

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 under existing law,
2 individuals under the age of fifteen are able to legally ride
3 high-speed electric bicycles, which has led to numerous safety
4 and other issues. Under existing statute, electric bicycles are
5 defined as devices capable of speeds of up to twenty miles per
6 hour, even though modern federal definitions allow for speeds of
7 up to twenty-eight miles per hour, and the vast majority of
8 electric bicycles on the market today are capable of reaching
9 those speeds. This means a five-year-old is legally able to
10 ride a new electric bicycle and law enforcement can do little
11 about it.

12 The legislature further finds that due to increasingly
13 expensive fossil fuels and a lack of cheaper transit options,
14 Hawaii residents already pay among the highest costs to commute
15 in the country. A 2020 analysis studied all of the direct and
16 indirect costs of car ownership and use in Hawaii and found that
17 local taxpaying families pay about \$24,400 per year, but could



1 reduce that cost significantly by switching from three cars per
2 family to two, or two cars to one, and replacing short trips for
3 those family members who are able with electric bicycles or
4 similar mobility devices.

5 The legislature also finds that the current electric
6 bicycle and moped rebate program, even with minimal promotion
7 and low subsidy, has helped almost three hundred Hawaii families
8 access electric bikes since its inception. However, its reach
9 and effectiveness has been limited by complicated restrictions
10 and a lower rebate than other successful programs.

11 In 2022, Denver's electric bike rebate program, which
12 provided families with up to a \$1,200 rebate, led to
13 considerable cost savings for Denver families, and replaced many
14 trips by car with trips by electric bicycle which helped reduce
15 vehicular traffic on crowded roads by over one hundred thousand
16 vehicular miles weekly. Ninety-six per cent of respondents said
17 the availability of the rebate made the difference when deciding
18 to buy an electric bike.

19 The legislature further finds that updates to the law
20 regarding the use of helmets and operation of electric bicycles



1 are necessary to enhance road safety for the entire community,
2 and particularly for youths.

3 Accordingly, the purpose of this Act is to:

4 (1) Prohibit individuals under the age of fifteen from
5 riding electric bicycles;

6 (2) Help reduce the cost of transportation and traffic on
7 Hawaii's roads by addressing barriers in the existing
8 electric bicycle and moped rebate program to enable
9 the purchase and use of adaptive electric bicycles for
10 those with disabilities and expand eligibility and
11 rebates for electric bicycles to mirror similar proven
12 successful programs more closely;

13 (3) Clarify the source of funding for the electric
14 mobility rebate program;

15 (4) Allow for registration of class 3 electric bicycles
16 with wheels smaller than twenty inches that are
17 intended for adult use;

18 (5) Change the age for helmet requirements statewide from
19 sixteen to eighteen years of age;

20 (6) Allow electric bicycles on public sidewalks, subject
21 to certain conditions;



1 (7) Authorize rather than require that mopeds use bicycle
2 lanes;

3 (8) Change the term "motor scooter" to "motor-driven
4 vehicle"; and

5 (9) Require electric bicycle operators on public streets
6 to follow certain safe riding behavior.

7 SECTION 2. Section 196-2, Hawaii Revised Statutes, is
8 amended by adding three new definitions to be appropriately
9 inserted and to read as follows:

10 "Adaptive electric bicycle" means any bicycle that is
11 modified to fit the needs of an individual rider who is unable
12 to use a standard electric bicycle.

13 "Electric bicycle" means a bicycle equipped with fully
14 operable pedals, a saddle or seat for the rider, and an electric
15 motor not to exceed seven hundred and fifty watts that meets the
16 requirements of one of the following three classes:

17 (1) Class 1 electric bicycle, which is an electric bicycle
18 equipped with a motor that provides assistance only
19 when the rider is pedaling, and that ceases to provide
20 assistance when the bicycle reaches the speed of
21 twenty miles per hour;



- 1 (2) Class 2 electric bicycle, which is an electric bicycle
2 equipped with a motor that may be used exclusively to
3 propel the bicycle, and that is not capable of
4 providing assistance when the bicycle reaches the
5 speed of twenty miles per hour; or
6 (3) Class 3 electric bicycle, which is an electric bicycle
7 equipped with a motor that provides assistance only
8 when the rider is pedaling, and that ceases to provide
9 assistance when the bicycle reaches the speed of
10 twenty-eight miles per hour.

