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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 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[†]; [e#]

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           (3) (A) Payment of personal injury protection benefits  
2                           shall be made within thirty days after the  
3                           insurer has received reasonable proof of the fact  
4                           and amount of benefits accrued, and demand for  
5                           payment thereof. All providers [~~must~~] shall  
6                           produce descriptions of the service provided in  
7                           conformity with applicable fee schedule codes;  
8           (B) If the insurer elects to deny a claim for  
9                           benefits in whole or in part, the insurer shall,  
10                          within thirty days, notify the claimant in  
11                          writing of the denial and the reasons for the  
12                          denial. The denial notice shall be prepared and  
13                          mailed by the insurer in triplicate copies and be  
14                          in a format approved by the commissioner. In the  
15                          case of benefits for services specified in  
16                          section 431:10C-103.5(a) the insurer shall also  
17                          mail a copy of the denial to the provider; and  
18           (C) If the insurer cannot pay or deny the claim for  
19                           benefits because additional information or loss  
20                           documentation is needed, the insurer shall,  
21                           within the thirty days, forward to the claimant



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.



**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.  
(SD2)

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

