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# A BILL FOR AN ACT

RELATING TO ELECTRIC BICYCLES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 249-1, Hawaii Revised Statutes, is  
2 amended by amending the definition of "moped" to read as  
3 follows:

4           ""Moped" means a device upon which a person may ride that  
5 has:

- 6           (1) Two or three wheels in contact with the ground;  
7           (2) A motor having a maximum power output capability  
8 measured at the motor output shaft, in accordance with  
9 SAE International standards, of two horsepower (one  
10 thousand four hundred ninety-two watts) or less and,  
11 if it is a combustion engine, a maximum piston or  
12 rotor displacement of 3.05 cubic inches (fifty cubic  
13 centimeters) and that will propel the device,  
14 unassisted, on a level surface at a maximum speed no  
15 greater than thirty miles per hour; and



1 (3) A direct or automatic power drive system that requires  
2 no clutch or gear shift operation by the moped driver  
3 after the drive system is engaged with the power unit.

4 "Moped" does not include an electric foot scooter[-] or a  
5 low-speed electric bicycle as defined under title 15 United  
6 States Code section 2085."

7 SECTION 2. Section 286-2, Hawaii Revised Statutes, is  
8 amended as follows:

9 1. By amending the definition of "moped" to read:

10 ""Moped" means a device upon which a person may ride that  
11 has:

- 12 (1) Two or three wheels in contact with the ground;  
13 (2) A motor having a maximum power output capability  
14 measured at the motor output shaft, in accordance with  
15 SAE International standards, of two horsepower (one  
16 thousand four hundred ninety-two watts) or less and,  
17 if it is a combustion engine, a maximum piston or  
18 rotor displacement of 3.05 cubic inches (fifty cubic  
19 centimeters) and that will propel the moped,  
20 unassisted, on a level surface at a maximum speed no  
21 greater than thirty miles per hour; and



1 (3) A direct or automatic power drive system that requires  
2 no clutch or gear shift operation by the moped driver  
3 after the drive system is engaged with the power unit.

4 "Moped" does not include an electric foot scooter[-] or a  
5 low-speed electric bicycle as defined under title 15 United  
6 States Code section 2085."

7 2. By deleting the definition of "bicycle":

8 [~~"Bicycle" means:~~

9 (1) A device propelled solely by human power upon which  
10 any person may ride, having two tandem wheels sixteen  
11 inches in diameter or greater, and including any  
12 device generally recognized as a bicycle though  
13 equipped with two front or two rear wheels; or

14 ~~(2) A low-speed electric bicycle, as defined under title~~  
15 ~~15 United States Code section 2085."]~~

16 SECTION 3. Section 291-21.3, Hawaii Revised Statutes, is  
17 amended by adding a new definition to be appropriately inserted  
18 and to read as follows:

19 "Motorized bicycle" does not include a low-speed electric  
20 bicycle as defined under title 15 United States Code  
21 section 2085."



1 SECTION 4. Section 291C-1, Hawaii Revised Statutes, is  
2 amended as follows:

3 1. By adding a new definition to be appropriately inserted  
4 and to read:

5 "Low-speed electric bicycle" has the same meaning as that  
6 provided in title 15 United States Code section 2085."

7 2. By amending the definition of "bicycle" to read:

8 ""Bicycle" means[+]

9 ~~(1)~~ A] a vehicle propelled solely by human power upon  
10 which any person may ride, having two tandem wheels,  
11 and including any vehicle generally recognized as a  
12 bicycle though equipped with two front or two rear  
13 wheels except a toy bicycle[+~~or~~

14 ~~(2) A low-speed electric bicycle, as defined under title~~  
15 ~~15 United States Code section 2085]."~~

16 3. By amending the definition of "moped" to read:

17 "Moped" means a device upon which a person may ride that  
18 has:

19 (1) Two or three wheels in contact with the ground;

20 (2) A motor having a maximum power output capability  
21 measured at the motor output shaft, in accordance with SAE



1 International standards, of two horsepower (one thousand four  
2 hundred ninety-two watts) or less and, if it is a combustion  
3 engine, a maximum piston or rotor displacement of 3.05 cubic  
4 inches (fifty cubic centimeters) and that will propel the  
5 device, unassisted, on a level surface at a maximum speed no  
6 greater than thirty miles per hour; and

7 (3) A direct or automatic power drive system that requires  
8 no clutch or gear shift operation by the moped driver after the  
9 drive system is engaged with the power unit.

10 "Moped" does not include an electric foot scooter[+] or a  
11 low-speed electric bicycle."

12 SECTION 5. Section 291C-141, Hawaii Revised Statutes, is  
13 amended by amending subsection (c) to read as follows:

14 "(c) [~~These~~] Except as otherwise provided in section  
15 291C-143.5, these regulations applicable to bicycles shall apply  
16 whenever a bicycle is operated upon any highway or upon any  
17 bicycle path set aside for the preferential or exclusive use of  
18 bicycles subject to those exceptions stated herein."

19 SECTION 6. Section 291C-143, Hawaii Revised Statutes, is  
20 amended by amending subsection (b) to read as follows:



1           "(b) ~~[No]~~ Except as otherwise provided in section  
2 291C-143.5, no bicycle shall be used to carry more persons at  
3 one time than the number for which it is designed and equipped."

4           SECTION 7. Section 291C-143.5, Hawaii Revised Statutes, is  
5 amended to read as follows:

6           "~~[+]~~**\$291C-143.5**~~[+]~~ **Low-speed electric bicycles**~~[;—operator~~  
7 **age]**. (a) This section shall apply if a low-speed electric  
8 bicycle is operated upon any highway, street, roadway, or other  
9 designated public area set aside for the use of low-speed  
10 electric bicycles.

