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# 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 249, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§249-       Electric foot scooters; registration.    An  
5 electric foot scooter shall be required to be registered, and  
6 shall be subject to a permanent registration fee of \$30, to be  
7 paid by the owners thereof to the director of finance."

8           SECTION 2. Chapter 291C, Hawaii Revised Statutes, is  
9 amended by adding a new section to part XII to be appropriately  
10 designated and to read as follows:

11           "§291C-       Electric foot scooters.    (a) This section  
12 shall apply whenever an electric foot scooter is operated upon  
13 any highway, street, roadway, or other designated public area  
14 set aside for the use of electric foot scooters.

15           (b) Every person operating an electric foot scooter upon a  
16 roadway shall be granted all of the rights and shall be subject



1 to all of the duties applicable to a driver of a vehicle under  
2 this chapter, except as to provisions of this:

3 (1) Section to the contrary; and

4 (2) Chapter that, by their nature, can have no  
5 application.

6 (c) The counties by ordinance shall regulate operations of  
7 electric foot scooters with regard to, but not limited to, the  
8 following:

9 (1) Operations in or upon roadways, bikeways, bicycle  
10 paths, and sidewalks;

11 (2) Restrictions on maximum speed;

12 (3) Safety considerations; and

13 (4) Insurance requirements;

14 provided that no authority adopted in accordance with this  
15 subsection shall be less restrictive than the requirements set  
16 forth in this section.

17 (d) No person under fifteen years of age shall operate an  
18 electric foot scooter on a highway, street, roadway, or any  
19 other public property in the State. No person under sixteen  
20 years of age shall operate an electric foot scooter unless the  
21 person wears a safety helmet securely fastened with a chin



1 strap. The safety helmet shall meet the specifications of and  
2 requirements for a bicycle helmet as set out in  
3 section 291C-150.

4 (e) No person shall operate an electric foot scooter that  
5 is carrying any other person, nor shall any person other than  
6 the operator ride upon an electric foot scooter.

7 (f) No person operating an electric foot scooter shall  
8 carry any package, bundle, or article that prevents the use of  
9 both hands in the control and operation of the electric foot  
10 scooter.

11 (g) Any electric foot scooter used from thirty minutes  
12 after sunset until thirty minutes before sunrise shall meet the  
13 specifications of and requirements for lamps and other equipment  
14 on bicycles as set out in section 291C-147; provided that in  
15 lieu of the requirement of section 291C-147(b), every electric  
16 foot scooter shall be equipped with a lighted lamp that is  
17 visible from the rear.

18 (h) No person shall operate an electric foot scooter at a  
19 speed other than is reasonable and prudent and having regard to  
20 the actual and potential hazards and conditions then existing;



1 provided that no person shall operate an electric foot scooter  
2 at a speed greater than fifteen miles per hour.

3 (i) Any person who operates an electric foot scooter  
4 recklessly in disregard of the safety of persons or property  
5 shall be assessed penalties as set forth in section 291C-161(b).

6 (j) A person or entity that provides electric foot  
7 scooters for hire shall not rent or lease an electric foot  
8 scooter to any person unless:

- 9 (1) Each renter or lessee that is under the age of sixteen  
10 wears a safety helmet, as required by subsection (d),  
11 while operating the electric foot scooter; and  
12 (2) Each renter or lessee is provided with a copy of the  
13 electric foot scooter ordinances or rules that have  
14 been adopted by the applicable county."

15 SECTION 3. Section 249-1, 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:

20 (1) Weighing less than seventy-five pounds;

21 (2) With two or three wheels;



1        (3) With handlebars;

2        (4) With either:

3            (A) A floorboard that can be stood upon while riding;

4                    or

5            (B) A seat or saddle for the use of the rider and  
6                    stationary footrests;

7        (5) That is solely powered by an electric motor or human  
8                    power; and

9        (6) Whose maximum speed, with or without human propulsion  
10                    on a paved level surface, does not exceed fifteen  
11                    miles per hour."

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

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

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

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

10 "Electric foot scooter" means a device:

11 (1) Weighing less than seventy-five pounds;

12 (2) With two or three wheels;

13 (3) With handlebars;

14 (4) With either:

15 (A) A floorboard that can be stood upon while riding;

16 or

17 (B) A seat or saddle for the use of the rider and

18 stationary footrests;

19 (5) That is solely powered by an electric motor or human

20 power; and



1        (6) Whose maximum speed, with or without human propulsion  
2            on a paved level surface, does not exceed fifteen  
3            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~~] that will propel  
13        the 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 5. 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 6. 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:

10 (1) Weighing less than seventy-five pounds;

11 (2) With two or three wheels;

12 (3) With handlebars;

13 (4) With either:

14 (A) A floorboard that can be stood upon while riding;

15 or

16 (B) A seat or saddle for the use of the rider and

17 stationary footrests;

18 (5) That is solely powered by an electric motor or human

19 power; and



1       (6) Whose maximum speed, with or without human propulsion  
2       on a paved level surface, does not exceed fifteen  
3       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]~~ that will propel  
13      the device 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 7. Section 291C-123, Hawaii Revised Statutes, is  
20      amended by amending subsection (a) to read as follows:



