

ORDINANCE NO. 5453

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

WE HEREBY CERTIFY that the foregoing BILL NO. 133, CD1 (2022)

1. Passed FINAL READING at the meeting of the Council of the County of Maui, State of Hawaii, held on the 18th day of November, 2022, by the following vote:

Alice L. LEE Chair	Keani N. W. RAWLINS- FERNANDEZ Vice-Chair	Gabriel JOHNSON	Natalie A. KAMA	Kelly T. KING	Michael J. MOLINA	Tamara A. M. PALTIN	Shane M. SINENCI	Yuki Lei K. SUGIMURA
Aye	Aye	Aye	Aye	Excused	Aye	Aye	Aye	Excused

2. Was transmitted to the Mayor of the County of Maui, State of Hawaii, on the 21st day of November, 2022.

DATED AT WAILUKU, MAUI, HAWAII, this 21st day of November, 2022.

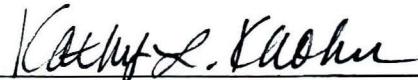
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OFFICE OF THE MAYOR

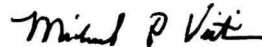


ALICE L. LEE, CHAIR
Council of the County of Maui



KATHY L. KAOHU, COUNTY CLERK
County of Maui

THE FOREGOING BILL IS HEREBY APPROVED THIS 23rd DAY OF November, 2022.



MICHAEL P. VICTORINO, MAYOR
County of Maui

I HEREBY CERTIFY that upon approval of the foregoing BILL by the Mayor of the County of Maui, the said BILL was designated as ORDINANCE NO. 5453 of the County of Maui, State of Hawaii.



KATHY L. KAOHU, COUNTY CLERK
County of Maui

Passed First Reading on November 4, 2022
Effective date of Ordinance November 23, 2022

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 5453, the original of which is on file in the Office of the County Clerk, County of Maui, State of Hawaii.

Dated at Wailuku, Hawaii, on

County Clerk, County of Maui

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COUNTY CLERK