
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 shall
5 apply whenever an electric foot scooter is operated upon any
6 highway, roadway, or other designated public area set aside for
7 the use of electric foot scooters. Every person operating an
8 electric foot scooter upon a roadway shall be granted all of the
9 rights and shall be subject to all of the duties applicable to a
10 driver of a vehicle under this chapter, except as to provisions
11 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) The minimum age to operate an electric foot scooter
10 shall be fifteen years old.

11 (d) No person other than the operator shall ride upon an
12 electric foot scooter.

13 (e) No person operating an electric foot scooter shall
14 carry any package, bundle, or article that prevents the use of
15 both hands in the control and operation of the electric foot
16 scooter.

17 (f) Any electric foot scooter used from thirty minutes
18 after sunset until thirty minutes before sunrise shall be
19 equipped with:



- 1 (1) A lamp on the front emitting a white light visible
2 from a distance of at least five hundred feet to the
3 front;
- 4 (2) A lighted lamp which shall be visible for six hundred
5 feet to the rear when directly in front of lawful
6 lower beams of head lamps on a motor vehicle;
- 7 (3) Reflective material at least four square inches in
8 size and of sufficient size and reflectivity to be
9 visible from both sides for six hundred feet when
10 directly in front of lawful lower beams of head lamps
11 on a motor vehicle, or, in lieu of such reflective
12 material, with a lighted lamp visible from both sides
13 from a distance of at least five hundred feet; and
- 14 (4) A brake or brakes which enable the electric foot
15 scooter's operator to stop the electric foot scooter
16 within twenty-five feet from a speed of ten miles per
17 hour on dry, level, clean pavement.
- 18 (g) 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 (h) 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.

6 (i) 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 each renter or lessee is provided
9 with a copy of the electric foot scooter ordinances or rules
10 that have been adopted by the applicable county.

11 (j) An electric foot scooter shall be registered in
12 accordance with section 249-14.

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

15 SECTION 2. 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 equipped with an
20 electric motor and that weighs less than seventy-five pounds;
21 has two or three wheels, handlebars, and a floorboard that can



1 be stood upon while riding; is propelled by electric or human
2 power; and that has a maximum speed that does not exceed fifteen
3 miles per hour on a paved level surface, with or without human
4 propulsion."

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

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

20 SECTION 3. Section 249-14, Hawaii Revised Statutes, is
21 amended as follows:



1 1. By amending its title to read:

2 "249-14 Bicycle and electric foot scooter fee."

3 2. By amending subsections (b) and (c) to read as follows:

4 "(b) A low-speed electric bicycle, as defined under title
5 15 United States Code section 2085, or an electric foot scooter,
6 shall be required to be registered, and shall be subject to a
7 permanent registration fee of \$30, to be paid by the owners
8 thereof to the director of finance.

9 (c) An owner of a bicycle having two tandem wheels that
10 are less than twenty inches in diameter is not required to
11 register that bicycle, but may do so to facilitate the return of
12 recovered stolen bicycles by payment of the registration fee.
13 The fee collected shall not be refunded or prorated. Upon
14 receipt of the fee, the director of finance shall number and
15 register each bicycle or electric foot scooter for which the fee
16 is paid, in the owner's name, and furnish the owner with a
17 metallic tag or decal for each bicycle[-] or electric foot
18 scooter, which shall be attached to the bicycle[-] or electric
19 foot scooter. The decal shall be affixed to a bicycle or
20 electric foot scooter on the upright post attached to the
21 sprocket facing in the forward direction. Upon initial



1 registration by an owner or transferee, the director of finance
2 shall require proof of ownership and require the owner to
3 furnish verification of the serial number and description
4 contained in the proof of ownership and application for
5 registration. The metallic tags or decals shall be in a form as
6 the director of finance shall from time to time prescribe. It
7 shall be the duty of the director of finance of each county to
8 purchase a sufficient number of these tags or decals."

9 SECTION 4. Section 249-14.2, Hawaii Revised Statutes, is
10 amended to read as follows:

11 " [{}§249-14.2{}] Procedure when registration of a bicycle,
12 electric foot scooter, or moped transferred. (a) Upon transfer
13 of registered ownership in or to a bicycle, electric foot
14 scooter, or moped, the person whose interest is to be
15 transferred and the transferee shall write their signatures with
16 pen and ink upon the certificate of registration issued for the
17 bicycle, electric foot scooter, or moped, together with the
18 address of the transferee in the appropriate space provided upon
19 the certificate.

20 (b) Within thirty calendar days of the transfer of
21 registered ownership of a bicycle, electric foot scooter, or



1 moped, the transferee shall forward the certificate of
2 registration so endorsed to the director of finance who shall
3 file the certificate. The director of finance may charge a fee
4 of \$5 which shall be deposited into the county bikeway fund for
5 each new certificate of registration issued. Whenever a
6 transferee fails to comply with these provisions, the director
7 of finance shall charge a fee of \$10, in addition to the fee
8 provided in this section, for the issuance of a new certificate
9 of registration.

