
A BILL FOR AN ACT

RELATING TO ELECTRIC FOOT SCOOTERS.

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

1 SECTION 1. Chapter 291C, Hawaii Revised Statutes, is
2 amended by adding a new section to part XIII to be appropriately
3 designated and to read as follows:

4 "§291C- Electric foot scooters; application of laws in
5 relation to persons riding bicycles. (a) This section shall
6 apply whenever an electric foot scooter is operated upon any
7 highway, roadway, or other designated public area set aside for
8 the preferential or exclusive use of electric foot scooters.
9 Every person operating an electric foot scooter upon a roadway
10 shall be granted all of the rights and shall be subject to all
11 of the duties applicable to a rider of a bicycle under this
12 part, except as to:
13 (1) Provisions of this section to the contrary; and
14 (2) Provisions of this part which by their nature can have
15 no application.
16 (b) The director of transportation by rule and the
17 counties by ordinance shall regulate operations of electric foot



1 scooters in their respective jurisdictions with regard to, but
2 not limited to, the following:

3 (1) Operations upon roadways, in bikeways, bicycle paths,
4 and on sidewalks;

5 (2) Restrictions on maximum speed; and

6 (3) Safety considerations;

7 provided that no authority adopted in accordance with this
8 subsection shall be less restrictive than the requirements set
9 forth in this section. No person shall operate an electric foot
10 scooter before the respective rules or ordinances are adopted.

11 (c) No person under fifteen years of age shall operate an
12 electric foot scooter.

13 (d) Any electric foot scooter used from thirty minutes
14 after sunset until thirty minutes before sunrise shall be
15 equipped as provided in section 291C-147; provided that in lieu
16 of the requirement of section 291C-147(b), every electric foot
17 scooter shall be equipped with a lighted lamp visible from the
18 rear.

19 (e) Any person who operates an electric foot scooter
20 recklessly in disregard for the safety of persons or property
21 shall be assessed penalties as set forth in section 291C-161."



1 SECTION 2. Section 249-1, Hawaii Revised Statutes, is
2 amended as follows:

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

5 "Electric foot scooter" means a device weighing less than
6 one hundred pounds, with two or three wheels, handlebars, and a
7 floorboard that can be stood upon while riding, which is solely
8 powered by an electric motor or human power, and whose maximum
9 speed, with or without human propulsion on a paved level
10 surface, is no more than twenty miles per hour. An electric
11 foot scooter shall not be considered a moped, motor vehicle,
12 rental motor vehicle, or vehicle."

13 2. By amending the definitions of "moped" and "motor
14 vehicle" to read:

15 "Moped" means a device upon which a person may ride
16 [~~which~~] that has two or three wheels in contact with the ground,
17 a motor having a maximum power output capability measured at the
18 motor output shaft, in accordance with the Society of Automotive
19 Engineers standards, of two horsepower (one thousand four
20 hundred ninety-two watts) or less and, if it is a combustion
21 engine, a maximum piston or rotor displacement of 3.05 cubic



1 inches (fifty cubic centimeters) and which will propel the
2 device, unassisted, on a level surface at a maximum speed no
3 greater than thirty miles per hour; and a direct or automatic
4 power drive system which requires no clutch or gear shift
5 operation by the moped driver after the drive system is engaged
6 with the power unit. "Moped" does not include an electric foot
7 scooter.

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

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

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, electric foot
17 scooters, and mopeds."

18 SECTION 3. Section 251-1, Hawaii Revised Statutes, is
19 amended by amending the definition of "rental motor vehicle" or
20 "vehicle" to read as follows:



1 "Rental motor vehicle" or "vehicle" means every vehicle

2 [~~which~~] that is:

3 (1) Self-propelled and every vehicle [~~which~~] that is
4 propelled by electric power but [~~which~~] is not
5 operated upon rails [~~which~~] and is rented or leased or
6 offered for rent or lease in this State, whether for
7 personal or commercial use, for a period of six months
8 or less; and

9 (2) Designed to carry seventeen passengers or fewer.

