
A BILL FOR AN ACT

RELATING TO TRANSPORTATION.

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

PART I

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

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



1 local taxpaying families pay about \$24,400 per year, but could
2 reduce that cost significantly by switching from three cars per
3 family to two, or two cars to one, and replacing short trips for
4 those family members who are able with electric bicycles or
5 similar mobility devices.

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

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

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



1 mopeds, and electric motorcycles are necessary to enhance road
2 safety for the entire community, 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 class 3 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) Prohibit electric motorcycles and mopeds from driving
2 in bicycle lanes;
- 3 (8) Align electric motorcycle regulations with motorcycle
4 and motor scooter insurance and licensing regulations;
- 5 (9) Change the term "motor scooter" to "motor-driven
6 vehicle"; and
- 7 (10) Require electric bicycle operators on public streets
8 to follow certain safe riding behavior.

PART II

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

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

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

- 20 (1) Class 1 electric bicycle, which is an electric bicycle
21 equipped with a motor that provides assistance only



1 when the rider is pedaling, and that ceases to provide
2 assistance when the bicycle reaches the speed of
3 twenty miles per hour;

4 (2) Class 2 electric bicycle, which is an electric bicycle
5 equipped with a motor that may be used exclusively to
6 propel the bicycle, and that is not capable of
7 providing assistance when the bicycle reaches the
8 speed of twenty miles per hour; or

9 (3) Class 3 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-eight miles per hour.

14 "Electric micro-mobility device" means any ground
15 transportation device, such as a standing scooter or similar
16 device, that is powered either exclusively by electricity from a
17 battery charged from an external source, or by electricity from
18 a battery charged from an external source in addition to human
19 power, which is designed to transport a single person, with a
20 range not less than fifteen miles and maximum speed of



1 twenty-eight miles per hour, on which a person may reasonably
2 commute to and from regular destinations.

3 "Electric motorcycle" means any electric bicycle equipped
4 with a motor that provides assistance with a capability to reach
5 speeds of over twenty-eight miles per hour or with a motor of
6 not less than seven hundred fifty watts."

7 SECTION 3. Section 291C, Hawaii Revised Statutes, is
8 amended by adding two new definitions to be appropriately
9 inserted and to read as follows:

10 "Electric bicycle" shall have the same meaning as in
11 section 196-2.

12 "Electric motorcycle" " shall have the same meaning as in
13 section 196-2."

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

16 **"[~~§~~196-7.8~~]~~ Electric [~~bicycle and electric moped~~**
17 **mobility rebate program; third-party administrator; special**
18 **fund.** (a) The department of transportation shall administer a
19 rebate program that incentivizes the purchase of new electric
20 [~~bicycles and new electric mopeds~~] mobility devices and may



1 contract with a third-party administrator pursuant to subsection
2 ~~[(i)]~~ (j) to operate and manage the rebate program.

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

13 (c) The department of transportation shall not issue more
14 than ~~[\$700,000]~~ \$2,000,000 in total rebates under this section
15 each fiscal year; provided that the electric ~~[bicycle and~~
16 ~~electric moped]~~ mobility subaccount within the highway
17 development special fund pursuant to section 264-122(d) contains
18 sufficient funds to pay the rebates. The department of
19 transportation shall not be liable to pay any refund if
20 sufficient funds are unavailable. The department of
21 transportation shall allow valid claims filed by eligible



1 applicants for whom sufficient funds may not be immediately
2 available to receive a rebate as funds may be available in a
3 subsequent year.

4 (d) The department of transportation shall:

5 (1) Prepare any forms that may be necessary for an
6 applicant to claim a rebate pursuant to this section;
7 and

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

21 (e) This section shall apply to new:



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

3 (2) Electric mopeds[~~r~~];

4 (3) Adaptive electric bicycles; and

5 (4) Electric micro-mobility devices,

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

7 (f) Applicants shall submit an application to the
8 department of transportation within twelve months of the date of
9 purchase to claim a rebate from the electric [~~bicycle and~~
10 ~~electric moped~~] mobility rebate program. Failure to apply
11 within twelve months of the date of purchase shall constitute a
12 waiver of the right to claim the rebate.

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

17 (h) In administering the electric mobility rebate program,
18 the department of transportation shall provide rebates to
19 persons who are residents of the State and fifteen years or
20 older, who purchase a new qualifying electric bicycle, electric



1 moped, adaptive electric bicycle, or electric micro-mobility
2 device.

