed with a waiver of subrogation in favor of the City of Detroit for all work performed by the owner, its employees, agents, and subcontractors.

(d) *Acceptability of insurers:* Insurance must be placed with insurers authorized to conduct business in the State of Michigan with a current A.M. Best rating of no less than A:VII, unless otherwise acceptable to the City of Detroit.

(e) *Verification of coverage:* The owner shall furnish the City of Detroit with original certificates and amendatory endorsements or copies of the applicable policy language affecting coverage. All certificates and endorsements must be received and approved by the City of Detroit before the permit is issued. However, failure to obtain required documents prior to the permit issuance shall not waive the owner's obligation to provide them. The City of Detroit may require complete certified copies of all required insurance policies, including the endorsements required in this section, at any time.

(f) *Failure to maintain insurance coverage:* Where the owner fails, for any reason, to maintain the insurance coverage required by this section, the City of Detroit may immediately terminate the owner's shared mobility permit.

**Sec. 47-10-40. Indemnification.**

(a) Each owner of a shared fleet shall indemnify, defend, and hold harmless, and shall include in its terms of service applicable to all operators of any electric personal mobility device within its shared fleet the requirement that such operators shall indemnify and hold harmless the City against and from any and all liabilities, obligations, damages, penalties, claims, costs, charges, losses and expenses, including, without limitation, fees and expenses for attorneys, expert witnesses and other consultants, that may be imposed upon, incurred by, or asserted against the City or its departments or agencies, officers, employees, or agents by reason of any of the following occurring during the term of its shared mobility permit with respect to the owner or its associates:

- (1) Any negligent or tortious act, error, or omission attributable in whole or in part to the owner or its associates or the operator of an electric personal mobility device owned by the owner or its associates;
- (2) Any failure by the owner or its associates to comply with the provisions of this article; and
- (3) Any injury to the person or property of an employee of the City where such injury arises out of the activities of the owner or its associates, or by the activities of an operator of an electric personal mobility device owned by the owner or its associates.

(b) Each owner of a shared fleet shall further defend, indemnify, and hold harmless the City, its officers, elected or appointed officials, employees, agents, and volunteers from and against any and all claims, damages, losses, expenses, fines, penalties, judgments, demands and defense costs, including, without limitation, actual, direct, out-of-pocket costs and expenses, and amounts paid in compromise, settlement or judgment, and reasonable legal fees arising from litigation of every nature or liability of any kind or nature, including civil, criminal, administrative or investigative, arising out of, in connection with, or which are in any way related to, the owner's operations under a permit issued pursuant to this article, the business conduct and operations of the owner or any of its associates, any violation of any laws by the owner or any of its associates, or any bodily injury including death or damage to property arising out of or in connection with any use, misuse, placement, or misplacement of any of the owner's electronic personal mobility devices or its associated equipment, except such claim caused by the willful misconduct or gross negligence of the City. This indemnity includes, but is not limited to, personal injury sustained by an operator arising from defects or unsafe conditions on City's streets, sidewalks, or other public areas unless caused by the sole willful misconduct of the City. The owner will conduct all defenses at its sole cost and expense, and the City shall reasonably approve selection of the counsel to represent the City as proposed by the owner. This indemnity shall apply to all claims and liability regardless of whether any insurance policies of the owner, its affiliates, or any other parties are applicable thereto. The policy limits of any insurance of the owner, its affiliates or other parties are not a limitation upon the obligation of the owner, including, without limitation, the amount of indemnification to be provided by the owner.

(c) The provisions of this section shall survive the expiration or termination of any permit issued pursuant to this article.

(d) For purposes of this section, the term "associates" includes the owner's parent corporation and subsidiaries and any of their officers, managers, employees, agents, contractors, and volunteers as well as affiliates of the owner, its parent corporation, or its subsidiaries.

**Section 2.** This ordinance is hereby declared necessary to preserve the public peace, health, safety, and welfare of the People of the City of Detroit.

**Section 3.** All ordinances, or parts of ordinances, that conflict with this ordinance are repealed.

**Section 4.** In the event this ordinance is passed by two-thirds majority of City Council Members serving, it shall be given immediate effect and become effective upon publication

in accordance with Section 4-118(1) of the 2012 Detroit City Charter. Where this ordinance is passed by less than a two-thirds majority of City Council Members serving, it shall become effective on the 30th day after publication in accordance with Section 4-118(2) of the 2012 Detroit City Charter.

(J.C.C. pp. :	November 7, 2023)
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Approved:	February 19, 2024
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JANICE M. WINFREY  
City Clerk