10 "Rental motor vehicle" or "vehicle" shall not include:

11 (1) Mopeds and electric foot scooters as defined in
12 section 286-2;

13 (2) Any trucks, truck-tractors, tractor-semitrailer
14 combinations, or truck-trailer combinations, with:

15 (A) A manufacturer's nominal carrying capacity of one
16 thousand pounds or more; and

17 (B) A barrier or separation between the operator's
18 compartment and the cargo area; and

19 (3) Cargo vans with no more than two seats, including the
20 driver's seat; provided that vans with a recreational
21 vehicle converter package and vans with quick release



1 passenger seats shall not be classified as cargo
2 vans."

3 SECTION 4. Section 271-4, Hawaii Revised Statutes, is
4 amended to read as follows:

5 **"§271-4 Definitions.** As used in this chapter:

- 6 (1) "Chapter" means the Motor Carrier Law.
- 7 (2) "Commission" means the public utilities commission.
- 8 (3) "Person" or "persons" means any individual, firm,
9 copartnership, corporation, company, association, or
10 joint stock association; and includes any trustee,
11 receiver, assignee, or personal representative
12 thereof.
- 13 (4) "Certificate" means a certificate of public
14 convenience and necessity issued under this chapter to
15 common carriers by motor vehicle.
- 16 (5) "Permit" means a permit issued under this chapter to
17 contract carriers by motor vehicle.
- 18 (6) "Transportation of persons" includes every service in
19 connection with or incidental to the safety, comfort,
20 or convenience of persons transported and the receipt,



1 carriage, and delivery of these persons and their
2 baggage.

3 (7) "Transportation of property" includes every service in
4 connection with or incidental to the transportation of
5 property, including in particular its receipt,
6 delivery, elevation, transfer, carriage, ventilation,
7 refrigeration, icing, dunnage, storage in transit,
8 handling, and its consolidation for the purposes of
9 forwarding within the State.

10 (8) "Motor vehicle" means any vehicle, machine, tractor,
11 trailer, or semitrailer propelled or drawn by
12 mechanical power and used upon the highways in the
13 transportation of passengers or property, or any
14 combination thereof determined by the commission, but
15 does not include any vehicle, locomotive, or car
16 operated exclusively on a rail or rails or a trolley
17 bus operated by electric power derived from a fixed
18 overhead wire, furnishing local passenger
19 transportation similar to street-railway service [---],
20 or an electric foot scooter as defined in section
21 291C-1.



1 (9) "Highway" means the public roads, highways, streets,
2 and ways in this State.

3 (10) "Rates" includes rates, fares, tolls, rentals, and
4 charges of whatever kind and nature unless the context
5 indicates otherwise; provided that for transportation
6 by motor vehicle of passengers, where the provision of
7 transportation is part of a package that may include
8 air fare, meals, attractions, and other services,
9 "rates" shall only include the charges for the
10 provision of transportation by motor vehicle.

11 (11) "Common carrier by motor vehicle" means any person
12 that holds itself out to the general public to engage
13 in the transportation by motor vehicle of passengers
14 or property or any class or classes thereof for
15 compensation.

16 (12) "Contract carrier by motor vehicle" means any person
17 that engages in transportation by motor vehicle of
18 passengers or property for compensation (other than
19 transportation referred to in paragraph (11)) under
20 continuing contracts with one person or a limited
21 number of persons either: for the furnishing of



1 transportation services through the assignment of
2 motor vehicles for a continuing period of time to the
3 exclusive use of each person served; or for the
4 furnishing of transportation services designed to meet
5 the distinct need of each individual customer.

6 (13) "Motor carrier" includes both a common carrier by
7 motor vehicle and a contract carrier by motor vehicle.

