

JAN 23 2020

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 XII to be appropriately
3 designated and to read as follows:

4 "§291C- Electric foot scooters. (a) This section
5 shall apply whenever an electric foot scooter is operated upon
6 any highway, roadway, or other designated public area set aside
7 for the use of electric foot scooters. Every person operating
8 an electric foot scooter upon a roadway shall be granted all of
9 the rights and shall be subject to all of the duties applicable
10 to a driver of a vehicle under this chapter, except as to
11 provisions of this:

12 (1) Section to the contrary; and

13 (2) Chapter that, by their nature, can have no
14 application.

15 (b) The counties by ordinance shall regulate operations of
16 electric foot scooters with regard to, but not limited to, the
17 following:



- 1 (1) Operations in or upon roadways, bikeways, bicycle
- 2 paths, and sidewalks;
- 3 (2) Restrictions on maximum speed;
- 4 (3) Safety considerations; and
- 5 (4) Insurance requirements;

6 provided that no authority adopted in accordance with this
7 subsection shall be less restrictive than the requirements set
8 forth in this section.

9 (c) No person under fifteen years of age shall operate an
10 electric foot scooter on a highway, street, roadway, or any
11 other public property in the State. No person under sixteen
12 years of age shall operate an electric foot scooter unless the
13 person wears a safety helmet securely fastened with a chin
14 strap. The safety helmet shall meet the specifications of and
15 requirements for a bicycle helmet as set out in section
16 291C-150.

17 (d) No person shall operate an electric foot scooter that
18 is carrying any other person, nor shall any person other than
19 the operator ride upon an electric foot scooter.

20 (e) No person operating an electric foot scooter shall
21 carry any package, bundle, or article that prevents the use of



1 both hands in the control and operation of the electric foot
2 scooter.

3 (f) Any electric foot scooter used from thirty minutes
4 after sunset until thirty minutes before sunrise shall be
5 equipped as provided in section 291C-147; provided that in lieu
6 of the requirement of section 291C-147(b), every electric foot
7 scooter shall be equipped with a lighted lamp that is visible
8 from the rear.

9 (g) No person shall operate an electric foot scooter at a
10 speed other than is reasonable and prudent and having regard to
11 the actual and potential hazards and conditions then existing;
12 provided that no person shall operate an electric foot scooter
13 at a speed greater than fifteen miles per hour.

14 (h) Any person who operates an electric foot scooter
15 recklessly in disregard of the safety of persons or property
16 shall be assessed penalties as set forth in section 291C-161.

17 (i) A person or entity that provides electric foot
18 scooters for hire shall not rent or lease an electric foot
19 scooter to any person unless:



1 (1) Each renter or lessee that is under the age of sixteen
2 wears a safety helmet pursuant to subsection (c) while
3 operating the electric foot scooter; and

4 (2) Each renter or lessee is provided with a copy of the
5 electric foot scooter ordinances or rules that have
6 been adopted by the applicable county.

7 (j) An electric foot scooter shall be registered in a
8 manner similar to a low-speed electric bicycle, and shall be
9 subject to a permanent registration fee of \$30, which shall be
10 paid by the owner to the director of finance."

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

13 1. By adding a new definition to be appropriately inserted
14 and to read:

15 "Electric foot scooter" means a device weighing less than
16 sixty pounds, with two or three wheels, handlebars, and a
17 floorboard that can be stood upon while riding, that is solely
18 powered by an electric motor or human power, and which has a
19 maximum speed, with or without human propulsion on a paved level
20 surface, that does not exceed fifteen miles per hour."

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



1 ""Moped" means a device upon which a person may ride
2 [~~which~~] that has two or three wheels in contact with the ground,
3 a motor having a maximum power output capability measured at the
4 motor 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 will propel the
9 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 requires no clutch or gear shift
12 operation by the moped driver after the drive system is engaged
13 with the power unit. "Moped" does not include an electric foot
14 scooter."

15 SECTION 3. Section 286-2, Hawaii Revised Statutes, is
16 amended as follows:

17 1. By adding a new definition to be appropriately inserted
18 and to read:

19 "Electric foot scooter" means a device weighing less than
20 sixty pounds, with two or three wheels, handlebars, and a
21 floorboard that can be stood upon while riding, that is solely



1 powered by an electric motor or human power, and which has a
2 maximum speed, with or without human propulsion on a paved level
3 surface, that does not exceed fifteen miles per hour."

