

1 **Section 1.** This ordinance shall be known as the Dockless Mobility Technology Code for the City of
2 Little Rock, Arkansas.

3 **Section 2. Definitions.** For the purposes of this Dockless Mobility Technology Code (“the Code”)
4 the following terms used within this Code shall have the following definitions:

5 a) **Dockless Mobility System** shall mean a Mobility System or service licensed by the City,
6 and comprised of units to be used for the purpose of transportation or conveyance.

7 b) **Dockless Mobility Unit** shall mean a singular vehicle used in a greater, publicly offered,
8 Dockless Mobility System for the conveyance of people, goods or services, that does not require
9 fixed docking stations or apparatus to receive or return a unit.;

10 c) **Electric Motorized Scooter or Scooter**, for purposes of this Code, shall mean a device that:

11 (i) weighs less than 100 pounds; and,

12 (ii) has two (2) or three (3) wheels; and,

13 (iii) has a handlebar; and,

14 (iv) is equipped with a floorboard that can be used to stand on while it is ridden; and,

15 (v) is powered by an electric motor; and,

16 (vi) has a maximum speed of twenty (20) miles per hour (MPH) with or without human
17 propulsion on a paved level surface. and,

18 d) **“Electric Motorized Scooter” or “Scooter”**, for purposes of this Code, does *not mean* a device
19 that:

20 (i) a motorcycle, an electric bicycle, an electric personal assisted mobility device,
21 a motor-driven cycle, a motorized bicycle as defined in Ark. Code Ann. § 27-
22 20-101, a moped, or

23 (ii) an electric bicycle as defined in Ark. Code Ann. § 27-51-1702; or, *mean* a device that:

24 A) weighs less than thirty (30) pounds; and,

25 B) has two (2) or three (3) wheels; and,

26 C) has a handlebar; and,

27 D) is equipped with a floorboard that can be used to stand on while it is ridden;

28 and,

29 E) is powered by an electric motor; and,

30 F) has a maximum speed of ten (10) MPH with or without human propulsion
31 on a paved level surface as certified by the manufacturer, or in accordance
32 with the Consumer Product Safety Commission, ASTM F1447 as replaced
33 by ANSI, or Snell B-90; and,

34 G) is not equipped to be rented or sold by a Scooter-Share Operator to other
35 persons in accordance with the provisions of this Code;

36 e) **Operator** shall mean a person or entity who owns, operates, or both, a Dockless Mobility
37 System.

1 f) ***Scooter-Share Operator*** means a person or company offering a Shared Scooter for hire; it
2 is understood that there may be more than one such provider within the City.

3 g) ***Scooter-Share Program*** means a service in which a shared scooter is made available to the
4 public to use for hire.

5 h) ***Shared Scooter*** means an Electric Motorized Scooter offered for hire.

6 i) ***User*** shall mean a person who rents and uses, or allows another person to use, a Dockless
7 Mobility Unit from an Operator. A User must be at least sixteen (16) years of age.

8 **Section 3. *Operation of a Shared Scooter.*** A Shared Scooter shall not be operated:

9 a) by a person under sixteen (16) years of age; and,

10 b) by a person under the age of eighteen (18) unless that person is wearing an appropriate
11 helmet; and,

12 c) at a speed greater than fifteen (15) MPH; and,

13 d) on a sidewalk in any area of the City, unless the area has been deemed by the City, and
14 signage is in place, that the area is appropriate for sidewalk use; and,

15 e) outside a designated bicycle lane if such a lane is designated where the person is riding;
16 and,

17 f) after dark without a white lamp in front, and red lamp or reflector in the rear, or other front
18 and rear illumination gear acceptable to the City, that is visible from a distance of 500 feet;
19 and,

20 g) by more than one (1) person, nor shall a Shared Scooter carry more than one (1) person at
21 a time; and,

22 h) *penalty for violation:* failure to comply with this Section 3 is punishable pursuant to Little
23 Rock, Ark, Rev. Code §§ 1-9.

24 **Section 4. *Insurance Requirements.***

25 a) A Shared Scooter shall bear a unique alphanumeric identification number;

26 b) the alphanumeric identification number shall be:

27 i) visible from a distance of five (5) feet and not be covered by a branding or other
28 marking; and,

29 ii) used throughout the State of Arkansas, including by a local authority, to identify
30 the Shared Scooter.

31 c) A Scooter-Share Operator shall carry the following insurance coverage, in accordance with
32 Arkansas State Law, dedicated exclusively for operation of a Shared Scooter:

33 i) Commercial General Liability Insurance Coverage with a limit of no less than One
34 Million Dollars (\$1,000,000.00) for each occurrence and Five Million Dollars
35 (\$5,000,000.00) aggregate; and,

36 ii) Umbrella or Excise Liability Coverage with a limit of not less than Five Million
37 Dollars (\$5,000,000.00) for each occurrence and Five Million Dollars
38 (\$5,000,000.00) aggregate; and,

1 iii) Workers' Compensation Coverage as required by law.

2 **Section 5. *Amendment or repeal of certain provisions of the Little Rock Code.*** The following provi-
3 sions of the Little Rock Code of Ordinances are amended or repealed as follows:

4 Little Rock, Ark., Rev. Code § 32-463 (1988) is amended to add the following subsection:

- 5 i) No person upon roller skates or riding in or by means of any coaster, toy vehicle,
6 or similar device, shall go upon any roadway except while crossing a street on a
7 crosswalk and when so crossing, such person shall be granted all of the rights and
8 shall be subject to all of the duties applicable to pedestrian. This section shall not
9 apply to a person on a Shared Scooter as defined in Section 2 above; further, this
10 section shall not apply upon any street while it is set aside as a play street.
- 11 ii) No person riding upon any bicycle, coaster, roller skates, sled, toy vehicle, toy
12 scooter, or Shared Scooter as defined in Section 2 above, shall attach the same or
13 the person to any vehicle upon a public street, public property, or private property
14 that is publicly accessible.

