

11-26-18

ORDINANCE NO. 31048

An ordinance amending Chapter 28, "Motor Vehicles and Traffic," of the Dallas City Code by amending Sections 28-41.1 and 28-41.1.1; extending the sunset date of Section 28.41.1.1 to November 28, 2019; providing that the requirements of Section 28-41.1 take effect if Section 28-41.1.1 has not been re-enacted on or before November 28, 2019; providing a penalty not to exceed \$200; providing a saving clause; providing a severability clause; and providing an effective date.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Section 28-41.1, "Restrictions on the Use of Motor Assisted Scooters, Pocket Bikes, and Minimotorbikes," of Division 1, "Generally," of Article VI, "Operation of Vehicles," of Chapter 28, "Motor Vehicles and Traffic," of the Dallas City Code is amended to read as follows:

"SEC. 28-41.1. RESTRICTIONS ON THE USE OF MOTOR ASSISTED SCOOTERS, POCKET BIKES, AND MINIMOTORBIKES.

[This section takes effect on November 29, 2019 [~~December 28, 2018~~], unless Section 28-41.1.1 of this article has been re-enacted with amendment on or before November 28, 2019 [~~December 27, 2018~~].]

(a) In this section:

- (1) ADULT means any individual 17 years of age or older.
- (2) CHILD means any individual younger than 17 years of age.
- (3) HELMET means a properly-fitted bicycle helmet that:

(A) is not structurally damaged; and

(B) conforms to current standards of the American National Standards Institute, the American Society for Testing and Materials, the Snell Memorial Foundation, or any federal agency having regulatory jurisdiction over bicycle helmets.

(4) MOTOR ASSISTED SCOOTER:

(A) means a self-propelled device with:

- (i) at least two wheels in contact with the ground during operation;
- (ii) a braking system capable of stopping the device under typical operating conditions;
- (iii) a gas or electric motor not exceeding 40 cubic centimeters;
- (iv) a deck designed to allow a person to stand or sit while operating the device; and
- (v) the ability to be propelled by human power alone; and

(B) does not include:

- (i) a pocket bike or minimotorbike;
- (ii) a moped or motorcycle;
- (iii) an electric bicycle or motor-driven cycle, as defined by Section 541.201 of the Texas Transportation Code, as amended;
- (iv) a motorized mobility device, as defined by Section 542.009 of the Texas Transportation Code, as amended;
- (v) an electric personal assistive mobility device, as defined by Section 551.201 of the Texas Transportation Code, as amended; or
- (vi) a neighborhood electric vehicle, as defined by Section 551.301 of the Texas Transportation Code, as amended.

(5) NIGHTTIME means the period beginning one-half hour after sunset and ending one-half hour before sunrise, as determined using the times for sunset and sunrise published in a newspaper of general circulation in the city for a particular day.

(6) PARENT means a person who is the natural parent, adoptive parent, step-parent, or court-appointed guardian or conservator of a child.

(7) PASSENGER means any person riding upon or attached to a motor assisted scooter who is not the primary operator of the vehicle.

(8) POCKET BIKE or MINIMOTORBIKE:

(A) means a self-propelled vehicle that:

- (i) is equipped with an electric motor or internal combustion engine having a piston displacement of less than 50 cubic centimeters;
- (ii) is designed to propel itself with not more than two wheels in contact with the ground;
- (iii) has a seat or saddle for the use of the operator;
- (iv) is not designed for use on a highway; and
- (v) is ineligible for a certificate of title under Chapter 501 of the Texas Transportation Code, as amended; and

(B) does not include:

- (i) a moped or motorcycle;
- (ii) an electric bicycle or motor-driven cycle, as defined by Section 541.201 of the Texas Transportation Code, as amended;
- (iii) a motorized mobility device, as defined by Section 542.009 of the Texas Transportation Code, as amended;
- (iv) an electric personal assistive mobility device, as defined by Section 551.201 of the Texas Transportation Code, as amended;
- (v) a neighborhood electric vehicle, as defined by Section 551.301 of the Texas Transportation Code, as amended; or
- (vi) a motor assisted scooter, as defined in this subsection.

(9) WEARING A HELMET means that a helmet is properly attached to a person's head with the chin straps of the helmet securely fastened and tightened.

(b) A person commits an offense if he:

- (1) operates or rides a motor assisted scooter on any city-owned or city-operated property or any public path, trail, alley, street, highway, or sidewalk within the city, except on a public path or trail set aside for the exclusive use of bicycles;

(2) is a parent of a child or is an adult with care, custody, or control of a child, and he knowingly permits, or by insufficient control allows, the child to operate or ride a motor assisted scooter on any city-owned or city-operated property or any public path, trail, alley, street, highway, or sidewalk within the city, except on a public path or trail set aside for the exclusive use of bicycles;

(3) is a child and operates or rides a motor assisted scooter without wearing a helmet while on a public path or trail set aside for the exclusive use of bicycles;

(4) is a parent of a child or is an adult with care, custody, or control of a child, and he knowingly permits, or by insufficient control allows, the child to operate or ride a motor assisted scooter on a public path or trail set aside for the exclusive use of bicycles when the child is not wearing a helmet;

(5) operates or rides a motor assisted scooter at nighttime on a public path or trail set aside for the exclusive use of bicycles;

(6) transports any passenger on a motor assisted scooter while on a public path or trail set aside for the exclusive use of bicycles, unless the scooter is equipped with a seat and a set of foot rests for the passenger; or

(7) while operating a motor assisted scooter on a public path or trail set aside for the exclusive use of bicycles, fails to yield the right-of-way to any pedestrian on the path or trail.

(c) A person commits an offense if he operates or rides a pocket bike or minimotorbike on any city-owned or city-operated property or any public path, trail, alley, street, highway, or sidewalk within the city.

(d) An offense under this section is punishable by a fine not to exceed \$200. Except as specifically provided otherwise in this section, a culpable mental state is not required for the commission of an offense under this section.”

SECTION 2. That Subsection (e) of Section 28-41.1.1, “Restrictions on the Use of Motor Assisted Scooters, Pocket Bikes, and Minimotorbikes,” of Division 1, “Generally,” of Article VI, “Operation of Vehicles,” of Chapter 28, “Motor Vehicles and Traffic,” of the Dallas City Code is amended to read as follows:

“(e) This section expires on November 28, 2019 [~~December 27, 2018~~], unless re-enacted with amendment on or before that date. The city council shall review this section before its expiration date. The provisions of Section 28-41.1 of this article take effect if this section is not re-enacted on or before November 28, 2019 [~~December 27, 2018~~].”

SECTION 3. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$200.

SECTION 4. That Chapter 28 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 5. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 6. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

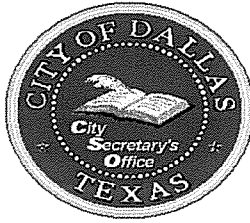
SECTION 7. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, Interim City Attorney

By Casey Byers
Assistant City Attorney

Passed NOV 28 2018



PROOF OF PUBLICATION – LEGAL ADVERTISING

The legal advertisement required for the noted ordinance was published in the Dallas Morning News, the official newspaper of the city, as required by law, and the Dallas City Charter, Chapter XVIII, Section 7.

DATE ADOPTED BY CITY COUNCIL NOV 28 2018

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DATE PUBLISHED DEC 01 2018

ATTESTED BY: