

JAN 27 2016

A BILL FOR AN ACT

RELATING TO LOW-SPEED 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 definitions of "bicycle", "moped",
3 "motor vehicle", and "vehicle" to read as follows:

4 "Bicycle" means every ~~[device]~~:

5 (1) Device propelled solely by human power upon which any
6 person may ride, having two tandem wheels sixteen
7 inches in diameter or greater, and including any
8 device generally recognized as a bicycle though
9 equipped with two front or two rear wheels~~[-]~~; or

10 (2) Low-speed electric bicycle, as defined under title 15
11 United States Code section 2085.

12 "Moped" means a device upon which a person may ride ~~[which]~~
13 that has two or three wheels in contact with the ground, a motor
14 having a maximum power output capability measured at the motor
15 output shaft, in accordance with the Society of Automotive
16 Engineers standards, of two horsepower (one thousand four
17 hundred ninety-two watts) or less and, if it is a combustion



1 engine, a maximum piston or rotor displacement of 3.05 cubic
2 inches (fifty cubic centimeters) and which will propel the
3 device, unassisted, on a level surface at a maximum speed no
4 greater than thirty miles per hour; and a direct or automatic
5 power drive system [~~which~~] that requires no clutch or gear shift
6 operation by the moped driver after the drive system is engaged
7 with the power unit [~~-~~], but excludes low-speed electric
8 bicycles.

9 "Motor vehicle" means every vehicle [~~which~~] that is self-
10 propelled and every vehicle which is propelled by electric power
11 but [~~which~~] that is not operated upon rails, but excludes
12 mopeds [~~-~~] and low-speed electric bicycles.

13 "Vehicle" means every device in, upon, or by which any
14 person or property is or may be transported or drawn upon a
15 highway, but excludes devices moved by human power or devices
16 used exclusively upon stationary rails or tracks [~~and~~],
17 mopeds [~~-~~], and low-speed electric bicycles."

18 SECTION 2. Section 286-2, Hawaii Revised Statutes, is
19 amended by amending the definitions of "bicycle", "moped",
20 "motor vehicle", and "vehicle" to read as follows:

21 ""Bicycle" means every [~~device~~]:



1 (1) Device propelled solely by human power upon which any
2 person may ride, having two tandem wheels sixteen
3 inches in diameter or greater, and including any
4 device generally recognized as a bicycle though
5 equipped with two front or two rear wheels[-]; or

6 (2) Low-speed electric bicycle, as defined under title 15
7 United States Code section 2085.

8 "Moped" means a device upon which a person may ride [~~which~~]
9 that has two or three wheels in contact with the ground, a motor
10 having a maximum power output capability measured at the motor
11 output shaft, in accordance with the Society of Automotive
12 Engineers standards, of two horsepower (one thousand four
13 hundred ninety-two watts) or less and, if it is a combustion
14 engine, a maximum piston or rotor displacement of 3.05 cubic
15 inches (fifty cubic centimeters) and [~~which~~] that will propel
16 the moped, unassisted, on a level surface at a maximum speed no
17 greater than thirty miles per hour; and a direct or automatic
18 power drive system [~~which~~] that requires no clutch or gear shift
19 operation by the moped driver after the drive system is engaged
20 with the power unit[-], but excludes low-speed electric
21 bicycles.



1 "Motor vehicle" means every vehicle [~~which~~] that is self-
2 propelled and every vehicle [~~which~~] that is propelled by
3 electric power but which is not operated upon rails, but
4 excludes a moped[~~-~~] and a low-speed electric bicycle.

5 "Vehicle" means every device in, upon, or by which any
6 person or property is or may be transported or drawn upon a
7 highway, but excludes devices moved by human power or devices
8 used exclusively upon stationary rails or tracks [~~and~~],
9 mopeds[~~-~~], and low-speed electric bicycles."

