



GOV. MSG. NO. 1276

EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

July 1, 2021

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Thirty First State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Thirty First State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 1, 2021, the following bill was signed into law:

HB72 HD2 SD2

RELATING TO ELECTRIC FOOT SCOOTERS
ACT 174 (21)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

on _____

ACT 174

HOUSE OF REPRESENTATIVES
THIRTY-FIRST LEGISLATURE, 2021
STATE OF HAWAII

H.B. NO. 72
H.D. 2
S.D. 2

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 "Electric foot scooter" does not include foot-powered scooters

18 that do not have a motor."

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

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

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



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

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

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

17 "Electric foot scooter" means a device:

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

19 (2) With two or three wheels;

20 (3) With handlebars;

21 (4) With either:



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

10 "Electric foot scooter" does not include foot-powered scooters
11 that do not have a motor."

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

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

16 (1) County law enforcement vehicles authorized and
17 approved by the chief of police of the county in which
18 the vehicle is operated;

19 (2) Department of public safety law enforcement vehicles
20 with blue and red lamps, reflectors, or illumination



1 devices authorized and approved by the director of
2 public safety;

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

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

12 This prohibition shall not apply to factory-installed instrument
13 illumination."

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

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

18 "Electric foot scooter" means a device:

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

20 (2) With two or three wheels;

21 (3) With handlebars;



- 1 (4) With either:
2 (A) A floorboard that can be stood upon while riding;
3 or
4 (B) A seat or saddle for the use of the rider and
5 stationary footrests;
6 (5) That is powered by an electric motor or human power;
7 and
8 (6) Whose maximum speed, with or without human propulsion
9 on a paved level surface, does not exceed fifteen
10 miles per hour.

11 "Electric foot scooter" does not include foot-powered scooters
12 that do not have a motor."

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



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

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

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

- 15 (1) It is in the process of executing a legal turn, lane
16 change, or parking maneuver;
- 17 (2) It is an authorized emergency vehicle performing the
18 functions under section 291C-26;
- 19 (3) It is an official federal, state, or county vehicle in
20 the performance of its actual duty;
- 21 (4) It is a stalled or broken vehicle;



- 1 (5) It is necessary to assist a stalled or broken vehicle;
- 2 (6) It is necessary to yield to an authorized emergency
- 3 vehicle pursuant to section 291C-65; or
- 4 (7) It is otherwise provided by law."

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

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

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



1 431:10C-103.5(a) payable for expenses to that person
2 as a result of the injury:

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

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

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

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

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

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



1 an itemized list of all the required documents.
2 In the case of benefits for services specified in
3 section 431:10C-103.5(a) the insurer shall also
4 forward the list to the service provider;

5 (4) Amounts of benefits [~~which~~] that are unpaid thirty
6 days after the insurer has received reasonable proof
7 of the fact and the amount of benefits accrued, and
8 demand for payment thereof, after the expiration of
9 the thirty days, shall bear interest at the rate of
10 one and one-half per cent per month;

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



1 unethetical act for any attorney to solicit, enter into,
2 or knowingly accept benefits under any contract;

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

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

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

13 "Vulnerable user" means:

14 (1) A pedestrian legally within a street or public
15 highway;

16 (2) A roadway worker actually engaged in work upon a
17 street or public highway or in work upon utility
18 facilities along a street or public highway, or
19 engaged in the provision of emergency services within
20 a street or public highway, including but not limited
21 to:



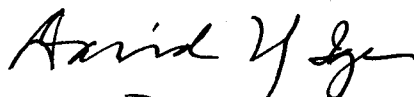
- 1 (a) Construction and maintenance workers; and
- 2 (b) Police, fire, and other emergency responders; or
- 3 (3) A person legally operating any of the following within
- 4 the street or public highway:
- 5 (a) A bicycle;
- 6 (b) A moped;
- 7 (c) An electric foot scooter;
- 8 [~~(e)~~] (d) An electric personal assistive mobility
- 9 device; or
- 10 [~~(d)~~] (e) A wheelchair conveyance or other personal
- 11 mobility device."

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

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

17 SECTION 12. This Act shall take effect upon its approval.

APPROVED this 01 day of JUL, 2021



GOVERNOR OF THE STATE OF HAWAII



HB No. 72, HD 2, SD 2

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: April 22, 2021
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-First Legislature of the State of Hawaii, Regular Session of 2021.



Scott K. Saiki
Speaker
House of Representatives

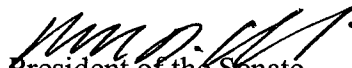


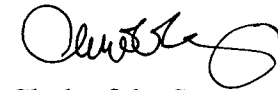
Brian L. Takeshita
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAI‘I

Date: April 13, 2021
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Thirty-First Legislature of the State of Hawai‘i, Regular Session of 2021.


President of the Senate


Clerk of the Senate