8 (14) "Private carrier of property by motor vehicle" means
9 any person not included in the terms "common carrier
10 by motor vehicle" or "contract carrier by motor
11 vehicle", who or that transports by motor vehicle
12 property of which the person is the owner, lessee, or
13 bailee, when such transportation is for the purpose of
14 sale, lease, rent, or bailment, or in the furtherance
15 of any commercial enterprise.

16 (15) "Enforcement officer" means any person employed and
17 authorized by the commission to investigate any matter
18 on behalf of the commission. The term also means a
19 motor vehicle safety officer employed and assigned,
20 pursuant to section 271-38, by the department of
21 transportation to enforce sections 271-8, 271-12,



1 271-13, 271-19, and 271-29 through the assessment of
2 civil penalties as provided in section 271-27(h), (i),
3 and (j)."

4 SECTION 5. Section 286-2, Hawaii Revised Statutes, is
5 amended as follows:

6 1. By adding a new definition to be appropriately inserted
7 and to read:

8 "Electric foot scooter" means a device weighing less than
9 one hundred pounds, with two or three wheels, handlebars, and a
10 floorboard that can be stood upon while riding, which is solely
11 powered by an electric motor or human power, and whose maximum
12 speed, with or without human propulsion on a paved level
13 surface, is no more than twenty miles per hour. An electric
14 foot scooter shall not be considered a moped, motor vehicle,
15 rental motor vehicle, or vehicle."

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

17 "Moped" means a device upon which a person may ride
18 [which] that has two or three wheels in contact with the ground,
19 a motor having a maximum power output capability measured at the
20 motor output shaft, in accordance with the Society of Automotive
21 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 moped, 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. "Moped" does not include an electric foot
9 scooter."

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

11 "Motor vehicle" means every vehicle [~~which~~] that is self-
12 propelled and every vehicle [~~which~~] that is propelled by
13 electric power but [~~which~~] is not operated upon rails, but
14 excludes a moped[-] and an electric foot scooter."

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, electric foot
20 scooters, and mopeds.



1 SECTION 6. Section 291-31.5, Hawaii Revised Statutes, is
2 amended by amending its title and subsection (a) to read as
3 follows:

4 "§291-31.5 Blue lights prohibited for motor vehicles,
5 motorcycles, motor scooters, bicycles, electric foot scooters,
6 and mopeds. (a) No person shall knowingly operate, affix or
7 cause to be affixed, display, or possess any lamp, reflector, or
8 illumination device that appears to be the color blue, or colors
9 blue and red, upon any motor vehicle, motorcycle, motor scooter,
10 bicycle, electric foot scooter, or moped except for:

- 11 (1) County law enforcement vehicles authorized and
12 approved by the chief of police of the county in which
13 the vehicle is operated;
- 14 (2) Department of public safety law enforcement vehicles
15 with blue and red lamps, reflectors, or illumination
16 devices authorized and approved by the director of
17 public safety;
- 18 (3) Department of land and natural resources division of
19 conservation and resources enforcement vehicles with
20 blue and red lamps, reflectors, or illumination



1 devices authorized and approved by the chairperson of
2 the board of land and natural resources; or

3 (4) Department of transportation division of harbors law
4 enforcement vehicles with blue and red lamps,
5 reflectors, or illumination devices authorized and
6 approved by the director of transportation.

7 This prohibition shall not apply to factory-installed instrument
8 illumination."

9 SECTION 7. Section 291C-1, Hawaii Revised Statutes, is
10 amended as follows:

11 1. By adding a new definition to be appropriately inserted
12 and to read:

13 "Electric foot scooter" means a device weighing less than
14 one hundred pounds, with two or three wheels, handlebars, and a
15 floorboard that can be stood upon while riding, which is solely
16 powered by an electric motor or human power, and whose maximum
17 speed, with or without human propulsion on a paved level
18 surface, is no more than twenty miles per hour. An electric
19 foot scooter shall not be considered a moped, motor vehicle,
20 rental motor vehicle, or vehicle."

