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## **SB2138**

Submitted on: 2/4/2014

Testimony for TIA/PSM on Feb 4, 2014 13:16PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Mark Monahan	Individual	Support	No

### Comments:

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Senators,

My name is Mark Monahan, I originated the idea behind SB2138 (the revision of the definition of Neighborhood Electric Vehicles). I would like to offer any information or discussion on the current definition in Section 291C-1 of the Hawaii Revised Statutes. The necessity for the revision is have Hawaii Revised Statutes match the Federal Definition of Low Speed Vehicle, also referred to in Federal Statutes as Neighborhood Electric Vehicles. In 2006 the National Highway Safety Administration ruled (76 FR 20026) to amend 49 CFR 571 to read:

Low-speed vehicle means a vehicle,

(a) that is 4-wheeled, Show citation box

(b) whose speed attainable in 1.6 km (1 mile) is more than 32 kilometers per hour (20 miles per hour) and not more than 40 kilometers per hour (25 miles per hour) on a paved level surface, and

(c) whose GVWR is less than 1,361 kilograms (3,000 pounds).

And the ruling footnoted:

1. Electric LSVs are commonly referred to as Neighborhood Electric Vehicles (NEVs). However, NEVs are not specifically defined in the Federal motor vehicle safety standards.

The current Hawaii Revised Statute §291C-1 defines Neighborhood Electric Vehicles as:

"Neighborhood electric vehicle" means a self-propelled electrically powered motor vehicle to which all of the following apply:

- (1) The vehicle is emission free;
- (2) The vehicle is designed to carry four or fewer persons;
- (3) The vehicle is designed to be and is operated at speeds of twenty-five miles per hour or less;
- (4) The vehicle has at least four wheels in contact with the ground;
- (5) The vehicle has an unladen weight of less than one thousand eight hundred pounds; and
- (6) The vehicle conforms to the minimum safety equipment requirements as adopted in the Federal Motor Vehicle Safety Standard No. 500, Low Speed Vehicles (49 C.F.R. 571.500).

In order to meet the Federal definition and requirements and exempt Hawaii from preemption the Federal ruling states:

Under 49 U.S.C. 30103(b), when a Federal motor vehicle safety standard is in effect, a State or a political subdivision of a State may prescribe or continue in effect a standard applicable to the same aspect of performance of a motor vehicle or motor vehicle equipment only if the standard is identical to the standard prescribed under this chapter. Different motor vehicle safety standards apply depending on how a vehicle is classified, i.e., its vehicle type. If a State law classifies a vehicle differently

than Federal law, preemption is an issue under 49 U.S.C. 30103(b) if: (1) The State classification results in the vehicle being subject to a State standard applicable to the same aspect of performance regulated by a FMVSS, and (2) the State standard is not identical to the FMVSS. In such an instance, the State safety standard would be preempted.

I hope that this short background helps as I believe that these Low Speed Vehicles will have great use in our communities. I reside on Marine Corps Base Hawaii and for base use and around Kailua LSV's are the perfect vehicles. The speed limits are never over 35 and they charge off 110v house hold current for around \$.01 -\$.05 a mile. I own a LSV that can seat six to accommodate my family of five. But Hawaii does not allow for that, so I had to have my LSV reconfigured to a four passenger vehicle to meet State standards. Opening up the Gross Vehicle Weight Rating to 3000lbs per the Federal Statute will allow for all larger family style LSV/NEV's to have a market in Hawaii's small communities. I am at your service to discuss or give testimony. Thanks You. My contact info is below:

Very Respectfully,  
Mark Monahan

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