10 SECTION 3. Section 291C-1, Hawaii Revised Statutes, is
11 amended by amending the definitions of "bicycle", "moped", and
12 "motor vehicle" to read as follows:

13 ""Bicycle" means every [~~vehiele~~]:

14 (1) Vehicle propelled solely by human power upon which any
15 person may ride, having two tandem wheels, and
16 including any vehicle generally recognized as a
17 bicycle though equipped with two front or two rear
18 wheels except a toy bicycle[~~-~~]; or

19 (2) Low-speed electric bicycle, as defined under title 15
20 United States Code section 2085.



1 "Moped" means a device upon which a person may ride [~~which~~]
2 that has two or three wheels in contact with the ground, a motor
3 having a maximum power output capability measured at the motor
4 output shaft, in accordance with the Society of Automotive
5 Engineers standards, of two horsepower (one thousand four
6 hundred ninety-two watts) or less and, if it is a combustion
7 engine, a maximum piston or rotor displacement of 3.05 cubic
8 inches (fifty cubic centimeters) and [~~which~~] that will propel
9 the device unassisted, on a level surface at a maximum speed no
10 greater than thirty miles per hour; and a direct or automatic
11 power drive system [~~which~~] that requires no clutch or gear shift
12 operation by the moped driver after the drive system is engaged
13 with the power unit[-], but excludes low-speed electric
14 bicycles.

15 "Motor vehicle" means every vehicle [~~which~~] that is self-
16 propelled and every vehicle [~~which~~] that is propelled by
17 electric power but not operated upon rails but excludes a
18 moped[-] and a low-speed electric bicycle."

19 SECTION 4. Section 291C-148, Hawaii Revised Statutes, is
20 amended by amending subsection (b) to read as follows:



1 "(b) Unless otherwise prohibited, a bicycle may be driven
2 at a speed of ten miles per hour or less on a sidewalk or
3 sidewalk area; provided that the driver of the bicycle shall
4 yield the right-of-way to any pedestrian and that bicycle riding
5 shall be prohibited on sidewalks in business districts[-];
6 provided further that low-speed electric bicycle riding shall be
7 prohibited on all sidewalks."

8 SECTION 5. Section 293-1, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "[-]§293-1[+] Defacing serial numbers, etc., of bicycles.
11 It shall be unlawful for any person to wilfully deface, destroy,
12 or alter the serial number, a component part number, or
13 identification mark of any bicycle, including a low-speed
14 electric bicycle as defined under title 15 United States Code
15 section 2085, so placed or stamped on any bicycle by the
16 manufacturer for the purpose of identifying the bicycle or its
17 component parts.

18 This section does not prohibit the restoration by an owner
19 of an original mark or number, when the restoration is
20 authorized in writing by the county treasurer or director of
21 finance, nor prevent any manufacturer from placing in the



1 ordinary course of business, numbers or marks upon new bicycles
2 or new parts thereof. Violation of this section shall be a
3 misdemeanor and shall result in a fine of not more than \$500."

4 SECTION 6. Section 293-2, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "[~~4~~]\$293-2[~~1~~] Bicycle dealers, records required. All
7 persons selling new bicycles [~~to others~~], including a low-speed
8 electric bicycle as defined under title 15 United States Code
9 section 2085, as a business shall keep a record for four years
10 after the sale of a bicycle of the name of the purchaser, and
11 the serial number, description, and make of the bicycle sold to
12 the purchaser. This record may be inspected by the police
13 during reasonable business hours."

14 SECTION 7. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

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

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INTRODUCED BY:

Michelle L. Lani

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S.B. NO. 2979

Report Title:

Low-speed Electric Bicycles; Bicycles

Description:

Clarifies the definition of "bicycles" for purposes of county vehicular taxes, highway safety laws, statewide traffic code, and bicycle laws by adding "low-speed electric bicycles" and defining low-speed electric bicycles. Excludes low-speed electric bicycles from the definitions of "moped", "motor vehicle", and "vehicle". Prohibits low-speed electric bicycle riding on all sidewalks.

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

