

HB715 HD1 SD1

Measure Title: RELATING TO LOW-SPEED ELECTRIC BICYCLES.

Report Title: Low-speed Electric Bicycle

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. (SD1)

Companion: [SB739](#)

Package: None

Current Referral: TRA, CPN

Introducer(s): MCKELVEY, C. LEE, LOWEN, Keohokalole, LoPresti, San Buenaventura

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

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DIRECTOR

MARK N. GARRITY, AICP
DEPUTY DIRECTOR

March 31, 2015

The Honorable Rosalyn H. Baker, Chair
and Members of the Committee on Commerce
and Consumer Protection
State Senate
State Capitol, Room 229
Honolulu, Hawaii 96813

Dear Chair Baker and Members of the Committee:

Subject: House Bill No. 715, HB1, SD1 Relating to Low-Speed Electric Bicycles

The Department of Transportation Services supports the intent of House Bill No. 715, HD1, SD1 which would include electric bicycles in the definition of a bicycle. However, we have some concerns regarding the use of electric bicycles as the speed of these vehicles poses a potential safety hazard. Currently, bicycles are allowed on sidewalks in many areas where there are pedestrians and other non-motorized users. This bill would allow electric bicycles, traveling up to twenty miles per hour, to ride on some sidewalks which could create a potentially dangerous situation.

We would support a change to the bill that would ban electric bicycles from all sidewalks. This change could be made in Section 291C-148 (b), which regulates the use of bicycles on sidewalks.

Thank you for the opportunity to testify on House Bill No. 715, HD1, SD1.

Very truly yours,


Michael D. Formby
Director



March 30, 2015

The Honorable Rosalyn H. Baker
Chair, Senate Committee on Commerce and Consumer Protection
Hawaii State Capitol
415 South Beretania St.
Honolulu, HI 96813

Dear Senator Baker and Members of the Commerce and Consumer Protection Committee:

Ebikes Hawaii, the Bicycle Product Suppliers Association (BPSA), and PeopleForBikes are writing this letter to provide comments on House Bill 715, a bill that would incorporate electric bicycles into Hawaii's laws. We support House Bill 715, but we also offer several comments on changes we believe would improve this legislation.

Ebikes Hawaii is a local retailer of electric bicycles, with locations in Honolulu and the Joint base Pearl Harbor-Hickam Air Force. The BPSA is the national trade association of companies that manufacture and distribute bicycles and related accessories. PeopleForBikes is a national advocacy organization with over one million members, including more than 3,000 members in Hawaii, that promotes the safe use and enjoyment of bicycles.

We are pleased to see legislation being introduced that incorporates electric bicycles into Hawaii's traffic laws. Electric bicycles (Ebikes) are becoming an increasingly important form of transportation and a more significant component of the bicycle industry. The correct and uniform classification of Ebikes as bicycles under state laws is important to the Ebike industry, particularly because Ebikes are already classified as bicycles and designed, tested and manufactured like bicycles in accordance with federal law. Bills such as H.B. 715 are thus an important step in regulating Ebikes at the state level.

We have carefully reviewed this legislation, as amended, and we have a few suggestions that we think would improve the bill and further its primary purpose. Below are our comments:

1. **"Low-speed electric bicycles" should be excluded from the definition of a "motor vehicle" in Chapters 249, 286 and 291C.** Pursuant to the current versions of H.R.S. §§ 249-1, 286-2 and 291C-1, a "motor vehicle" includes vehicles that are "self-propelled," or "propelled by electric power" and not operated on rails. "Mopeds" are explicitly excluded from the definition of a "motor vehicle." Therefore bicycles and mopeds are not "motor vehicles" for the purposes of chapters 249, 286 or 291C. However, "low-speed electric bicycles" do contain an electric motor and might be considered "self-propelled." Thus, they might be interpreted as meeting the definition of a "motor vehicle" under both of these chapters even though bicycles and mopeds are excluded. An exclusion of "low-speed electric bicycles" from the definition of "motor vehicle" could be added to sections 249-1, 286-2 and 291C-1 to clarify that electric bicycles are not



“motor vehicles.”

