
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 in the country to commute. A 2020 analysis studied all of the direct 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, for those family members who are able.

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 individuals under the age of fifteen from
7 operating certain electric bicycles;
- 8 (2) Prohibit individuals under the age of eighteen from
9 operating electric motorcycles or motor-driven
10 vehicles;
- 11 (3) Help reduce the cost of transportation and the traffic
12 on Hawaii's roads by improving the existing electric
13 bicycle and moped rebate program, facilitating the
14 purchase and use of adaptive electric bicycles for
15 persons with disabilities, and expanding eligibility
16 and rebates for electric bicycles to more closely
17 mirror similar successful programs;
- 18 (4) Rename and clarify the source of funding for the
19 electric bicycle and moped rebate program;



- 1 (5) Allow for the registration of class 3 electric
2 bicycles that have wheels smaller than twenty inches
3 and that are intended for adult use;
- 4 (6) Require the use of bicycle helmets for persons under
5 eighteen years of age;
- 6 (7) Allow the use of electric bicycles on public
7 sidewalks, subject to certain conditions;
- 8 (8) Prohibit electric motorcycles and mopeds from driving
9 in bicycle lanes;
- 10 (9) Align electric motorcycle requirements with motorcycle
11 and motor scooter insurance and licensing
12 requirements;
- 13 (10) Change the term "motor scooter" to "motor-driven
14 vehicle"; and
- 15 (11) Require electric bicycle operators on public streets
16 to follow certain safety requirements.

PART II

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



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

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

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

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

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



1 assistance when the bicycle reaches the speed of
2 twenty-eight miles per hour.

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

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

18 SECTION 3. Section 291C-1, Hawaii Revised Statutes, is
19 amended by adding two new definitions to be appropriately
20 inserted and to read as follows:



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

3 "Electric motorcycle" shall have the same meaning as in
4 section 196-2."

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

7 "[~~f~~]~~\$196-7.8~~[~~}]~~ **Electric [~~bicycle and electric moped~~**
8 **mobility rebate program; third-party administrator; special**

9 **fund.** (a) The department of transportation shall administer a
10 rebate program that incentivizes the purchase of new electric
11 [~~bicycles and new electric mopeds~~] mobility devices and may
12 contract with a third-party administrator pursuant to subsection
13 [~~(i)~~] (j) to operate and manage the rebate program.

14 (b) Each eligible purchase of a new electric bicycle [~~or~~
15 ~~new~~], electric moped, adaptive electric bicycle, or electric
16 micro-mobility device shall receive a rebate of either [~~twenty~~
17 ~~per cent of the retail cost or \$500,~~] fifty per cent of the
18 retail cost or \$750; whichever [~~amount~~] is lower; provided that
19 no individual shall receive more than [~~\$500~~] \$750 in total
20 rebates each fiscal year[~~er~~] unless the individual also qualifies
21 for the additional assistance rebate pursuant to subsection (i),



1 in which case the individual shall not receive more than \$1,500
2 in total rebates each fiscal year.

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

15 (d) The department of transportation shall:

16 (1) Prepare any forms that may be necessary for an
17 applicant to claim a rebate pursuant to this section;
18 and

19 (2) Require each applicant to furnish reasonable
20 information to ascertain the validity of the claim,
21 including but not limited to [~~the signature of the~~



1 ~~buyer and individual responsible for the sale on~~
2 ~~behalf of a retail store at the time of sale,~~] a copy
3 of valid government issued photo identification of the
4 buyer at the time of the sale, receipt of purchase,
5 name and address of the retail store, verification of
6 eligibility, and any other documentation necessary to
7 demonstrate the legitimate purchase of a new electric
8 bicycle [~~or new~~], electric moped[~~7~~], adaptive electric
9 bicycle, or electric micro-mobility device.

10 (e) This section shall apply to new:

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

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

14 (3) Adaptive electric bicycles; and

15 (4) Electric micro-mobility devices,

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

17 (f) Applicants shall submit an application to the
18 department of transportation within twelve months of the date of
19 purchase to claim a rebate from the electric [~~bicycle and~~
20 ~~electric moped~~] mobility rebate program. Failure to apply



1 within twelve months of the date of purchase shall constitute a
2 waiver of the right to claim the rebate.

3 (g) Nothing in this section shall alter taxes due on the
4 original purchase. Any rebate received pursuant to this section
5 shall not be considered income for the purposes of state or
6 county taxes.

7 (h) To be eligible to claim a rebate from the electric
8 mobility rebate program, the applicant shall be:

9 (1) A resident of the State; and

10 (2) Fifteen years of age or older.

11 ~~[(h)]~~ (i) In administering the electric ~~[bicycle and~~
12 ~~electric moped]~~ mobility rebate program, the department of
13 transportation shall provide [rebates] an assistance rebate in
14 addition to the rebate in subsection (b). The additional
15 assistance rebate shall be \$750 or the full retail amount of the
16 purchase, whichever is lower, to persons [eighteen] fifteen
17 years or older who:

18 (1) Are eligible for:

19 (A) The Supplemental Nutrition Assistance Program;

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



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

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

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

(3) Are enrolled in school, community college, or university~~[-]~~;

provided that permission shall be required from the person's parent or guardian if the person is under the age of eighteen.

~~[(i)]~~ (j) The department of transportation may contract with a third-party administrator to operate and manage the electric ~~[bicycle and electric moped]~~ mobility rebate program.

The third-party administrator shall not be deemed to be a "governmental body" as defined in section 103D-104; provided that all moneys transferred to the third-party administrator shall have been appropriated by the legislature, transferred



1 from the electric mobility subaccount within the highway
2 development special fund, or shall be from moneys provided by
3 the federal government or private funding sources. The
4 third-party administrator [~~shall not expend more than ten per~~
5 cent of the amounts appropriated for the rebate program, or any
6 other reasonable percentage determined by the department of
7 transportation, for] may provide administration, promotion, and
8 reporting of the electric [~~bicycle and electric moped~~] mobility
9 rebate program.

10 (k) 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, disaggregated by zip code, amount paid, and
14 type of rebate."

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

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



1 by payment of the registration fee. The fee collected shall not
2 be refunded or prorated. Upon receipt of the fee, the director
3 of finance shall number and register each bicycle for which the
4 fee is paid, in the owner's name, and furnish the owner with a
5 metallic tag or decal for each bicycle, which shall be attached
6 to the bicycle. The decal shall be affixed to a bicycle on the
7 upright post attached to the sprocket facing in the forward
8 direction. Upon initial registration by an owner or transferee,
9 the director of finance shall require proof of ownership and
10 require the owner to furnish verification of the serial number
11 and description contained in the proof of ownership and
12 application for registration. The metallic tags or decals shall
13 be in a 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 6. 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 7. 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 8. 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~~] a class 3 electric bicycle
19 as defined [~~under title 15 United States Code section 2085.~~] in
20 section 196-2.



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

8 (c) It shall be unlawful for any person to operate an
9 electric bicycle in an unsafe manner or to 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 operator of an electric bicycle shall not:

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

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

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



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

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

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

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



1 who rides upon a bicycle while in a restraining seat that is
2 attached to the bicycle or who rides in a trailer towed by the
3 bicycle.

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

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

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

16 ~~(b) The director of transportation by rule and the~~
17 ~~counties by ordinance may with respect to bicycle paths under~~
18 ~~their respective jurisdictions restrict or prohibit the use of~~
19 ~~such bicycle paths by mopeds. Signs clearly visible to an~~
20 ~~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.~~

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

PART III

SECTION 12. The purpose of this part is to require a
person operating an electric motorcycle 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.



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

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

6 ""Accidental harm" means bodily injury, death, sickness, or
7 disease caused by a motorcycle accident, electric motorcycle
8 accident, or motor scooter accident to a person."