11           (b) The counties by ordinance shall regulate operations of  
12 low-speed electric bicycles with regard to, but not limited to,  
13 the following:

- 14           (1) Operations in or upon roadways, bikeways, bicycle  
15           paths, and sidewalks;
- 16           (2) Storage and docking locations;
- 17           (3) Restrictions on maximum speed;
- 18           (4) Safety considerations; and
- 19           (5) Insurance requirements;



1 provided that no ordinance adopted in accordance with this  
2 subsection shall be less restrictive than the requirements set  
3 forth in this part.

4 (c) No person under the age of fifteen shall operate a  
5 low-speed electric bicycle [~~as defined under title 15 United~~  
6 ~~States Code section 2085.~~] on a highway, street, roadway, or any  
7 other public property in the State.

8 (d) No person shall operate a low-speed electric bicycle  
9 that is carrying any other person.

10 (e) No person other than the operator shall ride upon a  
11 low-speed electric bicycle.

12 (f) Any low-speed electric bicycle used from thirty  
13 minutes after sunset until thirty minutes before sunrise shall  
14 meet the specifications of, and requirements for, lamps and  
15 other equipment on bicycles as set forth in section 291C-147.

16 (g) No person shall operate a low-speed electric bicycle:

17 (1) At a speed other than is reasonable and prudent;  
18 provided that no person shall operate a low-speed  
19 electric bicycle at a speed greater than fifteen miles  
20 per hour; and



1       (2) Without having regard to the actual and potential  
2       hazards and conditions then existing.

3       (h) Any person who operates a low-speed electric bicycle  
4       recklessly in disregard for the safety of persons or property  
5       shall be assessed penalties as set forth in section 291C-161(b).

6       (i) In addition to any requirements provided under section  
7       291C-150(b), each entity that provides low-speed electric  
8       bicycles for hire shall provide to each renter or lessee a copy  
9       of the low-speed electric bicycle ordinances or rules that have  
10       been adopted by the applicable county.

11       (j) Low-speed electric bicycles shall only be stored or  
12       docked at specific locations that shall be authorized by the  
13       counties."

14       SECTION 8. Section 291C-147, Hawaii Revised Statutes, is  
15       amended by amending subsection (b) to read as follows:

16       "(b) Every bicycle, except low-speed electric bicycles,  
17       shall be equipped with a red reflector at least four square  
18       inches in size [~~which~~] that shall be visible for six hundred  
19       feet to the rear when directly in front of lawful lower beams of  
20       head lamps on a motor vehicle. Every low-speed electric bicycle



1 shall be equipped with a lighted lamp that is visible from the  
2 rear."

3 SECTION 9. Section 291C-148, Hawaii Revised Statutes, is  
4 amended by amending subsections (b) and (c) to read as follows:

5 "(b) [~~Unless~~] Except as otherwise provided in section  
6 291C-143.5 or otherwise prohibited[~~7~~] by law, rule, or  
7 ordinance, a bicycle may be driven at a speed of ten miles per  
8 hour or less on a sidewalk or sidewalk area; provided that the  
9 driver of the bicycle shall yield the right-of-way to any  
10 pedestrian and that bicycle riding shall be prohibited on  
11 sidewalks in business districts.

12 (c) This section shall not be construed as preempting the  
13 director of transportation's or counties' authority to control  
14 parking on sidewalks under [~~section~~] sections 291C-114[~~7~~] and  
15 291C-143.5. Nor shall this section be construed as prohibiting  
16 the director or a county from authorizing parking on sidewalks  
17 when the authorization is promulgated in accordance with  
18 [~~section~~] sections 291C-114[~~7~~] or 291C-143.5."

19 SECTION 10. Section 707-700, Hawaii Revised Statutes, is  
20 amended by amending the definition of "vulnerable user" to read  
21 as follows:



1        ""Vulnerable user" means:

2        (1) A pedestrian legally within a street or public  
3            highway;

4        (2) A roadway worker actually engaged in work upon a  
5            street or public highway or in work upon utility  
6            facilities along a street or public highway, or  
7            engaged in the provision of emergency services within  
8            a street or public highway, including but not limited  
9            to:

10           (a) Construction and maintenance workers; and

11           (b) Police, fire, and other emergency responders; or

12        (3) A person legally operating any of the following within  
13            the street or public highway:

14           (a) A bicycle;

15           (b) A moped;

16           (c) An electric foot scooter;

17           (d) An electric personal assistive mobility device;

18           [~~e~~]

19           (e) A wheelchair conveyance or other personal  
20            mobility device[~~-~~]; or



1           (f) A low-speed electric bicycle, as defined under  
2           title 15 United States Code section 2085."

3           SECTION 11. This Act does not affect rights and duties  
4 that matured, penalties that were incurred, and proceedings that  
5 were begun before its effective date.

6           SECTION 12. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8           SECTION 13. This Act shall take effect upon its approval.

9

INTRODUCED BY: *Kurt Fevelk*



# S.B. NO. 647

**Report Title:**

Transportation; Low-Speed Electric Bicycles; Regulations

**Description:**

Amends various definitions of "moped" throughout the Hawaii Revised Statutes to exclude low-speed electric bicycles. Deletes an unused term from Chapter 286, Hawaii Revised Statutes. Establishes regulations for low-speed electric bicycles and clarifies the applicability of certain conflicting regulations that are applicable to all bicycles.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