10 (c) The director of finance, upon receipt of the
11 certificate of registration properly endorsed and the required
12 fee, shall register the bicycle, electric foot scooter, or moped
13 and shall issue to the owner thereof by reason of the transfer a
14 new certificate of registration in the manner and form provided
15 for in an original registration.

16 (d) Until the director of finance has issued the new
17 certificate of registration as provided in subsection (c),
18 delivery of such bicycle, electric foot scooter, or moped shall
19 be deemed not to have been made and registration thereto shall
20 be deemed not to have passed, and the intended transfer shall be



1 deemed to be incomplete and not to be valid or effective for any
2 purpose.

3 (e) In the event of the transfer by operation of law in or
4 to a bicycle, electric foot scooter, or moped, as upon
5 inheritance, devise, or bequest, order in bankruptcy, or
6 insolvency, execution sale, repossession upon default in
7 performance of the terms of a lease or executory sales contract,
8 or otherwise than by the voluntary act of the person whose
9 interest is to be transferred, the certificate of registration
10 shall be signed upon the spaces provided by the personal
11 representative of, or successor in interest of the person whose
12 registered ownership or interest is so transferred in lieu of
13 such person. Every personal representative, receiver, trustee,
14 sheriff, or other representative hereinabove referred to shall
15 file with the director of finance a notice of any transfer by
16 sale, lease, or otherwise by the person, of any such bicycle,
17 electric foot scooter, or moped, together with evidence
18 satisfactory to the director of finance of all facts entitling
19 such representative to make the transfer.

20 (f) Any person who refuses or neglects to deliver a
21 certificate of registration to a transferee entitled thereto



1 under this section, shall be punished as provided in section
2 249-14.6.

3 (g) Every dealer or manufacturer, upon transferring a
4 bicycle, electric foot scooter, or moped, whether by sale,
5 lease, or otherwise, shall immediately give notice of the
6 transfer to the director of finance upon the official form
7 provided by the director of finance. Every such notice shall
8 contain the date of the transfer, the names and addresses of the
9 transferor and transferee, and such description of the bicycle,
10 electric foot scooter, or moped as may be called for in the
11 official form.

12 (h) Every person, other than a dealer, upon transferring a
13 bicycle, electric foot scooter, or moped, whether by sale,
14 lease, or otherwise, shall within ten days give notice of the
15 transfer to the director of finance upon the official form
16 provided by the director of finance. Every notice shall contain
17 the date of transfer, the names and addresses of the transferor
18 and transferee, and such description of the bicycle, electric
19 foot scooter, or moped as may be called for in the official
20 form. Any person who violates this subsection shall be fined
21 not more than \$100.



1 (i) Whenever the registered owner of a bicycle, electric
2 foot scooter, or moped or any dealer or manufacturer has given
3 notice to the director of finance of a transfer of the
4 registered ownership to the bicycle, electric foot scooter, or
5 moped, as provided in subsection (g) or (h), and has delivered
6 the certificate of registration bearing the transferor's
7 signature to the transferee as required by subsection (a), the
8 transferor shall be relieved from liability, civil or criminal,
9 which the transferor might subsequently incur by reason of being
10 the registered owner of the bicycle, electric foot scooter, or
11 moped.

12 (j) Any person who falsely or fraudulently gives notice to
13 the director of finance of a transfer of registered ownership to
14 a bicycle, electric foot scooter, or moped shall be subject to
15 the penalty provided in section 249-14.6."

16 SECTION 5. Section 249-14.5, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "§249-14.5 New bicycles, electric foot scooters, and
19 mopeds. All new bicycles, electric foot scooters, and mopeds,
20 otherwise requiring the payment of fees under section 249-14,
21 held in stock for purposes of sale shall be exempt from the fee.



1 At the time of first sale, the dealer selling the new bicycle,
2 electric foot scooter, or moped shall:

- 3 (1) Require the buyer to complete a license application
4 form furnished by the director of finance;
5 (2) Issue a copy of the completed form to the buyer; and
6 (3) Transmit a copy of the completed form to the director
7 of finance with the required fees that the dealer has
8 collected from the buyer.

9 Upon receipt of the fee and the completed license application
10 form, the director of finance shall mail a license plate and tag
11 or emblem for mopeds, or tag or decal for bicycles[7] or
12 electric foot scooters, and certificate of registration to the
13 registered owner. Until the license plate and tag or emblem for
14 mopeds, or tag or decal for bicycles[7] or electric foot
15 scooters, is received, the bicycle, electric foot scooter, or
16 moped owner shall keep a copy of the completed application form
17 upon the owner's person when riding the bicycle, electric foot
18 scooter, or moped on a public street."