3 ~~[(h)]~~ (i) In administering the electric ~~[bicycle and~~
4 ~~electric moped]~~ mobility rebate program, the department of
5 transportation shall provide ~~[rebates]~~ an assistance rebate in
6 addition to the rebate in subsection (b). The additional
7 assistance rebate shall be \$750 or the full retail amount,
8 whichever amount is lower, to persons ~~[eighteen]~~ fifteen years
9 or older who:

10 (1) Are eligible for:

- 11 (A) The Supplemental Nutrition Assistance Program;
12 (B) The free and reduced price lunch program;
13 (C) Section 8 of the United States Housing Act of
14 1937, as amended; or
15 (D) Similar low-income assistance programs identified
16 by the department of transportation;

17 (2) Do not own a registered motor vehicle with four or
18 more wheels, as demonstrated by an affidavit signed by
19 the applicant at the time of sale of the new electric
20 bicycle ~~[or]~~, electric moped, adaptive electric



1 bicycle, or electric micro-mobility device, which may
2 be audited by the department of transportation; or
3 (3) Are enrolled in school, community college, or
4 university[-];

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

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



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

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

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

14 "(c) An owner of a bicycle or a class 3 electric bicycle
15 as defined in section 196-2, intended for adult use, having two
16 tandem wheels that are less than twenty inches in diameter is
17 not required to register that bicycle, but may do so to
18 facilitate the return of recovered stolen bicycles by payment of
19 the registration fee. The fee collected shall not be refunded
20 or prorated. Upon receipt of the fee, the director of finance
21 shall number and register each bicycle for which the fee is



1 paid, in the owner's name, and furnish the owner with a metallic
2 tag or decal for each bicycle, which shall be attached to the
3 bicycle. The decal shall be affixed to a bicycle on the upright
4 post attached to the sprocket facing in the forward direction.
5 Upon initial registration by an owner or transferee, the
6 director of finance shall require proof of ownership and require
7 the owner to furnish verification of the serial number and
8 description contained in the proof of ownership and application
9 for registration. The metallic tags or decals shall be in a
10 form as the director of finance shall from time to time
11 prescribe. It shall be the duty of the director of finance of
12 each county to purchase a sufficient number of these tags or
13 decals."

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

16 "(d) There is established within the highway development
17 special fund an electric [~~bicycle and electric moped~~] mobility
18 subaccount. The department shall expend moneys in the
19 subaccount for the purposes of funding the electric [~~bicycle and~~
20 ~~electric moped~~] mobility rebate program established pursuant to
21 section 196-7.8."



SECTION 7. 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 8. 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]~~ a class 3 electric bicycle as defined ~~[under title 15 United States Code section 2085.]~~ in section 196-2.

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



1 wheels lose contact with the ground briefly due to the condition
2 of the road surface or other circumstances beyond the control of
3 the operator.

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

10 (d) The following actions while operating an electric
11 bicycle shall be prohibited:

12 (1) Standing or kneeling on any seat, riding on any
13 handlebars, or engaging in any other non-standard
14 riding position;

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

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

19 SECTION 9. Section 291C-145, Hawaii Revised Statutes, is
20 amended by amending subsection (g) to read as follows:



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

10 SECTION 10. Section 291C-150, Hawaii Revised Statutes, is
11 amended by amending subsections (a) and (b) to read as follows:

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



1 attached to the bicycle or who rides in a trailer towed by the
2 bicycle.

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

9 SECTION 11. Section 291C-197, Hawaii Revised Statutes, is
10 amended to read as follows:

11 **"§291C-197 Driving mopeds on bicycle lanes and paths[-]**
12 **prohibited.** ~~[(a) Wherever bicyele lanes are provided on the~~
13 ~~roadway, moped drivers shall use such bicycle lanes.~~

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



~~(c) This section shall not apply to a three-wheeled moped.]~~ Moped and electric motorcycle drivers shall not use bicycle paths, bicycle lanes, or any other path or roadway designated for bicycle use."

PART III

SECTION 12. The purpose of this part is to require that persons operating electric motorcycles in the State to carry an insurance policy.

SECTION 13. Section 431:10G-101, Hawaii Revised Statutes,
is amended by amending its title to read as follows:

"ARTICLE 10G

MOTORCYCLE, ELECTRIC MOTORCYCLE, AND MOTOR SCOOTER INSURANCE"

SECTION 14. Section 431:10G-101, Hawaii Revised Statutes,
is amended as follows:

1. By adding two new definitions to be appropriately inserted and to read:

"Electric motorcycle" shall have the same meaning as
defined in section 291C-1.

"Electric motorcycle accident" means an accident arising out of the operation, maintenance, or use of an electric motorcycle, but not involving a motor vehicle."