2. **“Low-speed electric bicycles” should be excluded from the definition of a “vehicle” in Chapters 249 and 286.** Existing Hawaii law specifically excludes “devices moved by human power” and “mopeds” from the definition of a “vehicle” in sections 249-1 and 286-2. Thus both bicycles and mopeds are not “vehicles” for the purposes of chapters 249 or 286. However, “low-speed electric bicycles” are not mopeds, and they may not be considered “devices moved by human power” because they have electric motors. Thus electric bicycles might inadvertently be considered “vehicles” under chapters 249 or 286, even though both bicycles and mopeds are not. An explicit exclusion for “low-speed electric bicycles” from the definition of a “vehicle” in sections 249-1 and 286-2 would fix this issue.
3. **“Low-speed electric bicycles” should be excluded from the definition of a “moped” in Chapters 249, 286 and 291C.** This bill does not have language excluding “low-speed electric bicycles” from the definition of “moped” in H.R.S. §§ 249-1, 286-2 or 291C-1. Because the definition of moped is fairly broad, “low-speed electric bicycles” might inadvertently be viewed as a sub-class of mopeds. Several states have used explicit exclusions to clarify this issue (e.g., Colorado, Maryland, Minnesota, Nevada, and Oregon).

These amendments would help ensure that the status of electric bicycles under Hawaii law is as clear as possible, and would support the primary objective of the bill. Thank you for taking the time to consider this important subject, and please do not hesitate to contact us with any additional questions.

Sincerely,

Larry Pizzi
Chair, Electric Bicycle Committee, BPSA
President, Currie Technologies
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Simi Valley, CA. 93063
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(805) 915-4900, ext. 401

John Cho
President
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From: mailinglist@capitol.hawaii.gov
To: [CPN Testimony](#)
Cc: saman@pedegomaui.com
Subject: Submitted testimony for HB715 on Apr 1, 2015 09:30AM
Date: Monday, March 30, 2015 4:43:31 PM
Attachments: [HB 715 E-bikes testimony_SD.pdf](#)

HB715

Submitted on: 3/30/2015

Testimony for CPN on Apr 1, 2015 09:30AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Saman Dias	Pedego Maui	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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From: mailinglist@capitol.hawaii.gov
To: [CPN Testimony](#)
Cc: mark@pedegokailua.com
Subject: Submitted testimony for HB715 on Apr 1, 2015 09:30AM
Date: Monday, March 30, 2015 8:26:59 AM

HB715

Submitted on: 3/30/2015

Testimony for CPN on Apr 1, 2015 09:30AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Mark Librie	Individual	Support	Yes

Comments: As our traffic continues to worsen, e-bikes are a simple solution to get people out of there cars, and on bicycles for more than recreation. These bikes make it simple and enjoyable for commuting to work, or going to the store. As long as Federal guidelines are followed the bikes are as safe as any other bicycles, and safe for riding in bike lanes. They are a great way for people with physical limitations, and handicaps to get around. We have several people here in Kailua, that without an electric bike, really have no other form of transportation options, since they can not drive, and walking is out of the question. Let's all think about getting people out of their cars, it's good for them, and good for Hawaii to do so.

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Senator Rosalyn H. Baker, Chair Senator Brian T. Taniguchi, Vice Chair

Aloha Senator's Rosalyn H. Baker, Brian T. Taniguchi,

I am writing you to show my strong **support** for House Bill 715 HD-1 relating to "Low Speed Electric Bicycles."

HB715 SD-1 identifies the definition change of a "Bicycle" under Hawaii Revised Statute Section 249-1, 286-2, 291c-1, 293-1, 293-2 to include the "Low Speed Electric Bicycle" as defined under 15USC section 2085 which states:

For the purpose of this section, the term "low speed electric bicycle" means a two- or three wheeled vehicle with fully operable pedals and an electric motor of less than 750 watts (1 h.p.), whose maximum speed on a paved level surface, when powered solely by such a motor while ridden by an operator who weighs 170 pounds, is less than 20 mph.

