
A BILL FOR AN ACT

RELATING TO TRANSPORTATION.

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

1 PART I

2 SECTION 1. The legislature finds that under existing law,
3 individuals under the age of fifteen are able to legally ride
4 high-speed electric bicycles, which has led to numerous safety
5 and other issues. Under existing law, low-speed electric
6 bicycles are defined as devices capable of speeds of up to
7 twenty miles per hour, even though modern federal definitions
8 allow for speeds of up to twenty-eight miles per hour, and the
9 vast majority of electric bicycles on the market today are
10 capable of reaching those speeds. This means a five-year-old is
11 legally able to ride a new electric bicycle and law enforcement
12 can do little about it.

13 The legislature further finds that due to increasingly
14 expensive fossil fuels and a lack of cheaper transit options,
15 Hawaii residents already pay among the highest costs in the
16 country to commute. A 2020 analysis studied all of the direct
17 and indirect costs of car ownership and use in Hawaii and found



1 that local taxpaying families pay about \$24,400 per year to own
2 and use a car, but could reduce that cost significantly by
3 switching from three cars per family to two, or two cars to one,
4 and by using an electric bicycle or similar mobility device for
5 short trips.

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

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



1 The legislature further finds that updates to the law
2 regarding the use of helmets and operation of electric bicycles,
3 mopeds, and electric motorcycles are necessary to enhance road
4 safety for the entire community, and particularly for youths.

5 Accordingly, the purpose of this Act is to:

- 6 (1) Prohibit a person from operating a moped or electric
7 motorcycle in certain areas for bicycles;
- 8 (2) Rename the Electric Bicycle and Electric Moped Rebate
9 Program to the Electric Mobility Device Rebate
10 Program;
- 11 (3) Expand eligibility and amends the maximum rebate
12 amounts;
- 13 (4) Reduce the deadline to submit an application to six
14 months from the date of purchase;
- 15 (5) Authorize the Administrator of the rebate program to
16 authorize grants under certain circumstances;
- 17 (6) Require applicants who are enrolled in a school,
18 community, college, or university to demonstrate a
19 financial need to be eligible for an additional
20 assistance rebate;



- 1 (7) Exempt certain class 3 electric bicycles from
2 registration requirements;
- 3 (8) Establish a cap for the Electric Mobility Device
4 Subaccount and requirements for transferring funds
5 into the Subaccount;
- 6 (9) Amend the age requirement for helmet use from sixteen
7 to eighteen years of age;
- 8 (10) Prohibit a person under the age of fifteen from
9 operating a class 3 electric bicycle;
- 10 (11) Establish rules for electric bicycle operation;
- 11 (12) Allow use of electric bicycles on public sidewalks,
12 subject to certain conditions;
- 13 (13) Prohibit individuals under eighteen years of age from
14 operating an electric motorcycle or motor-driven
15 cycle;
- 16 (14) Changes the term "motor scooter" to "motor-driven
17 vehicle"; and
- 18 (15) Appropriate funds.

PART II



SECTION 2. Chapter 291C, Hawaii Revised Statutes, is amended by adding a new section to part XVI to be appropriately designated and to read as follows:

"§291C- Driving mopeds and electric motorcycles on bicycle lanes and paths; prohibited. No person shall operate a moped or electric motorcycle on a bicycle path, bicycle lane, or any other path or roadway designated for bicycle use."

SECTION 3. Section 196-2, Hawaii Revised Statutes, is amended by adding four new definitions to be appropriately inserted and to read as follows:

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

"Electric bicycle" means a bicycle equipped with fully operable pedals and an electric motor of no more than seven hundred fifty watts. "Electric bicycle" does not include a high-speed electric device.

"Electric micro-mobility device" means a device weighing no more than seventy-five pounds that is fully or partially motorized and used for personal transportation, such as one-wheels and electric skateboards. "Electric micro-mobility



1 device" does not include electric bicycles or electric foot
2 scooters.