11 "Electric micro-mobility device" means any ground
12 transportation device, such as a standing scooter or similar
13 device, that is powered either exclusively by electricity from a
14 battery charged from an external source, or by electricity from
15 a battery charged from an external source in addition to human
16 power, which is designed to transport a single person, with a
17 range not less than fifteen miles and maximum speed of twenty-
18 eight miles per hour, on which a person may reasonably commute
19 to and from regular destinations."

20 SECTION 3. Section 198-7.8, Hawaii Revised Statutes, is
21 amended to read as follows:



1 "~~[§]196-7.8[§]~~ **Electric** ~~[bicycle and electric moped]~~
2 **mobility rebate program; third-party administrator; special**
3 **fund.** (a) The department of transportation shall administer a
4 rebate program that incentivizes the purchase of new electric
5 ~~[bicycles and new electric mopeds]~~ mobility devices and may
6 contract with a third-party administrator pursuant to subsection
7 ~~[-i-]~~ (k) to operate and manage the rebate program.

8 (b) Each eligible purchase of a new electric bicycle ~~[or~~
9 ~~new]~~, electric moped, adaptive electric bicycle, or electric
10 micro-mobility device shall receive a rebate of ~~[either twenty~~
11 ~~per cent of the retail cost or \$500, whichever amount is lower,]~~
12 either fifty per cent of the retail cost or \$750; whichever is
13 lower; provided that no individual shall receive more than
14 ~~[\$500]~~ \$750 in total rebates each fiscal year~~[-]~~ unless also
15 qualifying for the additional assistance rebate pursuant to
16 subsection (i), in which case no individual shall receive more
17 than \$1,500 in total rebates each fiscal year.

18 (c) The department of transportation shall not issue more
19 than ~~[\$700,000]~~ \$2,000,000 in total rebates under this section
20 each fiscal year; provided that the electric ~~[bicycle and~~
21 ~~electric moped]~~ mobility subaccount within the highway



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1 development special fund pursuant to section 264-122(d) contains
2 sufficient funds to pay the rebates. The department of
3 transportation shall not be liable to pay any refund if
4 sufficient funds are unavailable. The department of
5 transportation shall allow valid claims filed by eligible
6 applicants for whom sufficient funds may not be immediately
7 available to receive a rebate as funds may be available in a
8 subsequent year.

9 (d) The department of transportation shall:

10 (1) Prepare any forms that may be necessary for an
11 applicant to claim a rebate pursuant to this section;
12 and

13 (2) Require each applicant to furnish reasonable
14 information to ascertain the validity of the claim,
15 including but not limited to [~~the signature of the~~
16 ~~buyer and individual responsible for the sale on~~
17 ~~behalf of a retail store at the time of sale,~~] a copy
18 of valid government issued photo identification of the
19 buyer at the time of the sale, receipt of purchase,
20 name and address of the retail store, verification of
21 eligibility, and any other documentation necessary to



1 demonstrate the legitimate purchase of a new electric
2 ~~[bicycle or new electric moped.]~~ bicycle, adaptive
3 electric bicycle, electric moped, or electric mobility
4 device.

5 (e) This section shall apply to new:

6 (1) Electric bicycles ~~[capable of speeds of no more than~~
7 ~~twenty-eight miles per hour; and];~~

8 (2) Electric mopeds~~[7];~~

9 (3) Adaptive electric bicycles; and

10 (4) Electric micro-mobility devices,

11 purchased at a retail store after July 1, 2022.