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

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



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

**"§431:10G-102 Conditions of operation and registration of
motorcycles, electric motorcycles, and motor scooters.** No
person shall drive a motorcycle, electric motorcycle, or motor
scooter upon any public street, road, or highway of this State
at any time unless [~~such~~] the motorcycle, electric motorcycle,
or motor scooter is insured at all times under a liability
policy as provided in section 431:10G-301; provided that this
article shall not apply to any [~~antique~~] motorcycle or motor
scooter that is an antique motor vehicle as defined in section
249-1."

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

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

- (1) [~~Such~~] The owner provides proof of qualifications as a
self-insurer, and a surety bond or other securities



1 affording security substantially equivalent to that
2 afforded under a policy meeting the requirements of
3 section 431:10G-301 and providing coverage at all
4 times for the entire motorcycle, electric motorcycle,
5 or motor scooter registration period, as determined
6 and approved by the commissioner under rules; and

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

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

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

17 (1) Have obtained a valid motorcycle, electric motorcycle,
18 or motor scooter license; or

19 (2) Have obtained a valid motorcycle, electric motorcycle,
20 or motor scooter learner's permit and have taken and



1 passed a motorcycle education course approved by the
2 department of transportation."

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

5 "**§431:10G-105 Tort liability.** (a) With respect to
6 accidental harm incurred in or arising out of a motorcycle
7 accident, electric motorcycle accident, or motor scooter
8 accident, tort liability is not abolished.

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

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

17 "**§431:10G-106 Verification of insurance.** Every insurer
18 shall issue to each of its insureds a paper or electronic proof
19 of insurance card for each motorcycle, electric motorcycle, or
20 motor scooter for which a liability policy under this article is
21 written. The electronic proof of insurance card may be accessed



1 directly through the licensed insurer's website, application, or
2 database. The proof of insurance card shall show the following:

3 (1) Name, make, year, and factory or serial number of the
4 motorcycle, electric motorcycle, or motor scooter;
5 provided that insurers of five or more motorcycles,
6 electric motorcycles, or motor scooters that are under
7 common registered ownership and used in the regular
8 course of business shall not be required to indicate
9 the name, make, year, and the factory or serial number
10 of each motorcycle, electric motorcycle, or motor
11 scooter;

12 (2) Policy number;

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

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

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



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

3 **"§431:10G-108 Penalties.** Any person who violates this
4 article shall be subject to a citation by the police and shall
5 be subject to a nonsuspendable fine of not less than \$100 nor
6 more than \$1,000, thirty days imprisonment, a one year driver's
7 license suspension, or any combination thereof, for each
8 violation.

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

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

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

19 (3) Any operator of a borrowed motorcycle, electric
20 motorcycle, or motor scooter if the operator holds a



1 "reasonable belief that the subject vehicle is
2 insured."

3 SECTION 21. Section 431:10G-201, Hawaii Revised Statutes,
4 is amended by amending it title and subsection (a) to read as
5 follows:

6 "**§431:10G-201 Making of motorcycle, electric motorcycle,**
7 **and motor scooter insurance rates.** (a) All premium rates for
8 motorcycle, electric motorcycle, and motor scooter insurance
9 shall be made in accordance with the following provisions:

10 (1) Rates shall not be excessive, inadequate, or unfairly
11 discriminatory;

12 (2) Due consideration shall be given to:

13 (A) Past and prospective loss experience within and
14 outside this State, catastrophe hazards, if any,
15 reasonable margin for profit, and contingencies,
16 dividends, savings, or unabsorbed premium
17 deposits allowed or returned by insurers to their
18 policyholders, members, or subscribers;

19 (B) Past and prospective expenses both country-wide
20 and those specially applicable to this State in
21 the sale and administration of [~~motorcycles~~]



1 motorcycle, electric motorcycle, and motor

2 [~~scooters~~] scooter insurance; and

3 (C) Investment income from reserves, unearned
4 insurance premiums, and other unearned proceeds
5 received on account of motorcycle, electric
6 motorcycle, and motor scooter insurance sold, and
7 all other factors that may be deemed relevant, if
8 they are established to have a probable effect
9 upon losses, expense, or rates, [~~such as~~]
10 including but not limited to types of vehicles,
11 occupations, and involvement in past accidents;

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



1 (4) Risks may be grouped by classifications for the
2 establishing of rates and minimum premiums.
3 Classification rates may be modified to produce rates
4 for individual risks in accordance with rating plans
5 which establish standards for measuring variations in
6 hazards or expense provisions, or both. The standards
7 may measure any differences among risks that can be
8 demonstrated to have a probable effect upon losses or
9 expenses."