3 "High-speed electric device" means a two-wheeled electric
4 device with a motor exceeding seven hundred fifty watts and
5 capable of speeds over twenty-eight miles per hour. "High-speed
6 electric device" does not include a moped or motorcycle that can
7 legally be operated on a road or street."

8 SECTION 4. Section 196-7.8, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "[~~f~~]**\$196-7.8[~~f~~]** **Electric [~~bicycle and electric moped~~]**

11 **mobility device rebate program; third-party administrator;**

12 **special fund.** (a) The department of transportation shall

13 administer a rebate program that incentivizes the purchase of

14 new electric [~~bicycles and new electric mopeds~~] mobility devices

15 and may contract with a third-party administrator pursuant to

16 subsection [~~(i)~~] (j) to operate and manage the rebate program.

17 (b) Each eligible purchase of a new electric bicycle [~~or~~

18 ~~new~~], electric moped, adaptive electric bicycle, or electric

19 micro-mobility device shall receive a rebate of either [~~twenty~~

20 ~~per cent of the retail cost or \$500,~~] fifty per cent of the

21 retail cost or \$750; whichever [~~amount~~] is lower; provided that



1 no individual shall receive more than [~~\$500~~] \$750 in total
2 rebates each fiscal year[~~-~~] unless the individual also qualifies
3 for the additional assistance rebate pursuant to subsection (i),
4 in which case the individual shall not receive more than \$1,500
5 in total rebates within any three consecutive fiscal years.

6 (c) The department of transportation shall not issue more
7 than [~~\$700,000~~] \$2,000,000 in total rebates under this section
8 each fiscal year; provided that the electric [~~bicycle and~~
9 ~~electric moped~~] mobility device subaccount within the highway
10 development special fund pursuant to section 264-122(d) contains
11 sufficient funds to pay the rebates. The department of
12 transportation shall not be liable to pay any refund if
13 sufficient funds are unavailable. The department of
14 transportation shall allow valid claims filed by eligible
15 applicants for whom sufficient funds may not be immediately
16 available to receive a rebate as funds may be available in a
17 subsequent year.

18 (d) The department of transportation shall:

- 19 (1) Prepare any forms that may be necessary for an
20 applicant to claim a rebate pursuant to this section;
21 and



1 (2) Require each applicant to furnish reasonable
2 information to ascertain the validity of the claim,
3 including but not limited to ~~[the signature of the~~
4 ~~buyer and individual responsible for the sale on~~
5 ~~behalf of a retail store at the time of sale,]~~ a copy
6 of valid government issued photo identification of the
7 buyer at the time of the sale, receipt of purchase,
8 name and address of the retail store, verification of
9 eligibility, and any other documentation necessary to
10 demonstrate the legitimate purchase of a new electric
11 bicycle ~~[or new]~~, electric moped[-], adaptive electric
12 bicycle, or electric micro-mobility device.

13 (e) This section shall apply to new:

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

16 (2) Electric mopeds~~[-]~~;

17 (3) Adaptive electric bicycles; and

18 (4) Electric micro-mobility devices,

19 purchased at a retail store on or after July 1, ~~[2022-]~~ 2023.

20 (f) Applicants shall submit an application to the
21 department of transportation within ~~[twelve]~~ six months of the



1 date of purchase to claim a rebate from the electric [~~bicycle~~
2 ~~and electric moped~~] mobility device rebate program. Failure to
3 apply within [~~twelve~~] six months of the date of purchase shall
4 constitute a waiver of the right to claim the rebate[~~-~~];
5 provided that if an individual applies after the six-month
6 period but within twelve months of the purchase date, the
7 administrator may consider granting a rebate under this section,
8 subject to the approval of the director of transportation or the
9 director's designated authority.

10 (g) Nothing in this section shall alter taxes due on the
11 original purchase. Any rebate received pursuant to this section
12 shall not be considered income for the purposes of state or
13 county taxes.

