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## 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 as follows:

3           1. By amending the definition of "bicycle" to read:

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

5            (1) A device propelled solely by human power upon which  
6            any 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) A low-speed electric bicycle, as defined under title  
11            15 United States Code section 2085."

12           2. By amending the definition of "moped" to read:

13            "Moped" means a device upon which a person may ride which  
14            has two or three wheels in contact with the ground, a motor  
15            having a maximum power output capability measured at the motor  
16            output shaft, in accordance with the Society of Automotive  
17            Engineers standards, of two horsepower (one thousand four



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

10 3. By amending the definition of "motor vehicle" to read:

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

15 4. By amending the definition of "vehicle" to read:

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



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

3 1. By amending the definition of "bicycle" to read:

4 "Bicycle" means ~~every~~ :

5 (1) A device propelled solely by human power upon which  
6 any 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) A low-speed electric bicycle, as defined under title  
11 15 United States Code section 2085."

12 2. By amending the definition of "moped" to read:

13 "Moped" means a device upon which a person may ride which  
14 has two or three wheels in contact with the ground, a motor  
15 having a maximum power output capability measured at the motor  
16 output shaft, in accordance with the Society of Automotive  
17 Engineers standards, of two horsepower (one thousand four  
18 hundred ninety-two watts) or less and, if it is a combustion  
19 engine, a maximum piston or rotor displacement of 3.05 cubic  
20 inches (fifty cubic centimeters) and which will propel the  
21 moped, unassisted, on a level surface at a maximum speed no



1 greater than thirty miles per hour; and a direct or automatic  
 2 power drive system which requires no clutch or gear shift  
 3 operation by the moped driver after the drive system is engaged  
 4 with the power unit[-], but excludes low-speed electric  
 5 bicycles."

6 3. By amending the definition of "motor vehicle" to read:  
 7 "Motor vehicle" means every vehicle which is self-  
 8 propelled and every vehicle which is propelled by electric power  
 9 but which is not operated upon rails, but excludes a moped[-]  
 10 and a low-speed electric bicycle."

11 4. By amending the definition of "vehicle" to read:  
 12 "Vehicle" means every device in, upon, or by which any  
 13 person or property is or may be transported or drawn upon a  
 14 highway, but excludes devices moved by human power or devices  
 15 used exclusively upon stationary rails or tracks [~~and~~],  
 16 mopeds[-], and low-speed electric bicycles."

17 SECTION 3. Section 291C-1, Hawaii Revised Statutes, is  
 18 amended as follows:

19 1. By amending the definition of "bicycle" to read:  
 20 "Bicycle" means [~~every~~]:



1        (1)    A vehicle propelled solely by human power upon which  
2                    any person may ride, having two tandem wheels, and  
3                    including any vehicle generally recognized as a  
4                    bicycle though equipped with two front or two rear  
5                    wheels except a toy bicycle[-]; or

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

8                    2. By amending the definition of "moped" to read:

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



1 with the power unit[-], but excludes low-speed electric  
2 bicycles."

3 3. By amending the definition of "motor vehicle" to read:

4 "Motor vehicle" means every vehicle which is self-  
5 propelled and every vehicle which is propelled by electric power  
6 but not operated upon rails but excludes a moped[-] and a low-  
7 speed electric bicycle."

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

10 "(b) Unless otherwise prohibited, a bicycle may be driven  
11 at a speed of ten miles per hour or less on a sidewalk or  
12 sidewalk area; provided that the driver of the bicycle shall  
13 yield the right-of-way to any pedestrian and that bicycle riding  
14 shall be prohibited on sidewalks in business districts[-];  
15 provided further that low-speed electric bicycle riding shall be  
16 prohibited on all sidewalks."

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

19 "[+]§293-1[+] Defacing serial numbers, etc., of bicycles.  
20 It shall be unlawful for any person to wilfully deface, destroy,  
21 or alter the serial number, a component part number, or



1 identification mark of any bicycle, including a low-speed  
 2 electric bicycle as defined under title 15 United States Code  
 3 section 2085, so placed or stamped on any bicycle by the  
 4 manufacturer for the purpose of identifying the bicycle or its  
 5 component parts.

6 This section does not prohibit the restoration by an owner  
 7 of an original mark or number, when the restoration is  
 8 authorized in writing by the county treasurer or director of  
 9 finance, nor prevent any manufacturer from placing in the  
 10 ordinary course of business, numbers or marks upon new bicycles  
 11 or new parts thereof. Violation of this section shall be a  
 12 misdemeanor and shall result in a fine of not more than \$500."

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

15 "[+]§293-2[+] **Bicycle dealers, records required.** All  
 16 persons selling new bicycles [~~to others~~], including a low-speed  
 17 electric bicycle as defined under title 15 United States Code  
 18 section 2085, as a business shall keep a record for four years  
 19 after the sale of a bicycle of the name of the purchaser, and  
 20 the serial number, description, and make of the bicycle sold to



1 the purchaser. This record may be inspected by the police  
2 during reasonable business hours."

3 SECTION 7. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5 SECTION 8. This Act shall take effect on July 1, 2018.

6

INTRODUCED BY:

A handwritten signature in black ink, appearing to be 'WJA', is written over a horizontal line.

JAN 19 2018



# H.B. NO. 2004

**Report Title:**

Transportation; Bicycles; Low-Speed Electric 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.*