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

12 "(a) Every insurer shall file with the commissioner every
13 manual of classification, rule, rate, rating plan, designation
14 of rating territories, or standard for motorcycle, electric
15 motorcycle, or motor scooter insurance which it proposes to use.
16 Every filing shall state the proposed effective date of the
17 filing and the character and extent of the coverage
18 contemplated."

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



1 **"§431:10G-206 Rate administration.** Except as otherwise
2 provided in this article, the commissioner shall implement and
3 evaluate motorcycle, electric motorcycle, and motor scooter
4 insurance rates in compliance with article 14."

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

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

8 **"§431:10G-301 Required motorcycle, electric motorcycle,**
9 **and motor scooter policy coverage.** (a) An insurance policy
10 covering a motorcycle, electric motorcycle, or motor scooter
11 shall provide insurance in the following amounts to pay, on
12 behalf of the owner or any operator of the insured motorcycle,
13 electric motorcycle, or motor scooter, sums that the owner or
14 any operator may legally be obligated to pay for injury, death,
15 or damage to the property of others, except property owned by,
16 being transported by, or in charge of the insured that arise out
17 of the ownership, operation, maintenance, or use of the
18 motorcycle, electric motorcycle, or motor scooter:

19 (1) Liability coverage of not less than \$20,000 per
20 person, with an aggregate limit of \$40,000 per



1 accident, for all damages arising out of accidental
2 harm sustained as a result of any one accident; and
3 (2) Liability coverage of not less than \$10,000 for all
4 damages arising out of injury to or destruction of
5 property, including motorcycles, electric motorcycles,
6 or motor scooters and including the loss of use
7 thereof, but not including property owned by, being
8 transported by, or in the charge of the insured, as a
9 result of any one accident."

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

11 "(c) Any operator or passenger of a motorcycle, electric
12 motorcycle, or motor scooter as defined in section 286-2 who
13 receives injuries or dies in a motor vehicle accident may not
14 claim personal injury protection benefits under a motor vehicle
15 insurance policy, unless expressly provided for in the motor
16 vehicle policy."

17 PART IV

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



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

7 PART V

8 SECTION 26. 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 27. Section 291-1, 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 SECTION 28. Section 291-21.3, Hawaii Revised Statutes, is
4 amended by adding a new definition to be appropriately inserted
5 and to read as follows:

6 "Motor-driven cycle" means:

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

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

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



PART VI

SECTION 29. Chapter 291C, Hawaii Revised Statutes, is amended by adding a new section to part XII to be appropriately designated and to read as follows:

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

PART VII

SECTION 30. There is appropriated out of the state highway fund the sum of \$ or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 to be deposited into the highway development special fund electric mobility subaccount.

SECTION 31. There is appropriated out of the highway development special fund electric mobility subaccount the sum of \$ or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 for the operations of the electric mobility rebate program including the payment of



1 rebates and costs of the administrator; provided that the funds
2 appropriated shall not lapse at the end of the fiscal year for
3 which they were appropriated; provided further that any
4 unencumbered funds remaining shall lapse on June 30, 2028.

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

7 PART VIII

8 SECTION 32. This Act does not affect rights and duties
9 that matured, penalties that were incurred, and proceedings that
10 were begun before its effective date.

11 SECTION 33. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 34. This Act shall take effect on July 1, 2050;
14 provided that sections 26 and 27 shall take effect on July 1,
15 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 15 years of age from riding electric bicycles. Amends the age requirement for helmet use from 16 to 18 years of age. Allows use of electric bicycles on public sidewalks, subject to certain conditions. Establishes rules for electric bicycle operation. Defines "electric motorcycle". Prohibits individuals under 18 years of age from operating an electric motorcycle or motor-driven cycle. 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. (SD2)

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