12 (f) Applicants shall submit an application to the
13 department of transportation within twelve months of the date of
14 purchase to claim a rebate from the electric ~~[bicycle and~~
15 ~~electric moped]~~ mobility rebate program. Failure to apply
16 within twelve months of the date of purchase shall constitute a
17 waiver of the right to claim the rebate.

18 (g) Nothing in this section shall alter taxes due on the
19 original purchase. Any rebate received pursuant to this section
20 shall not be considered income for the purposes of state or
21 county taxes.



- 1 (2) Do not own a registered motor vehicle with four or
2 more wheels, as demonstrated by an affidavit signed by
3 the applicant at the time of sale of the new electric
4 bicycle ~~[or]~~, electric moped, adaptive electric
5 bicycle, or electric micro-mobility device, which may
6 be audited by the department of transportation; or
7 (3) Are enrolled in school, community college, or
8 university;

9 provided that parental or guardian permission shall be required
10 if a person is under the age of eighteen.

11 ~~[(i)]~~ (j) The department of transportation may contract
12 with a third-party administrator to operate and manage the
13 electric ~~[bicycle and electric moped]~~ mobility rebate program.
14 The third-party administrator shall not be deemed to be a
15 "governmental body" as defined in section 103D-104; provided
16 that all moneys transferred to the third-party administrator
17 shall have been appropriated by the legislature or shall be from
18 moneys provided by the federal government or private funding
19 sources. The third-party administrator ~~[shall not expend more~~
20 ~~than ten per cent of the amounts appropriated for the rebate~~
21 ~~program, or any other reasonable percentage determined by the~~



1 ~~department of transportation, for]~~ may provide administration,
2 promotion, and reporting of the electric [~~bicycle and electric~~
3 ~~moped]~~ mobility rebate program.

4 (k) The department of transportation may contract with a
5 third-party administrator to administer the electric mobility
6 rebate program; provided that the third-party administrator may
7 pay rebates to each rebate applicant from moneys transferred
8 pursuant to subsection (j) from the electric mobility subaccount
9 within the highway development special fund.

10 (l) The department of transportation shall provide an
11 annual report to the legislature no later than twenty days prior
12 to the convening of each regular session that shall detail the
13 rebates provided by zip code, amount received, and type of
14 rebate."

15 SECTION 4. Section 249-14, Hawaii Revised Statutes, is
16 amended by amending subsection (c) to read as follows:

17 "(c) An owner of a bicycle or a class 3 electric bicycle
18 as defined in section 196-2, intended for adult use, having two
19 tandem wheels that are less than twenty inches in diameter is
20 not required to register that bicycle, but may do so to
21 facilitate the return of recovered stolen bicycles by payment of



1 the registration fee. The fee collected shall not be refunded
2 or prorated. Upon receipt of the fee, the director of finance
3 shall number and register each bicycle for which the fee is
4 paid, in the owner's name, and furnish the owner with a metallic
5 tag or decal for each bicycle, which shall be attached to the
6 bicycle. The decal shall be affixed to a bicycle on the upright
7 post attached to the sprocket facing in the forward direction.
8 Upon initial registration by an owner or transferee, the
9 director of finance shall require proof of ownership and require
10 the owner to furnish verification of the serial number and
11 description contained in the proof of ownership and application
12 for registration. The metallic tags or decals shall be in a
13 form as the director of finance shall from time to time
14 prescribe. It shall be the duty of the director of finance of
15 each county to purchase a sufficient number of these tags or
16 decals."

17 SECTION 5. Section 264-122, Hawaii Revised Statutes, is
18 amended by amending subsection (d) to read as follows:

19 "(d) There is established within the highway development
20 special fund an electric [~~bicycle and electric moped~~] mobility
21 subaccount. The department shall expend moneys in the



1 subaccount for the purposes of funding the electric [~~bicycle and~~
2 ~~electric moped~~] mobility rebate program established pursuant to
3 section 196-7.8."

