
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 to be
8 deposited into the bikeway fund under section 249-17.5, Hawaii
9 Revised Statutes."

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

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



1 (b) Every person operating an electric foot scooter upon a
2 roadway shall be granted all of the rights and shall be subject
3 to all of the duties applicable to a driver of a vehicle under
4 this chapter, except as to provisions of this:

- 5 (1) Section to the contrary; and
6 (2) Chapter that, by their nature, can have no
7 application.

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

- 11 (1) Operations in or upon roadways, bikeways, bicycle
12 paths, and sidewalks;
13 (2) Storage and docking locations;
14 (3) Restrictions on maximum speed;
15 (4) Safety considerations; and
16 (5) Insurance requirements;

17 provided that no authority adopted in accordance with this
18 subsection shall be less restrictive than the requirements set
19 forth in this section.

20 (d) No person under fifteen years of age shall operate an
21 electric foot scooter on a highway, street, roadway, or any



1 other public property in the State. No person under sixteen
2 years of age shall operate an electric foot scooter unless the
3 person wears a safety helmet securely fastened with a chin
4 strap. The safety helmet shall meet the specifications of and
5 requirements for a bicycle helmet as set out in
6 section 291C-150.

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

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

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



1 (h) No person shall operate an electric foot scooter at a
2 speed other than is reasonable and prudent and having regard to
3 the actual and potential hazards and conditions then existing;
4 provided that no person shall operate an electric foot scooter
5 at a speed greater than fifteen miles per hour.

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

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

12 (1) Each renter or lessee that is under the age of sixteen
13 wears a safety helmet, as required by subsection (d),
14 while operating the electric foot scooter; and

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

18 (k) Electric foot scooters shall only be stored or docked
19 at specific locations that shall be authorized by the counties."

20 SECTION 3. Section 249-1, Hawaii Revised Statutes, is
21 amended as follows:



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

3 "Electric foot scooter" means a device:

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

5 (2) With two or three wheels;

6 (3) With handlebars;

7 (4) With either:

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

9 or

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

12 (5) That is powered by an electric motor or human power;

13 and

14 (6) Whose maximum speed, with or without human propulsion

15 on a paved level surface, does not exceed fifteen

16 miles per hour."

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

18 "Moped" means a device upon which a person may ride

19 ~~[which]~~ that has two or three wheels in contact with the ground,

20 a motor having a maximum power output capability measured at the

21 motor output shaft, in accordance with the Society of Automotive



1 Engineers standards, of two horsepower (one thousand four
2 hundred ninety-two watts) or less and, if it is a combustion
3 engine, a maximum piston or rotor displacement of 3.05 cubic
4 inches (fifty cubic centimeters) and [~~which~~] that will propel
5 the device, unassisted, on a level surface at a maximum speed no
6 greater than thirty miles per hour; and a direct or automatic
7 power drive system, which requires no clutch or gear shift
8 operation by the moped driver after the drive system is engaged
9 with the power unit. "Moped" does not include an electric foot
10 scooter."

11 SECTION 4. Section 286-2, 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:

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

17 (2) With two or three wheels;

18 (3) With handlebars;

19 (4) With either:

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

21 or



- 1 (B) A seat or saddle for the use of the rider and
2 stationary footrests;
3 (5) That is powered by an electric motor or human power;
4 and
5 (6) Whose maximum speed, with or without human propulsion
6 on a paved level surface, does not exceed fifteen
7 miles per hour."

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

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

3 SECTION 5. Section 291-31.5, Hawaii Revised Statutes, is
4 amended by amending its title and subsection (a) to read as
5 follows:

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

13 (1) County law enforcement vehicles authorized and
14 approved by the chief of police of the county in which
15 the vehicle is operated;

16 (2) Department of public safety law enforcement vehicles
17 with blue and red lamps, reflectors, or illumination
18 devices authorized and approved by the director of
19 public safety;

20 (3) Department of land and natural resources division of
21 conservation and resources enforcement vehicles with



1 blue and red lamps, reflectors, or illumination
 2 devices authorized and approved by the chairperson of
 3 the board of land and natural resources; or
 4 (4) Department of transportation division of harbors law
 5 enforcement vehicles with blue and red lamps,
 6 reflectors, or illumination devices authorized and
 7 approved by the director of transportation.