1 2. By amending the definition of "accidental harm" to
2 read:

3 ""Accidental harm" means bodily injury, death, sickness, or
4 disease caused by a motorcycle accident, electric motorcycle
5 accident, or motor scooter accident to a person."

6 3. By amending the definition of "owner" to read:

7 ""Owner" means a person who holds the legal title to a
8 motorcycle, electric motorcycle, or motor scooter; except that
9 when a motorcycle, electric motorcycle, or motor scooter is the
10 subject of a security agreement or lease with a term of not less
11 than one year, with the debtor or lessee having the right of
12 possession, [~~the term owner~~] "owner" shall mean the debtor or
13 lessee. Whenever transfer of title to a motorcycle or motor
14 scooter occurs, the seller shall be considered the owner until
15 delivery of the executed title to the buyer. Upon delivery of
16 the executed title, the buyer holding the equitable title shall
17 be considered the owner."

18 SECTION 15. Section 431:10G-102, Hawaii Revised Statutes,
19 is amended to read as follows:

20 "**§431:10G-102 Conditions of operation and registration of**
21 **motorcycles, electric motorcycles, and motor scooters.** No



1 person shall drive a motorcycle, electric motorcycle, or motor
2 scooter upon any public street, road, or highway of this State
3 at any time unless ~~[such]~~ the motorcycle, electric motorcycle,
4 or motor scooter is insured at all times under a liability
5 policy as provided in section 431:10G-301; provided that this
6 article shall not apply to any ~~[antique]~~ motorcycle or motor
7 scooter that is an antique motor vehicle as defined in section
8 249-1."

9 SECTION 16. Section 431:10G-103, Hawaii Revised Statutes,
10 is amended to read as follows:

11 "**§431:10G-103 Motorcycle, electric motorcycle, or motor**
12 **scooter self-insurance.** The motorcycle, electric motorcycle, or
13 motor scooter insurance required by section 431:10G-102 may be
14 satisfied by any owner of a motorcycle, electric motorcycle, or
15 motor scooter if:

16 (1) ~~[Such]~~ The owner provides proof of qualifications as a
17 self-insurer, and a surety bond or other securities
18 affording security substantially equivalent to that
19 afforded under a policy meeting the requirements of
20 section 431:10G-301 and providing coverage at all
21 times for the entire motorcycle, electric motorcycle,



1 or motor scooter registration period, as determined
2 and approved by the commissioner under rules; and

3 (2) The commissioner is satisfied that in case of injury,
4 death, or property damage, any claimant would have the
5 same rights against such owner as the claimant would
6 have had if a policy meeting the requirements of
7 section 431:10G-301 had been applicable to ~~[such]~~ the
8 motorcycle, electric motorcycle, or motor scooter."

9 SECTION 17. Section 431:10G-104, Hawaii Revised Statutes,
10 is amended by amending subsection (a) to read as follows:

11 "(a) Any person seeking to obtain the liability coverage
12 required by this part after June 7, 1989, shall first:

13 (1) Have obtained a valid motorcycle, electric motorcycle,
14 or motor scooter license; or

15 (2) Have obtained a valid motorcycle, electric motorcycle,
16 or motor scooter learner's permit and have taken and
17 passed a motorcycle education course approved by the
18 department of transportation."

19 SECTION 18. Section 431:10G-105, Hawaii Revised Statutes,
20 is amended to read as follows:



1 **"§431:10G-105 Tort liability.** (a) With respect to
2 accidental harm incurred in or arising out of a motorcycle
3 accident, electric motorcycle accident, or motor scooter
4 accident, tort liability is not abolished.

5 (b) Any owner or operator of a motorcycle, electric
6 motorcycle, or motor scooter involved in a motor vehicle
7 accident as defined in section 431:10C-103 and who incurs
8 accidental harm as defined in section 431:10C-103, including
9 such person's representative or legal guardian, shall have a
10 cause of action in tort as provided in section 431:10C-306."

11 SECTION 19. Section 431:10G-106, Hawaii Revised Statutes,
12 is amended to read as follows:

13 **"§431:10G-106 Verification of insurance.** Every insurer
14 shall issue to each of its insureds a paper or electronic proof
15 of insurance card for each motorcycle, electric motorcycle, or
16 motor scooter for which a liability policy under this article is
17 written. The electronic proof of insurance card may be accessed
18 directly through the licensed insurer's website, application, or
19 database. The proof of insurance card shall show the following:

20 (1) Name, make, year, and factory or serial number of the
21 motorcycle, electric motorcycle, or motor scooter;



provided that insurers of five or more motorcycles,
electric motorcycles, or motor scooters that are under
common registered ownership and used in the regular
course of business shall not be required to indicate
the name, make, year, and the factory or serial number
of each motorcycle, electric motorcycle, or motor
scooter;

(2) Policy number;

(3) Names of the insured and the insurer; and

(4) Effective dates of coverage including the expiration
date.