Preemption

This section shall supersede any State law or requirement with respect to low-speed electric bicycles to the extent that such State law or requirement is more stringent than the Federal law or requirements referred to in subsection (a) of this section.

Electric Bikes provide the conveniences of a car with the advantages of a Bicycle

What are Electric Bikes?

Electric Bicycles are becoming more and more popular across nation and throughout the world.

"Electric Bikes consist of a modified or custom bicycle frame with pedals but include an electric motor, usually in the form of a hub motor, mid-drive motor or belt drive connected to the rear wheel. They allow a rider to either pedal the bike or leverage the power of a battery and motor drive system."

The **benefits** of electric bikes "E-Bikes" are many and often go unrealized by car and scooter owners.

- With an electric bike you have the ability to get around quickly with little to no sweat if you choose. This can be handy for being able to wear your normal work clothes to work, or run errands around town without being drenched in sweat.
- E-bikes have helped people with disabilities, poor physical fitness, and/or concerns with keeping up with family/friends in order to enjoy riding a bicycle again.
- Electric bikes make it much easier to haul heavier loads like kids (in a trailer or kids seat), groceries, the stuff that you take to work, your beach towel and some refreshments, etc.
- An electric bike can really make hills and head winds a non-issue.
- E-Bikes are lighter, cleaner and more reliable than gas powered vehicles.

- Less expensive than gas powered vehicles, especially over the long term when using electricity vs. gasoline or other fuel source
- Environmentally friendly, no exhaust created on site for the user to inhale. Easily use locally produced solar or wind power to charge
- Efficient and affordable parking options, fits on any normal bike rack or to a pole/railing
- Easy to use with public transportation like busses, trains and light rail systems
- Provides an opportunity to exercise and practice balance
- Social opportunity to get in touch with your community and become more social
- Relaxing and focusing because you cannot use your cell phone or eat at the same time as you would while driving an automobile.

Hawaii needs to bring the E-Bike into conformity with Federal Statutes as E-Bikes serve a purpose as an alternative form of transportation.

Please accept my comments and comments from others that support this bill. Pls. see attached signature list and comments

Mahalo;

Saman Dias

Saman Dias

March 30th 2015

Senator Rosalyn H. Baker, Chair
Senator Brian T. Taniguchi, Vice Chair

Aloha Senator's Rosalyn H. Baker, Brian T. Taniguchi,

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The **benefits** of electric bikes “E-Bikes” are many and often go unrealized by car and scooter owners.

- With an electric bike you have the ability to get around quickly with little to no sweat if you choose. This can be handy for being able to wear your normal work clothes to work, or run errands around town without being drenched in sweat.
- E-bikes have helped people with disabilities, poor physical fitness, and/or concerns with keeping up with family/friends in order to enjoy riding a bicycle again.
- Electric bikes make it much easier to haul heavier loads like kids (in a trailer or kids seat), groceries, the stuff that you take to work, your beach towel and some refreshments, etc.
- An electric bike can really make hills and head winds a non-issue.
- E-Bikes are lighter, cleaner and more reliable than gas powered vehicles.
- Less expensive than gas powered vehicles, especially over the long term when using electricity vs. gasoline or other fuel source
- Environmentally friendly, no exhaust created on site for the user to inhale. Easily use locally produced solar or wind power to charge
- Efficient and affordable parking options, fits on any normal bike rack or to a pole/railing
- Easy to use with public transportation like busses, trains and light rail systems
- Provides an opportunity to exercise and practice balance
- Social opportunity to get in touch with your community and become more social
- Relaxing and focusing because you cannot use your cell phone or eat at the same time as you would while driving an automobile.

Hawaii needs to bring the E-Bike into conformity with Federal Statutes as E-Bikes serve a purpose as an alternative form of transportation.

Please accept my comments and accept the intelligent changes proposed under this bill.

Mahalo;

Lee Chamberlain

Why do people use e-bikes?