4 SECTION 6. Section 291C-139, Hawaii Revised Statutes, is
5 amended by amending subsection (d) to read as follows:

6 "(d) No person under fifteen years of age shall operate an
7 electric foot scooter on a highway, street, roadway, or any
8 other public property in the State. No person under [~~sixteen~~]
9 eighteen years of age shall operate an electric foot scooter
10 unless the person wears a safety helmet securely fastened with a
11 chin strap. The safety helmet shall meet the specifications of
12 and requirements for a bicycle helmet as set out in section
13 291C-150."

14 SECTION 7. Section 291C-143.5, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "[+]§291C-143.5[+] ~~Low-speed electric~~ Electric bicycles;
17 operator age[-]; operation. (a) No person under the age of
18 fifteen shall operate [~~a low-speed~~] an electric bicycle as
19 defined [~~under title 15 United States Code section 2085.~~] in
20 section 196-2.



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1 (b) All electric bicycles shall be operated only with all
2 wheels on the ground at all times, facing forward, and with the
3 operator seated with one leg on each side of the seat; provided
4 that it shall not be a violation of this subsection if the
5 wheels lose contact with the ground briefly due to the condition
6 of the road surface or other circumstances beyond the control of
7 the operator.

8 (c) It shall be unlawful for any person to operate an
9 electric bicycle in an unsafe manner or engage in exhibition
10 driving on any public street, alley, or other public right of
11 way provided that this subsection shall not apply to a person
12 engaging in exhibition riding as part of a parade, tournament,
13 or other activity permitted by the county.

14 (d) The following actions while operating an electric
15 bicycle shall be prohibited:

16 (1) Standing or kneeling on any seat, riding on any
17 handlebars, or engaging in any other non-standard
18 riding position;

19 (2) Performing a maneuver where one or more wheels are
20 intentionally lifted from the ground; and



1 (3) Engaging in any other maneuver that endangers the
2 operator or any person."

3 SECTION 8. Section 291C-145, Hawaii Revised Statutes, is
4 amended by amending subsection (g) to read as follows:

5 "(g) ~~[No]~~ A person may ride an electric bicycle on public
6 sidewalks; provided that no person shall ride [a] an electric
7 bicycle [equipped with a motor] on any sidewalk located within a
8 business district; provided further that the electric bicycle
9 shall not exceed a speed of ten miles per hour; provided further
10 that the rider shall use safe yielding behavior. The counties
11 may, by ordinance, post bicycle lanes and bicycle paths to
12 prevent persons riding a bicycle equipped with a motor from
13 using them."

14 SECTION 9. Section 291C-150, Hawaii Revised Statutes, is
15 amended by amending subsections (a) and (b) to read as follows:

16 "(a) No person under ~~[sixteen]~~ eighteen years of age shall
17 operate a bicycle upon a street, bikeway, or any other public
18 property unless that person is wearing a properly fitted and
19 fastened bicycle helmet that has been tested by a nationally
20 recognized agency such as the National Highway Traffic Safety
21 Administration, the National Safety Council, or the Children's



1 Safety Network, and is designed to fit the user and protect
2 against head trauma. This requirement also applies to a person
3 who rides upon a bicycle while in a restraining seat that is
4 attached to the bicycle or who rides in a trailer towed by the
5 bicycle.

6 (b) A person who provides bicycles for hire shall not rent
7 a bicycle to any person unless every person who is under age
8 [~~sixteen~~] eighteen is wearing a bicycle helmet, as required in
9 subsection (a), while operating the rented bicycle, occupying a
10 restraining seat that is attached to the rented bicycle, or
11 riding in a trailer towed by the rented bicycle."

12 SECTION 10. Section 291C-197, Hawaii Revised Statutes, is
13 amended by amending subsection (a) to read as follows:

14 "(a) Wherever bicycle lanes are provided on the roadway,
15 moped drivers [~~shall~~] may use [~~such~~] the bicycle lanes."