The proof of insurance card shall be carried on, or accessible
on a mobile electronic device, as defined in section 291C-137,
by the person operating the insured motorcycle, electric
motorcycle, or motor scooter at all times and shall be exhibited
to a law enforcement officer upon demand."

SECTION 20. Section 431:10G-108, Hawaii Revised Statutes,
is amended to read as follows:

"§431:10G-108 Penalties. Any person who violates this
article shall be subject to a citation by the police and shall
be subject to a nonsuspendable fine of not less than \$100 nor



1 more than \$1,000, thirty days imprisonment, a one year driver's
2 license suspension, or any combination thereof, for each
3 violation.

4 Any person cited under this section shall have an
5 opportunity to present a good faith defense, including but not
6 limited to lack of knowledge or proof of insurance. The general
7 penalty provision of this section shall not apply to:

8 (1) Any operator of a motorcycle, electric motorcycle, or
9 motor scooter owned by another person if the
10 operator's own insurance covers such driving;

11 (2) Any operator of a motorcycle, electric motorcycle, or
12 motor scooter owned by that person's employer during
13 the normal scope of that person's employment; or

14 (3) Any operator of a borrowed motorcycle, electric
15 motorcycle, or motor scooter if the operator holds a
16 "reasonable belief that the subject vehicle is
17 insured."

18 SECTION 21. Section 431:10G-201, Hawaii Revised Statutes,
19 is amended by amending its title and subsection (a) to read as
20 follows:



1 "**§431:10G-201 Making of motorcycle, electric motorcycle,**
2 **and motor scooter insurance rates.** (a) All premium rates for
3 motorcycle, electric motorcycle, and motor scooter insurance
4 shall be made in accordance with the following provisions:

5 (1) Rates shall not be excessive, inadequate, or unfairly
6 discriminatory;

7 (2) Due consideration shall be given to:

8 (A) Past and prospective loss experience within and
9 outside this State, catastrophe hazards, if any,
10 reasonable margin for profit, and contingencies,
11 dividends, savings, or unabsorbed premium
12 deposits allowed or returned by insurers to their
13 policyholders, members, or subscribers;

14 (B) Past and prospective expenses both country-wide
15 and those specially applicable to this State in
16 the sale and administration of [~~motorcycles~~]
17 motorcycle, electric motorcycle, and motor
18 [~~scooters~~] scooter insurance; and

19 (C) Investment income from reserves, unearned
20 insurance premiums, and other unearned proceeds
21 received on account of motorcycle, electric



1 motorcycle, and motor scooter insurance sold, and
2 all other factors that may be deemed relevant, if
3 they are established to have a probable effect
4 upon losses, expense, or rates, [~~such as~~]
5 including but not limited to types of vehicles,
6 occupations, and involvement in past accidents;

7 (3) The systems of expense provisions included in the
8 rates for use by any insurer or group of insurers may
9 differ from those of other insurers or groups of
10 insurers to reflect the requirements of the operating
11 methods of any insurer or group with respect to any
12 class of insurance, or with respect to any subdivision
13 or combination thereof for which subdivision or
14 combination separate expense provisions are
15 applicable; and

16 (4) Risks may be grouped by classifications for the
17 establishing of rates and minimum premiums.
18 Classification rates may be modified to produce rates
19 for individual risks in accordance with rating plans
20 which establish standards for measuring variations in
21 hazards or expense provisions, or both. The standards



1 may measure any differences among risks that can be
2 demonstrated to have a probable effect upon losses or
3 expenses."

4 SECTION 22. Section 431:10G-202, Hawaii Revised Statutes,
5 is amended by amending subsection (a) to read as follows:

6 "(a) Every insurer shall file with the commissioner every
7 manual of classification, rule, rate, rating plan, designation
8 of rating territories, or standard for motorcycle, electric
9 motorcycle, or motor scooter insurance which it proposes to use.
10 Every filing shall state the proposed effective date of the
11 filing and the character and extent of the coverage
12 contemplated."