Portland State Transportation Research and Education Center

U.S. cities face transportation challenges related to traffic congestion, injury and loss of life from road crashes, local air quality, climate change, obesity and physical inactivity, economic burdens, and international supplies of oil. Shifting people out of cars to other modes of transportation, such as bicycling, can help address these challenges. By overcoming barriers to cycling such as distance, age and disability, e-bikes can help more people cycle and help people cycle more.

60% of respondents indicated that one of the main reasons was because they live or work in a hilly area.

55% of people rode bikes at least weekly before getting an e-bike...

65% said replacing car trips was a main reason to get an e-bike

73% rode an e-bike to a different destination than a standard bike

...93% did after.

People with disabilities rode e-bikes even though 59% had reduced ability to ride a standard bike.

59%

67% said they need a shower after a standard bike trip but...

74% didn't need a shower after an e-bike trip.

Source: "E-bikes in North America: Results from an Online Survey," John McArthur, <http://otrec.us/project/564>

From: mailinglist@capitol.hawaii.gov
To: [CPN Testimony](#)
Cc: jperell@mac.com
Subject: Submitted testimony for HB715 on Apr 1, 2015 09:30AM
Date: Monday, March 30, 2015 9:56:59 AM

HB715

Submitted on: 3/30/2015

Testimony for CPN on Apr 1, 2015 09:30AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
John Sidney Perell	Individual	Comments Only	No

Comments: I support HB715

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Comments

Name	Location	Date	Comment
LAAKEA LOW	WAILUKU, HI	2015-02-16	Roberts Hawaii, operators of Maui Bus, have been discriminating against e-bikes, disallowing them on their racks, which has made sustainable transportation difficult for e-bike owners who seek to travel responsibly by reducing their carbon footprint.
John Cho	Honolulu, HI	2015-02-16	I strongly believe ebike is the solution to the grid-lock of traffic we are facing in Hawaii. Economical, environmentally clean, health promoting mode of transportation. That's what ebike will do for us. I support this petition.
Saman Dias	Lahaian, HI	2015-02-16	E-bikes have helped people with disabilities, poor physical fitness, and/or concerns with keeping up with family/friends in order to enjoy riding a bicycle again. Environmentally friendly, no exhaust created on site for the user to inhale. Easily use locally produced solar or wind power to charge <ul style="list-style-type: none"> • Efficient and affordable parking options, fits on any normal bike rack or to a pole/railing • Easy to use with public transportation like busses, trains and light rail systems • Provides an opportunity to exercise and practice balance • Social opportunity to get in touch with your community and become more social Perfect alternative transportation option for Hawaii. We need it!!!
Bob Edmiston	Seattle, WA	2015-02-16	By bringing HI definition of bicycle law into alignment with the national definition of bicycle, which this legislation would do, it empowers many more Hawaii residents and visitors to choose quiet, clean, safe transportation alternatives. This will be good for everybody, and good for our planet.
Wayne S. Parker	Kailua, HI	2015-02-16	Electric bikes are a great way to get around. You pedal and use the electric motor only when you get tired or go up a hill.
John Mitchell	Kailua, HI	2015-02-17	I love using my Ebike and do not want to be regulated. Thank You John M
Amy Watai	Kailua, HI	2015-02-17	Amy
Jeffrey Gaskell	Mililani, HI	2015-02-17	Electric bikes that top out at 20mph are well within the range of regular non-motorized bicycles and broaden the appeal of cycling for a wider segment of our population.
Sharon Blanton	Kaneohe, HI	2015-02-17	Electric bicycles provide much needed exercise for those with injuries. Just a little bit of battery power provides the confidence needed to get out there on a bike.
Kyle Paredes	Honolulu, HI	2015-02-17	I am signing because I believe that the low speed electric bicycle is a great transportation alternative. On top of that it also can serve as a healthy option for people to recreate....
Chris Kasper	Kealia, HI	2015-02-17	Electric bikes should be legal.
carmen karady	Lahaina, HI	2015-02-17	I have an electric bicycle
Mark Librie	Kailua, HI	2015-02-17	Electric Bikes are a great way to get around our Islands. They are truly efficient, get you outside, and allow you as much exercise as you want.
Victor Terra	Lahaina, HI	2015-02-22	E-Bikes provide efficient, healthy, environmentally friendly Transportation !!