14 (h) To be eligible to claim a rebate from the electric
15 mobility device rebate program, the applicant shall be:

16 (1) A resident of the State; and

17 (2) Fifteen years of age or older.

18 [~~(h)~~] (i) In administering the electric [~~bicycle and~~
19 ~~electric moped~~] mobility device rebate program, the department
20 of transportation shall provide [~~rebates~~] an assistance rebate
21 in addition to the rebate in subsection (b). The additional



1 assistance rebate shall be \$750 or the full retail amount of the
2 purchase, whichever is lower, to persons [eighteen] fifteen
3 years or older who:

4 (1) Are eligible for:

5 (A) The Supplemental Nutrition Assistance Program;

6 (B) The free and reduced price lunch program;

7 (C) Section 8 of the United States Housing Act of
8 1937, as amended; or

9 (D) Similar low-income assistance programs identified
10 by the department of transportation;

11 (2) Do not own a registered motor vehicle with four or
12 more wheels, as demonstrated by an affidavit signed by
13 the applicant at the time of sale of the new electric
14 bicycle ~~[or]~~, electric moped, adaptive electric
15 bicycle, or electric micro-mobility device, which
16 [may] shall be audited by the department of
17 transportation; or

18 (3) Are enrolled in school, community college, or
19 university~~[-]~~ and demonstrates a financial need based
20 on Pell Grant eligibility and other verifiable
21 indicators of financial need; provided that the



1 director of transportation or the director's
2 designated authority may grant exemptions to the
3 financial need requirement;
4 provided that permission shall be required from the person's
5 parent or guardian if the person is under the age of eighteen.

6 ~~[(i)]~~ (j) The department of transportation may contract
7 with a third-party administrator to operate and manage the
8 electric ~~[bicycle and electric moped]~~ mobility device rebate
9 program. The third-party administrator shall not be deemed to
10 be a ~~["governmental body"]~~ government body as defined in section
11 103D-104; provided that all moneys transferred to the third-
12 party administrator shall have ~~[been appropriated]~~:

13 (1) Been appropriated by the legislature;

14 (2) Been transferred from the electric mobility device
15 subaccount within the highway development special
16 fund; or [shall be]

17 (3) Be from moneys provided by the federal government or
18 private funding sources.

19 The third-party administrator ~~[shall not expend more than~~
20 ~~ten per cent of the amounts appropriated for the rebate program,~~
21 ~~or any other reasonable percentage determined by the department~~



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

4 (k) Any modification or alteration to an electric bicycle
5 or electric micro-mobility device after purchase from the
6 manufacturer that affects its classification, performance, or
7 compliance with the specifications shall result in the
8 disqualification of the rebate and the recipient shall repay the
9 full rebate amount to the department of transportation. The
10 department of transportation or designated agency shall
11 establish a process for verification and enforcement, including
12 but not limited to inspections, reporting requirements, and
13 penalties for noncompliance.

14 (l) The department of transportation shall provide an
15 annual report to the legislature no later than twenty days prior
16 to the convening of each regular session that shall detail the
17 rebates provided, disaggregated by zip code, amount paid, and
18 type of rebate."

19 SECTION 5. Section 249-14, Hawaii Revised Statutes, is
20 amended by amending subsection (c) to read as follows:



1 "(c) An owner of a bicycle ~~[having]~~ or a class 3 electric
2 bicycle, as defined in section 291C-1, that is intended for
3 adult use, and that has two tandem wheels that are less than
4 twenty inches in diameter ~~[is]~~ shall not be required to register
5 that bicycle, but may do so to facilitate the return of
6 recovered stolen bicycles by payment of the registration fee.
7 The fee collected shall not be refunded or prorated. Upon
8 receipt of the fee, the director of finance shall number and
9 register each bicycle or class 3 electric bicycle for which the
10 fee is paid, in the owner's name, and furnish the owner with a
11 metallic tag or decal for each bicycle~~[r]~~ or class 3 electric
12 bicycle which shall be attached to the bicycle~~[r]~~ or class 3
13 electric bicycle. The decal shall be affixed to a bicycle or
14 class 3 electric bicycle on the upright post attached to the
15 sprocket facing in the forward direction. Upon initial
16 registration by an owner or transferee, the director of finance
17 shall require proof of ownership and require the owner to
18 furnish verification of the serial number and description
19 contained in the proof of ownership and application for
20 registration. The metallic tags or decals shall be in a form as
21 the director of finance shall from time to time prescribe. It