13 SECTION 23. Section 431:10G-206, Hawaii Revised Statutes,
14 is amended to read as follows:

15 "**§431:10G-206 Rate administration.** Except as otherwise
16 provided in this article, the commissioner shall implement and
17 evaluate motorcycle, electric motorcycle, and motor scooter
18 insurance rates in compliance with article 14."

19 SECTION 24. Section 431:10G-301, Hawaii Revised Statutes,
20 is amended as follows:

21 1. By amending its title and subsection (a) to read:



1 "**\$431:10G-301 Required motorcycle, electric motorcycle,**
2 **and motor scooter policy coverage.** (a) An insurance policy
3 covering a motorcycle, electric motorcycle, or motor scooter
4 shall provide insurance in the following amounts to pay, on
5 behalf of the owner or any operator of the insured motorcycle,
6 electric motorcycle, or motor scooter, sums that the owner or
7 any operator may legally be obligated to pay for injury, death,
8 or damage to the property of others, except property owned by,
9 being transported by, or in charge of the insured that arise out
10 of the ownership, operation, maintenance, or use of the
11 motorcycle, electric motorcycle, or motor scooter:

- 12 (1) Liability coverage of not less than \$20,000 per
13 person, with an aggregate limit of \$40,000 per
14 accident, for all damages arising out of accidental
15 harm sustained as a result of any one accident; and
16 (2) Liability coverage of not less than \$10,000 for all
17 damages arising out of injury to or destruction of
18 property, including motorcycles, electric motorcycles,
19 or motor scooters and including the loss of use
20 thereof, but not including property owned by, being



1 transported by, or in the charge of the insured, as a
2 result of any one accident."

3 2. By amending subsection (c) to read:

4 "(c) Any operator or passenger of a motorcycle, electric
5 motorcycle, or motor scooter as defined in section 286-2 who
6 receives injuries or dies in a motor vehicle accident may not
7 claim personal injury protection benefits under a motor vehicle
8 insurance policy, unless expressly provided for in the motor
9 vehicle policy."

10 PART IV

11 SECTION 25. Sections 249-1, 249-9.2, 286-2, 286-81,
12 286-81.5, 286-102.6, 286-108, 286-109, 286-110, 291-11, 291-22,
13 291-25, 291-31, 291-31.5, 291C-1, 291C-206, 431:10C-304,
14 431:10C-305, 431:10C-408, 431:10G-101, 431:10G-102, 431:10G-103,
15 431:10G-104, 431:10G-105, 431:10G-106, 431:10G-107, 431:10G-108,
16 431:10G-201, 431:10G-202, 431:10G-206, 431:10G-301, 437-7,
17 437B-1, 481I-2, and 604A-2, Hawaii Revised Statutes, are amended
18 by substituting the term "motor-driven cycle" or similar term,
19 where the term "motor scooter", or similar term, appears, as the
20 context requires.



1 SECTION 26. There is appropriated out of the state highway
2 fund the sum of \$ or so much thereof as may be
3 necessary for fiscal year 2025-2026 and the same sum or so much
4 thereof as may be necessary for fiscal year 2026-2027 to be
5 deposited into the highway development special fund electric
6 mobility subaccount.

7 SECTION 27. There is appropriated out of the highway
8 development special fund electric mobility subaccount the sum of
9 \$ or so much thereof as may be necessary for fiscal
10 year 2025-2026 and the same sum or so much thereof as may be
11 necessary for fiscal year 2026-2027 for the operations of the
12 electric mobility rebate program including the payment of
13 rebates and costs of the administrator; provided that the funds
14 appropriated shall not lapse at the end of the fiscal year for
15 which it was appropriated; provided further that any
16 unencumbered funds remaining shall lapse on June 30, 2028.

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

19 SECTION 28. This Act does not affect rights and duties
20 that matured, penalties that were incurred, and proceedings that
21 were begun before its effective date.



1 SECTION 29. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 30. This Act shall take effect on July 1, 2050;
4 provided that sections 26 and 27 shall take effect on July 1,
5 2025.



Report Title:

Department of Transportation; Rebate; Electric Mobility
Subaccount; Electric Mobility Rebate Program; Electric
Motorcycles; Required Insurance; Reports; 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. Defines "electric motorcycle". Requires that electric motorcycle operators carry an insurance policy by incorporating electric motorcycles into the insurance laws governing motorcycles and motor scooters, including with respect to provisions concerning required licensure, the relationship with tort law, proof of insurance card, penalties, rate regulation, and minimum coverage levels. Makes conforming amendments. Changes the term "motor scooter" to "motor-driven vehicle". Requires annual reports to the Legislature. Appropriates funds. Effective 7/1/2050. (SD1)

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