15 Little Rock, Ark., Rev. Code § 32-486 (1988) is amended to read as follows:

- 16 i) Every person riding a bicycle, or Shared Scooter as defined in Section 2 above,
17 upon a roadway shall be granted all of the rights and shall be subject to all the
18 duties applicable to the driver of a vehicle by the laws of this State declaring rules
19 of the road applicable to vehicles or by the Traffic Ordinances of this City
20 applicable to the driver of a vehicle, except as to special regulations in this article
21 and except as to those provisions of laws and ordinances which by their nature can
22 have no application.
- 23 ii) For purposes of this subsection, within the corporate limits of the City, a Shared
24 Scooter, as defined in Section 2 above, is not classified as a toy, nor as a personal
25 assistive mobility device.

26 Little Rock, Ark., Rev. Code § 32-494 (1988) is amended to add the following subsection:

- 27 i) No person on a Shared Scooter as defined in Section 2 above shall ride upon a
28 sidewalk in a non-residential area, not specifically approved for which signage has
29 been placed by the City.

30 **Section 6. *City Access of Scooter-shared Operator Records.*** The City shall receive from a Scooter-
31 Shared Operator which has any Shared Scooters operating within the corporate limits of the City,
32 anonymized fleet and ride activity data for all trips starting, including, or ending, within the corporate limits
33 of the City and, all ride activity resulting in an accident report, provided that:

- 34 a) To ensure the individual privacy, the anonymized fleet and ride activity is:
35 i) Provided to a local authority through an application programming interface,
36 subject to the Scooter-Share Operator's License Agreement for the interface, in
37 compliance with a national data format standard such as the mobility data
38 specifications; and,

- 1 ii) To the extent provided by law, the City shall treat such information as proprietary
2 information, personally identifiable information, trade secrets, or information that
3 could create an unfair competitive advantage for any entity that operates pursuant
4 to this ordinance;
- 5 iii) Is treated by the City as a trade secret and proprietary business information; and,
6 iv) Is considered personally identifiable information; and,
7 v) Provided further, that for the limited purposes of the investigation into a State or
8 Federal criminal matter, as certified to the Scooter-Shared Operator by a person
9 with the rank of Major or above in the Little Rock Police Department, total, but
10 discrete, non-anonymized information, about ride data, or user data, within a
11 specifically identified area of the corporate limits of the City during a particular
12 time frame, with a valid subpoena or other applicable court document.

13 **Section 7. *Future limitation of the number of Shared Scooters within the City.*** Nothing within the
14 provisions of this ordinance shall be interpreted to mean that the City cannot limit the number of, the area
15 where, or both, as to the use of Shared Scooters permitted to operate within the corporate limits of the City.
16 Any such limitation shall be based upon demonstrable concerns for public safety.

17 **Section 8. *Modifications to City authority and imposition of Business License and Franchise Fee.***

- 18 a) Any requirements imposed by this ordinance which are different from any provision of
19 Arkansas State Law are enacted pursuant to the City's express legislative authority
20 contained in 2019 Ark. Acts 1015, as amended as to the safe operation of an electric
21 motorized scooter, and the presence of an electric motorized scooter on public property
22 including, but not limited to, any public rights-of-way.
- 23 b) Pursuant to the statutory authority granted to municipalities in Ark. Code Ann. §§ 26-77-
24 101 to -103, as amended, the City hereby amends the appropriate of the City Business
25 License Ordinances to impose a Business License of Seventy-Five Dollars (\$75.00) per
26 scooter that operates within the corporate limits of the City, uses City right-of-way, or both.
- 27 c) In addition to any Business License required, an annual Franchise Fee of Ten Thousand
28 Dollars (\$10,000.00) shall be charged to an Operator for the use of one (1) or more Electric
29 Motorized Scooters on public property.

30 **Section 9. *Severability.*** In the event any title, section, paragraph, item, sentence, clause, phrase, or
31 word of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or
32 adjudication shall not affect the remaining portions of the ordinance which shall remain in full force and
33 effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of the
34 ordinance.

35 **Section 10. *Repealer.*** All laws, ordinances, resolutions, or parts of the same, that are inconsistent with
36 the provisions of this resolution, are hereby repealed to the extent of such inconsistency including, but not
37 limited to Little Rock, Ark., Ordinance No. 21,700 (March 5, 2019).

1 **Section 11. *Emergency Clause.*** The desire to use e-Scooters as an alternate means of transportation
2 within the City has been demonstrated by the presence pursuant to a Memorandum of Understanding, and
3 other measures, by LIME, Inc., since 2019, and by enactment by the State of Arkansas of legislation to
4 permit digitally-based e-Scooter transportation within local communities; the benefit of these means also
5 brings certain challenges and public safety concerns; therefore, an emergency is declared to exist and this
6 ordinance shall be in full force and effect from and after the date of its passage.

7 **PASSED: January 19, 2021**

8 **ATTEST:**

APPROVED:

9
10 _____
11 **Susan Langley, City Clerk**

_____ **Frank Scott, Jr., Mayor**

12 **APPROVED AS TO LEGAL FORM:**

13
14 _____
15 **Thomas M. Carpenter, City Attorney**

16 //
17 //
18 //
19 //
20 //
21 //
22 //
23 //
24 //
25 //
26 //
27 //
28 //
29 //
30 //
31 //
32 //
33 //
34 //
35 //
36 //
37 //
38 //