1           "(a) No person shall drive any vehicle other than a  
2 bicycle, electric foot scooter, or moped upon a bicycle lane or  
3 bicycle path, except upon a permanent or authorized temporary  
4 driveway, or park any vehicle upon a bicycle lane or bicycle  
5 path; provided that any vehicle may be driven or parked in a  
6 bicycle lane or bicycle path as applicable if:

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

18          SECTION 8. Section 431:10C-304, Hawaii Revised Statutes,  
19 is amended to read as follows:

20          "**§431:10C-304 Obligation to pay personal injury protection**  
21 **benefits.** For purposes of this section, the term "personal



1 injury protection insurer" includes personal injury protection  
2 self-insurers. Every personal injury protection insurer shall  
3 provide personal injury protection benefits for accidental harm  
4 as follows:

5 (1) Except as otherwise provided in section  
6 431:10C-305(d), in the case of injury arising out of a  
7 motor vehicle accident, the insurer shall pay, without  
8 regard to fault, to the provider of services on behalf  
9 of the following persons who sustain accidental harm  
10 as a result of the operation, maintenance, or use of  
11 the vehicle, an amount equal to the personal injury  
12 protection benefits as defined in section  
13 431:10C-103.5(a) payable for expenses to that person  
14 as a result of the injury:

15 (A) Any person, including the owner, operator,  
16 occupant, or user of the insured motor vehicle;

17 (B) Any pedestrian [~~including~~], including a  
18 bicyclist[+]; [~~or~~]

19 (C) Any user or operator of a moped as defined in  
20 section 249-1; or



1           (D) Any user or operator of an electric foot scooter  
2                   as defined in section 249-1;

3           provided that this paragraph shall not apply in the  
4           case of injury to or death of any operator or  
5           passenger of a motorcycle or motor scooter as defined  
6           in section 286-2 arising out of a motor vehicle  
7           accident, unless expressly provided for in the motor  
8           vehicle policy;

9           (2) Payment of personal injury protection benefits shall  
10           be made as the benefits accrue, except that in the  
11           case of death, payment of benefits under  
12           section 431:10C-302(a) (5) may be made immediately in a  
13           lump sum payment, at the option of the beneficiary;

14           (3) (A) Payment of personal injury protection benefits  
15           shall be made within thirty days after the  
16           insurer has received reasonable proof of the fact  
17           and amount of benefits accrued, and demand for  
18           payment thereof. All providers [~~must~~] shall  
19           produce descriptions of the service provided in  
20           conformity with applicable fee schedule codes;



1 (B) If the insurer elects to deny a claim for  
2 benefits in whole or in part, the insurer shall,  
3 within thirty days, notify the claimant in  
4 writing of the denial and the reasons for the  
5 denial. The denial notice shall be prepared and  
6 mailed by the insurer in triplicate copies and be  
7 in a format approved by the commissioner. In the  
8 case of benefits for services specified in  
9 section 431:10C-103.5(a) the insurer shall also  
10 mail a copy of the denial to the provider; and

11 (C) If the insurer cannot pay or deny the claim for  
12 benefits because additional information or loss  
13 documentation is needed, the insurer shall,  
14 within the thirty days, forward to the claimant  
15 an itemized list of all the required documents.  
16 In the case of benefits for services specified in  
17 section 431:10C-103.5(a) the insurer shall also  
18 forward the list to the service provider;

19 (4) Amounts of benefits [~~which~~] that are unpaid thirty  
20 days after the insurer has received reasonable proof  
21 of the fact and the amount of benefits accrued, and



1 demand for payment thereof, after the expiration of  
2 the thirty days, shall bear interest at the rate of  
3 one and one-half per cent per month;

4 (5) No part of personal injury protection benefits paid  
5 shall be applied in any manner as attorney's fees in  
6 the case of injury or death for which the benefits are  
7 paid. The insurer shall pay, subject to  
8 section 431:10C-211, in addition to the personal  
9 injury protection benefits due, all attorney's fees  
10 and costs of settlement or suit necessary to effect  
11 the payment of any or all personal injury protection  
12 benefits found due under the contract. Any contract  
13 in violation of this provision shall be illegal and  
14 unenforceable. It shall constitute an unlawful and  
15 unethical act for any attorney to solicit, enter into,  
16 or knowingly accept benefits under any contract;

17 (6) Disputes between the provider and the insurer over the  
18 amount of a charge or the correct fee or procedure  
19 code to be used under the workers' compensation  
20 supplemental medical fee schedule shall be governed by  
21 section 431:10C-308.5; and



1           (7) Any insurer who violates this section shall be subject  
2           to section 431:10C-117(b) and (c)."

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

6           ""Vulnerable user" means:

7           (1) A pedestrian legally within a street or public  
8           highway;

9           (2) A roadway worker actually engaged in work upon a  
10          street or public highway or in work upon utility  
11          facilities along a street or public highway, or  
12          engaged in the provision of emergency services within  
13          a street or public highway, including but not limited  
14          to:

15          (a) Construction and maintenance workers; and

16          (b) Police, fire, and other emergency responders; or

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

19          (a) A bicycle;

20          (b) A moped;

21          (c) An electric foot scooter;





**Report Title:**

Electric Foot Scooters; Regulation; Personal Injury Protection

**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. Retains personal injury protection benefits for any individual sustaining injuries while using or operating an electric foot scooter. Effective 1/1/2050. (HD2)

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