1 shall be the duty of the director of finance of each county to
2 purchase a sufficient number of these tags or decals."

3 SECTION 6. Section 264-122, Hawaii Revised Statutes, is
4 amended by amending subsection (d) to read as follows:

5 "(d) There is established within the highway development
6 special fund an electric [~~bicycle and electric moped~~] mobility
7 device subaccount. The electric mobility device subaccount
8 balance shall not exceed \$2,000,000 and any excess of that
9 amount shall be transferred to the highway development special
10 fund. The department shall transfer no less than \$700,000 but
11 no more than \$1,500,000 into the electric mobility device
12 subaccount; provided that if additional funding is required, the
13 lower allocation amount and available funds may be adjusted
14 accordingly. The department shall expend moneys in the
15 subaccount for the purposes of funding the electric [~~bicycle and~~
16 ~~electric moped~~] mobility device rebate program established
17 pursuant to section 196-7.8."

18 SECTION 7. Section 291C-1, Hawaii Revised Statutes, is
19 amended by adding five new definitions to be appropriately
20 inserted and to read as follows:



1 "Class 1 electric bicycle" means an electric bicycle
2 equipped with a motor that provides assistance only when the
3 rider is pedaling, and that ceases to provide assistance when
4 the bicycle reaches the speed of twenty miles per hour.

5 "Class 2 electric bicycle" means an electric bicycle
6 equipped with a motor that may be used exclusively to propel the
7 bicycle and that is not capable of providing assistance when the
8 bicycle reaches the speed of twenty miles per hour.

9 "Class 3 electric bicycle" means an electric bicycle
10 equipped with a motor that provides assistance only when the
11 rider is pedaling and that ceases to provide assistance when the
12 bicycle reaches the speed of twenty-eight miles per hour and
13 equipped with a speedometer.

14 "Electric bicycle" has the same meaning as in section
15 196-2.

16 "Electric motorcycle" means any electric vehicle having a
17 seat or saddle for rider use, designated to travel on not more
18 than three wheels in contact with the ground, with a motor
19 capable of speeds exceeding twenty-eight miles per hour or a
20 motor power of seven hundred fifty-one watts or greater,
21 excluding mopeds and motor scooters."



SECTION 8. Section 291C-139, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

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

SECTION 9. Section 291C-143.5, Hawaii Revised Statutes, is amended to read as follows:

"[+]§291C-143.5[+] ~~Low-speed electric~~ Electric bicycles;
operator age[-]; operation. (a) No person under the age of fifteen shall operate a ~~[low-speed]~~ class 3 electric bicycle ~~[as defined under title 15 United States Code section 2085]~~.

(b) All electric bicycles shall be operated with all wheels on the ground at all times, with the operator facing forward and seated with one leg on each side of the seat; provided that it shall not be a violation of this subsection if the wheels lose contact with the ground briefly due to the



1 condition of the road surface or other circumstances beyond the
2 control of the operator.

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

9 (d) The operator of an electric bicycle shall not:

10 (1) Stand or kneel on the seat, ride on the handlebars, or
11 engage in any other non-standard riding position;

12 (2) Perform a maneuver where one or more wheels
13 intentionally lift from the ground; or

14 (3) Engage in any other maneuver that endangers the
15 operator or any person."