19 SECTION 6. Section 249-15, Hawaii Revised Statutes, is
20 amended to read as follows:



1 "§249-15 Seizure and sale. The directors of finance, any
2 person authoritatively acting on behalf of the director of
3 finance, or any member of a police force of the several counties
4 of the State may seize any bicycle, electric foot scooter, or
5 moped liable for the payment of the required fees or which has
6 no tag or decal affixed as required by section 249-14 for
7 bicycles[?] and electric foot scooters, or license plate and tag
8 or emblem affixed as required by section 249-14.1 for mopeds,
9 and may hold the bicycle, electric foot scooter, or moped for a
10 period of ten days, during which time it shall be subject to
11 redemption by its owner on payment of the fee due and a penalty
12 of \$25. All bicycles, electric foot scooters, and mopeds not so
13 redeemed shall be sold by the county chief of police or director
14 of finance or their authorized representative, at public auction
15 after first giving five days public notice of the time and place
16 of sale in the county where the sale is to be held. Sale shall
17 be made for the best price obtainable, which amount shall be
18 forthwith paid over to the director of finance, accompanied by a
19 statement containing a description of the bicycles, electric
20 foot scooters, or mopeds, their serial number, makes, and any
21 other marks of identification. The director of finance, after



1 deducting from the amount so received the amount of the fee and
2 penalty due and costs of giving public notice, shall pay any
3 surplus to the previous registered owners of the bicycles,
4 electric foot scooters, or mopeds. If at the expiration of
5 ninety days the previous registered owners remain unknown, the
6 surplus shall be paid into the treasury of the county, as a
7 government realization, and all claims to the sums shall be
8 forever barred."

9 SECTION 7. Section 249-16, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "§249-16 Duplicate bicycle tag; duplicate electric foot
12 scooter tag; duplicate moped license plate and tag; and
13 duplicate certificates of registration. In the event that a
14 bicycle or electric foot scooter tag or certificate of
15 registration furnished under section 249-14 or 249-14.2 or moped
16 license plate, tag, or certificate of registration furnished
17 under section 249-14.1 is lost, stolen, or mutilated, or becomes
18 illegible, the person to whom it was furnished may obtain a
19 duplicate thereof by presenting to the county director of
20 finance the number and registration of the bicycle, electric
21 foot scooter, or moped involved. There shall be a charge of \$2



1 for the duplicate tag, a fee as determined by the county
2 director of finance for the duplicate license plate, and \$5 for
3 the duplicate certificate of registration."

4 SECTION 8. 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 equipped with an
9 electric motor and that weighs less than seventy-five pounds;
10 has two or three wheels, handlebars, and a floorboard that can
11 be stood upon while riding; is propelled by electric or human
12 power; and that has a maximum speed that does not exceed fifteen
13 miles per hour on a paved level surface, with or without human
14 propulsion."

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 moped, 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 9. Section 291-31.5, Hawaii Revised Statutes, is
10 amended by amending its title and subsection (a) to read as
11 follows:

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

19 (1) County law enforcement vehicles authorized and
20 approved by the chief of police of the county in which
21 the vehicle is operated;



1 (2) Department of public safety law enforcement vehicles
2 with blue and red lamps, reflectors, or illumination
3 devices authorized and approved by the director of
4 public safety;

5 (3) Department of land and natural resources division of
6 conservation and resources enforcement vehicles with
7 blue and red lamps, reflectors, or illumination
8 devices authorized and approved by the chairperson of
9 the board of land and natural resources; or

10 (4) Department of transportation division of harbors law
11 enforcement vehicles with blue and red lamps,
12 reflectors, or illumination devices authorized and
13 approved by the director of transportation.

14 This prohibition shall not apply to factory-installed instrument
15 illumination."

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

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

20 "Electric foot scooter" means a device equipped with an
21 electric motor and that weighs less than seventy-five pounds;



1 has two or three wheels, handlebars, and a floorboard that can
2 be stood upon while riding; is propelled by electric or human
3 power; and that has a maximum speed that does not exceed fifteen
4 miles per hour on a paved level surface, with or without human
5 propulsion."

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

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



1 SECTION 11. Section 291C-123, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

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

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



1 SECTION 12. 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) A moped;
19 (c) An electric personal assistive mobility device;
20 [~~or~~]



- 1 (d) A wheelchair conveyance or other personal
- 2 mobility device [-]; or
- 3 (e) An electric foot scooter."

4 SECTION 13. This Act does not affect rights and duties
5 that matured, penalties that were incurred, and proceedings that
6 were begun before its effective date.

7 SECTION 14. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

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



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. (SD1)

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