

JAN 23 2009

A BILL FOR AN ACT

RELATING TO YOSCOOTERS.

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

1 SECTION 1. Chapter 291C, part XII, Hawaii Revised
2 Statutes, is amended by adding a new section to be appropriately
3 designated and to read as follows:

4 "§291C- Vehicles on sidewalks; restrictions. (a)

5 Except as otherwise provided in subsection (b), no person shall
6 drive any vehicle upon a sidewalk or sidewalk area except upon a
7 permanent or authorized temporary driveway.

8 (b) The following vehicles may be driven upon a sidewalk
9 or sidewalk area:

10 (1) A yoscooter, other than one that is rented or is
11 operated as part of a guided tour; provided that the
12 operator is fifty-five years-of-age or older;

13 (2) A bicycle as provided by section 291C-148; and

14 (3) An electric personal assistive mobility device as
15 provided by section 291C-134.5.

16 (c) This section does not affect and shall not be
17 construed to preempt the authority of the director of



1 transportation or of any county to authorize or otherwise
2 control parking on sidewalks pursuant to section 291C-114."

3 SECTION 2. Section 291C-1, Hawaii Revised Statutes, is
4 amended as follows:

5 1. By adding a new definition to be appropriately inserted
6 and to read:

7 "Yoscooter" means an electrically-powered vehicle which
8 has three wheels in contact with the ground and is designed to
9 be operated at speeds of fifteen miles per hour or less."

10 2. By amending the definitions of "moped", "motorcycle",
11 "motor scooter", "motor vehicle", and "vehicle" to read:

12 "'Moped" means a device upon which a person may ride which
13 has two or three wheels in contact with the ground, a motor
14 having a maximum power output capability measured at the motor
15 output shaft, in accordance with the Society of Automotive
16 Engineers standards, of two horsepower (one thousand four
17 hundred ninety-two watts) or less and, if it is a combustion
18 engine, a maximum piston or rotor displacement of 3.05 cubic
19 inches (fifty cubic centimeters) and which will propel the
20 moped, unassisted, on a level surface at a maximum speed no
21 greater than thirty miles per hour; and a direct or automatic
22 power drive system which requires no clutch or gear shift



1 operation by the moped driver after the drive system is engaged
2 with the power unit. "Moped" excludes a yoscooter."

3 "Motorcycle" means every motor vehicle having a seat or
4 saddle for the use of the rider and designed to travel on not
5 more than three wheels in contact with the ground but excludes a
6 farm tractor [~~and a~~], moped[-], and yoscooter.

7 "Motor scooter" means every motorcycle which produces not
8 more than five horsepower, and excludes a moped[-] and
9 yoscooter.

10 "Motor vehicle" means every vehicle which is self-propelled
11 and every vehicle which is propelled by electric power but which
12 is not operated upon rails, but excludes a moped[-] and
13 yoscooter.

14 "Vehicle" means every device in, upon, or by which any
15 person or property is or may be transported or drawn upon a
16 roadway or highway, including mopeds, yoscooters, and bicycles,
17 but excluding toy bicycles, devices other than bicycles moved by
18 human power, and devices used exclusively upon stationary rails
19 or tracks."

20 SECTION 3. Section 291C-148, Hawaii Revised Statutes, is
21 amended to read as follows:



1 "~~§291C-148~~ Driving [~~upon~~] a bicycle on a sidewalk. [~~(a)~~

2 ~~Except as provided in subsection (b), no person shall drive any~~
3 ~~vehicle upon a sidewalk or sidewalk area except upon a permanent~~
4 ~~or authorized temporary driveway.~~

5 ~~(b)~~] Unless otherwise prohibited, a bicycle may be driven
6 at a speed of ten miles per hour or less on a sidewalk or
7 sidewalk area; provided that the driver of the bicycle shall
8 yield the right-of-way to any pedestrian, and [~~that~~] bicycle
9 riding shall be prohibited on sidewalks in business districts.

10 ~~[(c) This section shall not be construed as preempting the~~
11 ~~director of transportation's or counties' authority to control~~
12 ~~parking on sidewalks under section 291C-114. Nor shall this~~
13 ~~section be construed as prohibiting the director or a county~~
14 ~~from authorizing parking on sidewalks when the authorization is~~
15 ~~promulgated in accordance with section 291C-114.]"~~

16 SECTION 4. This Act does not affect rights and duties that
17 matured, penalties that were incurred, and proceedings that were
18 begun, before its effective date.

19 SECTION 5. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21



S.B. NO. 722

1 SECTION 6. This Act shall take effect on July 1, 2009.

2

INTRODUCED BY: Carol Fokunaga
Samuel J. Slon



Report Title:

Yoscooter; Limits on Operation

Description:

Defines "yoscooter" in the Statewide Traffic Code; allows yoscooters to be operated by persons age 55 or older on public sidewalks except when rented or operated as part of a guided tour.