16 SECTION 10. Section 291C-145, Hawaii Revised Statutes, is
17 amended by amending subsection (g) to read as follows:

18 "(g) ~~[No]~~ A person may ride an electric bicycle on a
19 public sidewalk at a speed not exceeding ten miles per hour if
20 the rider uses safe yielding behavior; provided that no person
21 shall ride [a] an electric bicycle ~~[equipped with a motor]~~ on



1 any sidewalk[-] located within a business district. The
2 counties may, by ordinance, post bicycle lanes and bicycle paths
3 to prevent persons riding a bicycle equipped with a motor from
4 using them."

5 SECTION 11. Section 291C-150, Hawaii Revised Statutes, is
6 amended by amending subsections (a) and (b) to read as follows:

7 "(a) No person under [~~sixteen~~] eighteen years of age shall
8 operate a bicycle upon a street, bikeway, or any other public
9 property unless that person is wearing a properly fitted and
10 fastened bicycle helmet that has been tested by a nationally
11 recognized agency such as the National Highway Traffic Safety
12 Administration, the National Safety Council, or the Children's
13 Safety Network, and is designed to fit the user and protect
14 against head trauma. This requirement also applies to a person
15 who rides upon a bicycle while in a restraining seat that is
16 attached to the bicycle or who rides in a trailer towed by the
17 bicycle.

18 (b) A person who provides bicycles for hire shall not rent
19 a bicycle to any person unless every person who is under age
20 [~~sixteen~~] eighteen is wearing a bicycle helmet, as required in
21 subsection (a), while operating the rented bicycle, occupying a



1 restraining seat that is attached to the rented bicycle, or
2 riding in a trailer towed by the rented bicycle."

SECTION 12. Section 291C-197, Hawaii Revised Statutes, is repealed.

5 ["~~S291C-197 Driving mopeds on bicycle lanes and paths.~~

~~(a) Wherever bicycle lanes are provided on the roadway, moped drivers shall use such bicycle lanes.~~

~~(b) The director of transportation by rule and the~~
~~counties by ordinance may with respect to bicycle paths under~~
~~their respective jurisdictions restrict or prohibit the use of~~
~~such bicycle paths by mopeds. Signs clearly visible to an~~
~~ordinarily observant person indicating the restriction or~~
~~prohibition shall be placed along bicycle paths so designated~~
~~and every moped driver shall obey the directions thereof.~~

15 ~~(c) This section shall not apply to a three-wheeled~~
16 ~~moped."~~]

17 PART III

18 SECTION 13. Sections 249-1, 249-9.2, 286-2, 286-81,
19 286-81.5, 286-102, 286-102.6, 286-108, 286-109, 286-110, 291-11,
20 291-22, 291-25, 291-31, 291-31.5, 291C-1, 291C-206, 431:10C-103,
21 431:10C-304, 431:10C-305, 431:10C-408, 431:10G-101, 431:10G-102.



1 431:10G-103, 431:10G-104, 431:10G-105, 431:10G-106, 431:10G-107,
2 431:10G-108, 431:10G-201, 431:10G-202, 431:10G-206, 431:10G-301,
3 437-7, 437B-1, 481I-2, and 604A-2, Hawaii Revised Statutes, are
4 amended by substituting the term "motor-driven cycle" or similar
5 term, where the term "motor scooter", or similar term, appears,
6 as the context requires.

7 PART IV

8 SECTION 14. Section 249-1, Hawaii Revised Statutes, is
9 amended by adding a new definition to be appropriately inserted
10 and to read as follows:

11 "Motor-driven cycle" means:

12 (1) Every motor vehicle that has a handlebar and seating
13 that requires the operator to straddle or sit astride
14 on it and is designed to travel on no more than three
15 wheels in contact with the ground, but excludes a farm
16 tractor; or

17 (2) Every motor vehicle that has a steering wheel and
18 seating that does not require the operator to straddle
19 or sit astride on it, and is designed to travel on
20 three wheels in contact with the ground, called an
21 autocycle, which is certified by the manufacturer to



1 comply with all applicable Federal Motor Vehicle
2 Safety Standards as of the date of manufacture,
3 with a motor that produces no more than five horsepower, but
4 excludes a moped."