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



1 "Bicycle" means every vehicle propelled solely by human
2 power upon which any person may ride, having two tandem wheels,
3 and including any vehicle generally recognized as a bicycle
4 though equipped with two front or two rear wheels except a toy
5 bicycle[-]; provided that "bicycle" shall include an electric
6 foot scooter."

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

8 "\"Moped\" means a device upon which a person may ride
9 [~~which~~] that has two or three wheels in contact with the ground,
10 a motor having a maximum power output capability measured at the
11 motor 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 will propel the
16 device 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. "Moped" does not include an electric foot
21 scooter."



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

2 "Motor vehicle" means every vehicle [~~which~~] that is self-
3 propelled and every vehicle [~~which~~] that is propelled by
4 electric power but not operated upon rails, but excludes a
5 moped[-] and an electric foot scooter."

6 5. By amending the definition of "vehicle" to read:

7 "Vehicle" means every device in, upon, or by which any
8 person or property is or may be transported or drawn upon a
9 roadway or highway, including mopeds and bicycles, but excluding
10 toy bicycles, devices other than bicycles moved by human power,
11 electric foot scooters, and devices used exclusively upon
12 stationary rails or tracks."

13 SECTION 8. Section 291C-123, Hawaii Revised Statutes, is
14 amended by amending subsection (a) to read as follows:

15 "(a) No person shall drive any vehicle other than a
16 bicycle, electric foot scooter, or moped upon a bicycle lane or
17 bicycle path, except upon a permanent or authorized temporary
18 driveway, or park any vehicle upon a bicycle lane or bicycle
19 path; provided that any vehicle may be driven or parked in a
20 bicycle lane or bicycle path as applicable if:



- 1 (1) It is in the process of executing a legal turn, lane
- 2 change, or parking maneuver;
- 3 (2) It is an authorized emergency vehicle performing the
- 4 functions under section 291C-26;
- 5 (3) It is an official federal, state, or county vehicle in
- 6 the performance of its actual duty;
- 7 (4) It is a stalled or broken vehicle;
- 8 (5) It is necessary to assist a stalled or broken vehicle;
- 9 (6) It is necessary to yield to an authorized emergency
- 10 vehicle pursuant to section 291C-65; or
- 11 (7) It is otherwise provided by law."

12 SECTION 9. Section 291C-141, Hawaii Revised Statutes, is
 13 amended by amending subsection (c) to read as follows:

14 "(c) These regulations applicable to bicycles and electric
 15 foot scooters shall apply whenever a bicycle or an electric foot
 16 scooter is operated upon any highway or upon any bicycle path
 17 set aside for the preferential or exclusive use of bicycles or
 18 electric foot scooters subject to those exceptions stated
 19 herein."



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

4 "Vulnerable user" means:

- 5 (1) A pedestrian legally within a street or public
6 highway;
- 7 (2) A roadway worker actually engaged in work upon a
8 street or public highway or in work upon utility
9 facilities along a street or public highway, or
10 engaged in the provision of emergency services within
11 a street or public highway, including but not limited
12 to:
- 13 (a) Construction and maintenance workers; and
14 (b) Police, fire, and other emergency responders; or
- 15 (3) A person legally operating any of the following within
16 the street or public highway:
- 17 (a) A bicycle;
- 18 (b) An electric foot scooter;
- 19 [~~(b)~~] (c) A moped;
- 20 [~~(e)~~] (d) An electric personal assistive mobility
21 device; or



Report Title:

Electric Foot Scooters; Regulation

Description:

Establishes a framework for the Department of Transportation and the counties to regulate electric foot scooters. Adds definition of electric foot scooter and includes an electric foot scooter as a bicycle for certain laws. Amends definitions of moped, motor vehicle, rental motor vehicle, and vehicle to exclude electric foot scooters. Prohibits use of electric foot scooters to individuals under the age of fifteen. Effective 7/1/2050. (SD1)

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