16 SECTION 11. Sections 249-1, 249-9.2, 286-2, 286-81,
17 286-81.5, 286-102.6, 286-108, 286-109, 286-110, 291-11, 291-22,
18 291-25, 291-31, 291-31.5, 219C-1, 291C-206, 431:10C-304,
19 431:10C-305, 431:10C-408, 431-19G-101, 431:10G-102, 431:10G-103,
20 431:10G-104, 431:10G-105, 431:10G-106, 431:10G-107, 431:10G-108,
21 431:10G-201, 431:10G-202, 431:10G-206, 431:10G-301, 437-7,



1 437B-1, 481I-2, and 604A-2, Hawaii Revised Statutes, are amended
2 by substituting the term "motor-driven cycle" or similar term,
3 where the term "motor scooter", or similar term, appears, as the
4 context requires.

5 SECTION 12. There is appropriated out of the state highway
6 fund the sum of \$700,000 or so much thereof as may be necessary
7 for fiscal year 2025-2026 and the same sum or so much thereof as
8 may be necessary for fiscal year 2026-2027 to be deposited into
9 the highway development special fund electric mobility
10 subaccount.

11 SECTION 13. There is appropriated out of the highway
12 development special fund electric mobility subaccount the sum of
13 \$700,000 or so much thereof as may be necessary for fiscal year
14 2025-2026 and the same sum or so much thereof as may be
15 necessary for fiscal year 2026-2027 for the operations of the
16 electric mobility rebate program including the payment of
17 rebates and costs of the administrator; provided that the funds
18 appropriated shall not lapse at the end of the fiscal year for
19 which it was appropriated; provided further that any
20 unencumbered funds remaining shall lapse on June 30, 2028.



1 The sums appropriated shall be expended by the department
2 of transportation for the purposes of this Act.

3 SECTION 14. There is appropriated out of the state highway
4 fund the sum of \$700,000 or so much thereof as may be necessary
5 for fiscal year 2025-2026 and the same sum or so much thereof as
6 may be necessary for fiscal year 2026-2027 to be deposited into
7 the highway development special fund electric mobility
8 subaccount.

9 SECTION 15. There is appropriated out of the highway
10 development special fund electric mobility subaccount the sum of
11 \$700,000 or so much thereof as may be necessary for fiscal year
12 2025-2026 and the same sum or so much thereof as may be
13 necessary for fiscal year 2026-2027 for the operations of the
14 electric mobility rebate program, including the payment of
15 rebates and costs of the administrator; provided that the funds
16 appropriated shall not lapse at the end of the fiscal year for
17 which it was appropriated; provided further that any
18 unencumbered funds remaining shall lapse on June 30, 2028.

19 The sums appropriated shall be expended by the department
20 of transportation for the purposes of this Act.



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1 SECTION 16. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 17. This Act shall take effect upon its approval;
4 provided that sections 12, 13, 14, and 15 shall take effect on
5 July 1, 2025.

6

INTRODUCED BY: _____

A handwritten signature in black ink, appearing to be 'Cen', written over a horizontal line.

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Report Title:

Department of Transportation; Rebate; Electric Mobility
Subaccount; Electric Mobility Rebate Program; Emergency
Appropriations

Description:

Renames the Electric Bicycle and Electric Moped Rebate Program to the Electric Mobility Rebate Program. Expands eligibility and amends the maximum rebate amounts. Prohibits individuals under fifteen years of age from riding electric bicycles. Amends the age requirement for helmet use from sixteen to eighteen years of age. Allows use of electric bicycles on public sidewalks, subject to certain conditions. Authorizes rather than requires that mopeds use bicycle lanes. Establishes rules for electric bicycle operation. Changes the term "motor scooter" to "motor-driven vehicle". Appropriates funds.

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