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

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

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

14 "Electric foot scooter" means a device:

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

16 (2) With two or three wheels;

17 (3) With handlebars;

18 (4) With either:

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

20 or



- 1 (B) A seat or saddle for the use of the rider and
2 stationary footrests;
3 (5) That is powered by an electric motor or human power;
4 and
5 (6) Whose maximum speed, with or without human propulsion
6 on a paved level surface, does not exceed fifteen
7 miles per hour."

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

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

3 SECTION 7. Section 291C-123, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

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

11 (1) It is in the process of executing a legal turn, lane
12 change, or parking maneuver;

13 (2) It is an authorized emergency vehicle performing the
14 functions under section 291C-26;

15 (3) It is an official federal, state, or county vehicle in
16 the performance of its actual duty;

17 (4) It is a stalled or broken vehicle;

18 (5) It is necessary to assist a stalled or broken vehicle;

19 (6) It is necessary to yield to an authorized emergency
20 vehicle pursuant to section 291C-65; or

21 (7) It is otherwise provided by law."



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

3 "§431:10C-304 Obligation to pay personal injury protection
4 benefits. For purposes of this section, the term "personal
5 injury protection insurer" includes personal injury protection
6 self-insurers. Every personal injury protection insurer shall
7 provide personal injury protection benefits for accidental harm
8 as follows:

9 (1) Except as otherwise provided in section
10 431:10C-305(d), in the case of injury arising out of a
11 motor vehicle accident, the insurer shall pay, without
12 regard to fault, to the provider of services on behalf
13 of the following persons who sustain accidental harm
14 as a result of the operation, maintenance, or use of
15 the vehicle, an amount equal to the personal injury
16 protection benefits as defined in section
17 431:10C-103.5(a) payable for expenses to that person
18 as a result of the injury:

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



- 1 (B) Any pedestrian [~~including~~], including a
- 2 bicyclist[+]; [~~or~~]
- 3 (C) Any user or operator of a moped as defined in
- 4 section 249-1; or
- 5 (D) Any user or operator of an electric foot scooter
- 6 as defined in section 249-1;

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

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

18 (3) (A) Payment of personal injury protection benefits
 19 shall be made within thirty days after the
 20 insurer has received reasonable proof of the fact
 21 and amount of benefits accrued, and demand for



1 payment thereof. All providers [~~must~~] shall
2 produce descriptions of the service provided in
3 conformity with applicable fee schedule codes;

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

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



- 1 (4) Amounts of benefits [~~which~~] that are unpaid thirty
2 days after the insurer has received reasonable proof
3 of the fact and the amount of benefits accrued, and
4 demand for payment thereof, after the expiration of
5 the thirty days, shall bear interest at the rate of
6 one and one-half per cent per month;
- 7 (5) No part of personal injury protection benefits paid
8 shall be applied in any manner as attorney's fees in
9 the case of injury or death for which the benefits are
10 paid. The insurer shall pay, subject to
11 section 431:10C-211, in addition to the personal
12 injury protection benefits due, all attorney's fees
13 and costs of settlement or suit necessary to effect
14 the payment of any or all personal injury protection
15 benefits found due under the contract. Any contract
16 in violation of this provision shall be illegal and
17 unenforceable. It shall constitute an unlawful and
18 unethical act for any attorney to solicit, enter into,
19 or knowingly accept benefits under any contract;
- 20 (6) Disputes between the provider and the insurer over the
21 amount of a charge or the correct fee or procedure



1 code to be used under the workers' compensation
2 supplemental medical fee schedule shall be governed by
3 section 431:10C-308.5; and

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

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

9 "Vulnerable user" means:

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



- 1 (a) A bicycle;
- 2 (b) A moped;
- 3 (c) An electric foot scooter;
- 4 [~~e~~] (d) An electric personal assistive mobility
5 device; or
- 6 [~~d~~] (e) A wheelchair conveyance or other personal
7 mobility device."

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

11 SECTION 11. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 12. This Act shall take effect on January 1, 2050.



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. (SD1)

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