

JAN 17 2025

A BILL FOR AN ACT

RELATING TO TRANSPORTATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that addressing Hawaii's
2 high cost of living means empowering residents with cheaper
3 options to commute, especially for the next generation. In the
4 year 2000, ninety-nine per cent of all eighteen- to nineteen-
5 year-old residents held driver's licenses. Today, that number
6 has fallen to about sixty per cent. People are more frequently
7 using transportation such as commuting by bicycle and electric
8 bicycle to significantly lower their cost of living. Families
9 with multiple cars replacing one car with a bicycle or electric
10 bicycle can save as much as ten thousand dollars per year.

11 Bicycles and electric bicycles are also less burdensome on
12 the State's infrastructure. Every resident that transitions
13 from commuting by car to commuting by bicycle or electric
14 bicycle reduces road wear, congestion, traffic, and cost to
15 taxpayers. Bicycles and electric bicycles also produce zero
16 emissions and can replace dirtier means of transportation,



1 thereby reducing the State's dependence on imported fossil
2 fuels.

3 However, the legislature also finds that bicycle and
4 electric bicycle theft is a growing challenge. Bicycle and
5 electric bicycle theft is a particularly pernicious property
6 offense against residents who rely on their bicycles and
7 electric bicycles to commute, especially to work. As a result,
8 bicycle and electric bicycle theft can deprive a person of their
9 property interest and their ability to earn income. For this
10 very reason, for decades theft of a motor vehicle, regardless of
11 its dollar value, is an expressly defined offense.

12 Currently, there is no expressly defined offense for theft
13 of a bicycle or electric bicycle, despite such loss having the
14 same result on a working individual or family as theft of a
15 motor vehicle. Theft of a bicycle valued at more than \$750 is
16 currently a class C felony under the offense of theft in the
17 second degree in section 708-831, Hawaii Revised Statutes.
18 However, many bicycles and electric bicycles are sold for less
19 than \$750, which contributes to both their popularity as a means
20 of reducing the cost of living, and as a target for theft since
21 there exists little penalty. Therefore, to deter theft of all



1 bicycles, and in consideration of the important role of bicycles
2 in many working families' lives, the legislature believes that
3 theft of a bicycle of any value should be expressly defined in
4 the penal code as is theft of a motor vehicle.

5 The purpose of this Act is to establish the offense of
6 theft of a bicycle.

7 SECTION 2. Chapter 708, Hawaii Revised Statutes, is
8 amended by adding a new section to part IV to be appropriately
9 designated and to read as follows:

10 "§708- Theft of a bicycle. (1) Notwithstanding any
11 other law to the contrary, a person commits the offense of theft
12 of a bicycle if the person commits theft of a bicycle or
13 electric bicycle.

14 (2) A person who commits the offense of theft of a bicycle
15 shall:

16 (a) For the first offense, be guilty of a misdemeanor; and

17 (b) For the second and each subsequent offense that occurs
18 within five years of a prior conviction for an offense
19 under this section, be guilty of a class C felony.

20 (3) For the purposes of this section:



1 "Bicycle" means a vehicle propelled solely by human power
2 upon which any person may ride, having two tandan wheels, and
3 including any vehicle generally recognized as a bicycle though
4 equipped with two front or two rear wheels except a toy bicycle.
5 "Electric bicycle" means a bicycle equipped with fully operable
6 pedals, a saddle or seat for the rider, and an electric motor
7 not to exceed seven hundred and fifty watts that meets the
8 requirements of one of the following three classes:

9 (1) Class 1 electric bicycle, which is an electric bicycle
10 equipped with a motor that provides assistance only
11 when the rider is pedaling, and that ceases to provide
12 assistance when the bicycle reaches the speed of
13 twenty miles per hour;

14 (2) Class 2 electric bicycle, which is an electric bicycle
15 equipped with a motor that may be used exclusively to
16 propel the bicycle, and that is not capable of
17 providing assistance when the bicycle reaches the
18 speed of twenty miles per hour; or

19 (3) Class 3 electric bicycle, which is an electric bicycle
20 equipped with a motor that provides assistance only
21 when the rider is pedaling, and that ceases to provide



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1 assistance when the bicycle reaches the speed of
2 twenty-eight miles per hour.
3 "Toy bicycle" shall have the same meaning as defined in
4 section 291C-1."

5 SECTION 3. Section 708-803, Hawaii Revised Statutes, is
6 amended by amending subsection (1) to read as follows:

7 "(1) A person commits the offense of habitual property
8 crime if the person is a habitual property crime perpetrator and
9 commits a property crime~~[-]~~; provided that this section shall
10 not apply to a person who commits the offense of theft of a
11 bicycle under section 708- ."

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

15 SECTION 5. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

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

18

INTRODUCED BY: _____



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Report Title:

Theft of a Bicycle; Misdemeanor; Felony

Description:

Establishes the offense of theft of a bicycle. Establishes the first offense of theft of a bicycle as a misdemeanor.

Establishes the second and each subsequent offense that occurs within five years of a prior conviction for theft of a bicycle as a class C felony.

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