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

5 "Moped" means a device upon which a person may ride
6 ~~[which]~~ that has two or three wheels in contact with the ground,
7 a motor having a maximum power output capability measured at the
8 motor output shaft, in accordance with the Society of Automotive
9 Engineers standards, of two horsepower (one thousand four
10 hundred ninety-two watts) or less and, if it is a combustion
11 engine, a maximum piston or rotor displacement of 3.05 cubic
12 inches (fifty cubic centimeters) and which will propel the
13 moped, unassisted, on a level surface at a maximum speed no
14 greater than thirty miles per hour; and a direct or automatic
15 power drive system which requires no clutch or gear shift
16 operation by the moped driver after the drive system is engaged
17 with the power unit. "Moped" does not include an electric foot
18 scooter."

19 SECTION 4. Section 291-31.5, Hawaii Revised Statutes, is
20 amended by amending its title and subsection (a) to read as
21 follows:



1 "§291-31.5 Blue lights prohibited for motor vehicles,
2 motorcycles, motor scooters, bicycles, electric foot scooters,
3 and mopeds. (a) No person shall knowingly operate, affix or
4 cause to be affixed, display, or possess any lamp, reflector, or
5 illumination device that appears to be the color blue, or colors
6 blue and red, upon any motor vehicle, motorcycle, motor scooter,
7 bicycle, electric foot scooter, or moped, except for:

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



1 reflectors, or illumination devices authorized and
2 approved by the director of transportation.

3 This prohibition shall not apply to factory-installed instrument
4 illumination."

5 SECTION 5. Section 291C-1, Hawaii Revised Statutes, is
6 amended as follows:

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

9 "Electric foot scooter" means a device weighing less than
10 sixty pounds, with two or three wheels, handlebars, and a
11 floorboard that can be stood upon while riding, that is solely
12 powered by an electric motor or human power, and which has a
13 maximum speed, with or without human propulsion on a paved level
14 surface, that does not exceed fifteen miles per hour."

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

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

9 SECTION 6. Section 291C-123, Hawaii Revised Statutes, is
10 amended by amending subsection (a) to read as follows:

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

- 17 (1) It is in the process of executing a legal turn, lane
18 change, or parking maneuver;
- 19 (2) It is an authorized emergency vehicle performing the
20 functions under section 291C-26;



- 1 (3) It is an official federal, state, or county vehicle in
- 2 the performance of its actual duty;
- 3 (4) It is a stalled or broken vehicle;
- 4 (5) It is necessary to assist a stalled or broken vehicle;
- 5 (6) It is necessary to yield to an authorized emergency
- 6 vehicle pursuant to section 291C-65; or
- 7 (7) It is otherwise provided by law."

8 SECTION 7. Section 707-700, Hawaii Revised Statutes, is
9 amended by amending the definition of "vulnerable user" to read
10 as follows:

11 "Vulnerable user" means:

- 12 (1) A pedestrian legally within a street or public
- 13 highway;
- 14 (2) A roadway worker actually engaged in work upon a
- 15 street or public highway or in work upon utility
- 16 facilities along a street or public highway, or
- 17 engaged in the provision of emergency services within
- 18 a street or public highway, including but not limited
- 19 to:
- 20 (a) Construction and maintenance workers; and
- 21 (b) Police, fire, and other emergency responders; or



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

3 (a) A bicycle;

4 (b) A moped;

5 (c) An electric personal assistive mobility device;
6 [~~or~~]

7 (d) A wheelchair conveyance or other personal
8 mobility device[-]; or

9 (e) An electric foot scooter."

10 SECTION 8. This Act does not affect rights and duties that
11 matured, penalties that were incurred, and proceedings that were
12 begun before its effective date.

13 SECTION 9. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 10. This Act shall take effect upon its approval.

16

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S.B. NO. 2995

Report Title:

Electric Foot Scooters; Regulation

Description:

Establishes a framework for the regulation of electric foot scooters by the State and counties. Amends definitions of "moped" to exclude electric foot scooters.

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

