
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, street, roadway, or other designated public area
7 set aside for the use of electric foot scooters.

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

12 (1) Section to the contrary; and

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

15 (c) 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 (d) 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 (e) 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 (f) 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 (g) Any electric foot scooter used from thirty minutes
4 after sunset until thirty minutes before sunrise shall meet the
5 specifications of and requirements for lamps and other equipment
6 on bicycles as set out in section 291C-147; provided that in
7 lieu of the requirement of section 291C-147(b), every electric
8 foot scooter shall be equipped with a lighted lamp that is
9 visible from the rear.

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

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

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



- 1 (1) Each renter or lessee that is under the age of sixteen
2 wears a safety helmet, as required by subsection (d),
3 while 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 (k) 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:

- 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 solely powered by an electric motor or human
4 power; 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 3. Section 286-2, Hawaii Revised Statutes, is
4 amended as follows:

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

7 "Electric foot scooter" means a device:

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

9 (2) With two or three wheels;

10 (3) With handlebars;

11 (4) With either:

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

13 or

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

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

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



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

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

19 "**§291-31.5 Blue lights prohibited for motor vehicles,**
20 **motorcycles, motor scooters, bicycles, electric foot scooters,**
21 **and mopeds.** (a) No person shall knowingly operate, affix or



1 cause to be affixed, display, or possess any lamp, reflector, or
2 illumination device that appears to be the color blue, or colors
3 blue and red, upon any motor vehicle, motorcycle, motor scooter,
4 bicycle, electric foot scooter, or moped, except for:

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



1 This prohibition shall not apply to factory-installed instrument
2 illumination."

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

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

7 "Electric foot scooter" means a device:

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

9 (2) With two or three wheels;

10 (3) With handlebars;

11 (4) With either:

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

13 or

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

15 stationary footrests;

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

17 power; and

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

19 on a paved level surface, does not exceed fifteen

20 miles per hour."



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

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

18 "(a) No person shall drive any vehicle other than a
19 bicycle, electric foot scooter, or moped upon a bicycle lane or
20 bicycle path, except upon a permanent or authorized temporary
21 driveway, or park any vehicle upon a bicycle lane or bicycle



1 path; provided that any vehicle may be driven or parked in a
2 bicycle lane or bicycle path as applicable if:

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

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

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

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

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

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

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

14 SECTION 7. Section 431:10C-304, Hawaii Revised Statutes,
15 is amended to read as follows:

16 **"§431:10C-304 Obligation to pay personal injury protection**
17 **benefits.** For purposes of this section, the term "personal
18 injury protection insurer" includes personal injury protection
19 self-insurers. Every personal injury protection insurer shall
20 provide personal injury protection benefits for accidental harm
21 as follows:



- 1 (1) Except as otherwise provided in section 431:10C-
2 305(d), in the case of injury arising out of a motor
3 vehicle accident, the insurer shall pay, without
4 regard to fault, to the provider of services on behalf
5 of the following persons who sustain accidental harm
6 as a result of the operation, maintenance, or use of
7 the vehicle, an amount equal to the personal injury
8 protection benefits as defined in section 431:10C-
9 103.5(a) payable for expenses to that person as a
10 result of the injury:
- 11 (A) Any person, including the owner, operator,
12 occupant, or user of the insured motor vehicle;
- 13 (B) Any pedestrian [~~including~~], including a
14 bicyclist[+]; [~~or~~]
- 15 (C) Any user or operator of a moped as defined in
16 section 249-1; or
- 17 (D) Any user or operator of an electric foot scooter
18 as defined in section 249-1;
- 19 provided that this paragraph shall not apply in the
20 case of injury to or death of any operator or
21 passenger of a motorcycle or motor scooter as defined



1 in section 286-2 arising out of a motor vehicle
2 accident, unless expressly provided for in the motor
3 vehicle policy;

4 (2) Payment of personal injury protection benefits shall
5 be made as the benefits accrue, except that in the
6 case of death, payment of benefits under section
7 431:10C-302(a) (5) may be made immediately in a lump
8 sum payment, at the option of the beneficiary;

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

16 (B) If the insurer elects to deny a claim for
17 benefits in whole or in part, the insurer shall,
18 within thirty days, notify the claimant in
19 writing of the denial and the reasons for the
20 denial. The denial notice shall be prepared and
21 mailed by the insurer in triplicate copies and be



1 in a format approved by the commissioner. In the
2 case of benefits for services specified in
3 section 431:10C-103.5(a) the insurer shall also
4 mail a copy of the denial to the provider; and
5 (C) If the insurer cannot pay or deny the claim for
6 benefits because additional information or loss
7 documentation is needed, the insurer shall,
8 within the thirty days, forward to the claimant
9 an itemized list of all the required documents.
10 In the case of benefits for services specified in
11 section 431:10C-103.5(a) the insurer shall also
12 forward the list to the service provider;
13 (4) Amounts of benefits [~~which~~] that are unpaid thirty
14 days after the insurer has received reasonable proof
15 of the fact and the amount of benefits accrued, and
16 demand for payment thereof, after the expiration of
17 the thirty days, shall bear interest at the rate of
18 one and one-half per cent per month;
19 (5) No part of personal injury protection benefits paid
20 shall be applied in any manner as attorney's fees in
21 the case of injury or death for which the benefits are



1 paid. The insurer shall pay, subject to section
2 431:10C-211, in addition to the personal injury
3 protection benefits due, all attorney's fees and costs
4 of settlement or suit necessary to effect the payment
5 of any or all personal injury protection benefits
6 found due under the contract. Any contract in
7 violation of this provision shall be illegal and
8 unenforceable. It shall constitute an unlawful and
9 unethical act for any attorney to solicit, enter into,
10 or knowingly accept benefits under any contract;

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

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

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

21 ""Vulnerable user" means:



- 1 (1) A pedestrian legally within a street or public
2 highway;
- 3 (2) A roadway worker actually engaged in work upon a
4 street or public highway or in work upon utility
5 facilities along a street or public highway, or
6 engaged in the provision of emergency services within
7 a street or public highway, including but not limited
8 to:
- 9 (a) Construction and maintenance workers; and
10 (b) Police, fire, and other emergency responders; or
- 11 (3) A person legally operating any of the following within
12 the street or public highway:
- 13 (a) A bicycle;
- 14 (b) A moped;
- 15 (c) An electric foot scooter;
- 16 [~~e~~] (d) An electric personal assistive mobility device;
17 or
- 18 [~~d~~] (e) A wheelchair conveyance or other personal
19 mobility device."



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

4 SECTION 10. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 11. This Act shall take effect upon its approval.



H.B. NO. ⁷² H.D. 1

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.

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