Name	Location	Date	Comment
Kamil Schuetz	Honolulu, HI	2015-03-06	I'm signing because Hawaii can not support its current traffic growth in the long run.

HB715 HD1 SD1**RELATING TO LOW-SPEED ELECTRIC BICYCLES.**

Name	City	State	Zip Code	Country	Signed On
Lee Chamk	Lahaina	Hawaii		United States	2/16/2015
LAAKEA LO	Wailuku	Hawaii	96793	United States	2/16/2015
Timothy R	makawao	Hawaii	96761	United States	2/16/2015
John Cho	Honolulu	Hawaii	96815	United States	2/16/2015
Mike Clyde	Road Town		V1L 5R4	Canada	2/16/2015
Garret Koji	Waipahu	Hawaii	96797	United States	2/16/2015
Michael B	Lahaina	Hawaii	96761	United States	2/16/2015
Saman Dia	Lahaian	Hawaii	96761	United States	2/16/2015
Chandelle I	Kailua	Hawaii	96734	United States	2/16/2015
Scott Case	Hilo	Hawaii	96720	United States	2/16/2015
Maria yese	Kailua	Hawaii	96734	United States	2/16/2015
Caroline B	Kailua	Hawaii	96734	United States	2/16/2015
Wesley Mc	Lahaina	Hawaii	96761	United States	2/16/2015
Steve Mori	Pearl City	Hawaii	96782	United States	2/16/2015
Madeleine	Lahaina	Hawaii	96761	United States	2/16/2015
Bob Edmis	Seattle	Washington	98112	United States	2/16/2015
Wayne Par	Kailua	Hawaii	96734	United States	2/16/2015
Michael Ar	Kihei	Hawaii	96753	United States	2/16/2015
John Mitch	Kailua	Hawaii	96734	United States	2/17/2015
Wayne Coc	Lakebay	Washington	98349	United States	2/17/2015
Amy Watai	Kailua	Hawaii	96734	United States	2/17/2015
Jeffrey Gas	Mililani	Hawaii	96789	United States	2/17/2015
Gary Cox	Kailua-Kon	Hawaii	96739	United States	2/17/2015
Sharon Bla	Kailua	Hawaii	96734-461	United States	2/17/2015
Aaron Lanc	Honolulu	Hawaii	96814	United States	2/17/2015
Suzette Ha	Berkeley	California	94704	United States	2/17/2015
Charlton A	Honolulu	Hawaii	96819	United States	2/17/2015
Douglas Ba	Kailua	Hawaii	96734	United States	2/17/2015
cyndi won	Bentonville	Arkansas	72712	United States	2/17/2015
Tammy Na	Honolulu	Hawaii	96825	United States	2/17/2015
Miles Kim	Kailua	Hawaii	96734	United States	2/17/2015
Kyle Pared	Honolulu	Hawaii	96816	United States	2/17/2015
Thomas Gl	Kaneohe	Hawaii	96744	United States	2/17/2015
Peter Mert	Kailua-Kon	Hawaii	96740	United States	2/17/2015
Chris Kasp	Kealia	Hawaii	96751	United States	2/17/2015
Kristin Rob	Bradenton	Florida	34209	United States	2/17/2015
fe leonora	Waipahu	Hawaii	96797	United States	2/17/2015
Carmen Ka	Lahaina	Hawaii	96761	United States	2/17/2015
Mark Librie	Kailua	Hawaii	96734	United States	2/17/2015
Catherine I	Kailua	Hawaii	96734	United States	2/17/2015
Victor Terr	Lahaina	Hawaii	96761	United States	2/22/2015
Kamil Schu	Honolulu	Hawaii	96816	United States	3/6/2015