5 SECTION 15. Section 291-21.3, Hawaii Revised Statutes, is
6 amended by adding a new definition to be appropriately inserted
7 and to read as follows:

8 "Motor-driven cycle" means:

9 (1) Every motor vehicle that has a handlebar and seating
10 that requires the operator to straddle or sit astride
11 on it and is designed to travel on no more than three
12 wheels in contact with the ground, but excludes a farm
13 tractor; or

14 (2) Every motor vehicle that has a steering wheel and
15 seating that does not require the operator to straddle
16 or sit astride on it, and is designed to travel on
17 three wheels in contact with the ground, called an
18 autocycle, which is certified by the manufacturer to
19 comply with all applicable Federal Motor Vehicle
20 Safety Standards as of the date of manufacture,



1 with a motor that produces no more than five horsepower, but
2 excludes a moped."

3 PART V

4 SECTION 16. Chapter 291C, Hawaii Revised Statutes, is
5 amended by adding a new section to part XII to be appropriately
6 designated and to read as follows:

7 "§291C- Electric motorcycles and motor-driven cycles;
8 operator age. It shall be unlawful for an individual under the
9 age of eighteen to operate an electric motorcycle or
10 motor-driven cycle."

11 PART VI

12 SECTION 17. There is appropriated out of the state highway
13 fund the sum of \$ or so much thereof as may be
14 necessary for fiscal year 2025-2026 and the same sum or so much
15 thereof as may be necessary for fiscal year 2026-2027 to be
16 deposited into the highway development special fund electric
17 mobility device subaccount.

18 SECTION 18. There is appropriated out of the highway
19 development special fund electric mobility device subaccount the
20 sum of \$ or so much thereof as may be necessary for
21 fiscal year 2025-2026 and the same sum or so much thereof as may



1 be necessary for fiscal year 2026-2027 for the operations of the
2 electric mobility device rebate program including the payment of
3 rebates and costs of the administrator; provided that the funds
4 appropriated shall not lapse at the end of the fiscal year for
5 which they were appropriated; provided further that any
6 unencumbered funds remaining shall lapse on June 30, 2028.

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

9 PART VII

10 SECTION 19. This Act does not affect rights and duties
11 that matured, penalties that were incurred, and proceedings that
12 were begun before its effective date.

13 SECTION 20. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 21. This Act shall take effect on July 1, 2050;
16 provided that sections 17 and 18 shall take effect on July 1,
17 2025.



Report Title:

Department of Transportation; Rebate; Electric Mobility Device Subaccount; Electric Mobility Device Rebate Program; Electric Motorcycles; Reports; Appropriations

Description:

Prohibits a person from operating a moped or electric motorcycle in certain areas for bicycles. Renames the Electric Bicycle and Electric Moped Rebate Program to the Electric Mobility Device Rebate Program. Expands eligibility and amends the maximum rebate amounts. Reduces the deadline to submit an application to six months from the date of purchase. Authorizes the Administrator of the rebate program to authorize grants under certain circumstances. Requires applicants who are enrolled in a school, community, college, or university to demonstrate a financial need to be eligible for an additional assistance rebate. Exempts certain class 3 electric bicycles from registration requirements. Establishes a cap for the Electric Mobility Device Subaccount and requirements for transferring funds into the Subaccount. Amends the age requirement for required helmet use from 16 to 18 years of age. Prohibits a person under the age of fifteen from operating a class 3 electric bicycle. Establishes rules for electric bicycle operation. Allows use of electric bicycles on public sidewalks, subject to certain conditions. Prohibits individuals under 18 years of age from operating an electric motorcycle or motor-driven cycle. Changes the term "motor scooter" to "motor-driven vehicle". Appropriates funds. Effective 7/1/2050. (HD1)

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

