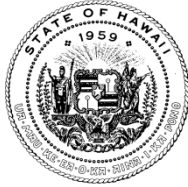


HB 715

HD 1

RELATING TO LOW-SPEED ELECTRIC BICYCLES.

Amends the definition of bicycle and statutes relating to bicycles to include low-speed electric bicycles. (HB715 HD1)



LATE

Testimony of
FORD N. FUCHIGAMI
DIRECTOR

Deputy Directors
JADE T. BUTAY
ROSS M. HIGASHI
EDWN H. SNIFFEN
DARRELL T. YOUNG

IN REPLY REFER TO:

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

March 17, 2015
2:50 p.m.
State Capitol, Room 229

H.B. 715, H.D.1
RELATING TO LOW SPEED ELECTRIC BICYCLES

Senate Committee on Transportation

The Department of Transportation (DOT) **supports** this bill with recommended amendments.

Sections 249-1 and 286-2, HRS, contain the definition of a bicycle, so the definition of an electric bicycle should also be included in these sections.

Since the bill proposes that electric bicycles be registered as a bicycle in Section 249-14, HRS, it is recommended that Section 249-14, HRS, be amended by adding electric bicycles to Sections 249-14 (a) and (b), HRS.

It may also be prudent to require helmet use for electric bicycle riders under the age of 18 under Section 291C-150, HRS.

Other sections that may warrant consideration for electric bicycles are: Sections 293-1; 293-2; and 291C-141 through 149, HRS.

Mixing a motorized vehicle with non-motorized traffic on shared-use paths or sidewalks will create a safety issue similar to Segways on sidewalks and mopeds on bicycle paths. In addition, revising the definition of "bicycle" would make it inconsistent with the definition in the National Uniform Vehicle Code, Manual on Uniform Traffic Control Devices (MUTCD), and American Association on State Highway and Transportation Officials (AASHTO) publications. These publications guide the design of our bicycle facilities which is based on a design vehicle (bicycle) that is human-powered with typical paved level terrain speeds of 8-15 mph. It is recommended that the speed of the electric bicycles be required to match the human powered bicycles.

Another concern is that the bill does not address how these electric bicycles would be regulated to keep them at the required maximum speed and not bring about a similar problem we have with mopeds that are modified to exceed 30 mph. It is recommended that a penalty for modifying an electric bicycle so it travels faster be added.

Finally, there is concern that the bill does not prevent children from riding electric bicycles. Since these vehicles can weigh 100 pounds, it is recommended that a minimum age for use be added.

Thank you for the opportunity to provide testimony.



March 16, 2015

The Honorable Clarence K. Nishihara
Chair, Senate Committee on Transportation
Hawaii State Capitol
415 South Beretania St.
Honolulu, HI 96813

Dear Senator Nishihara and Members of the Transportation Committee:

Ebikes Hawaii, the Bicycle Product Suppliers Association (BPSA), and PeopleForBikes are writing this letter to provide comments on House Bill 715, a bill that would incorporate electric bicycles into Hawaii's laws. We support House Bill 715, but we also offer several comments on changes we believe would improve this legislation.

Ebikes Hawaii is a local retailer of electric bicycles, with locations in Honolulu and the Joint base Pearl Harbor-Hickam Air Force. The BPSA is the national trade association of companies that manufacture and distribute bicycles and related accessories. PeopleForBikes is a national advocacy organization with over one million members, including more than 3,000 members in Hawaii, that promotes the safe use and enjoyment of bicycles.

We are pleased to see legislation being introduced that incorporates electric bicycles into Hawaii's traffic laws. Electric bicycles (Ebikes) are becoming an increasingly important form of transportation and a more significant component of the bicycle industry. The correct and uniform classification of Ebikes as bicycles under state laws is important to the Ebike industry, particularly because Ebikes are already classified as bicycles and designed, tested and manufactured like bicycles in accordance with federal law. Bills such as H.B. 715 are thus an important step in regulating Ebikes at the state level.

We have carefully reviewed this legislation, as amended, and we have a few suggestions that we think would improve the bill and further its primary purpose. Below are our comments:

1. **"Low-speed electric bicycles" should be excluded from the definition of a "motor vehicle" in Chapters 249, 286 and 291C.** Pursuant to the current versions of H.R.S. §§ 249-1, 286-2 and 291C-1, a "motor vehicle" includes vehicles that are "self-propelled," or "propelled by electric power" and not operated on rails. "Mopeds" are explicitly excluded from the definition of a "motor vehicle." Therefore bicycles and mopeds are not "motor vehicles" for the purposes of chapters 249, 286 or 291C. However, "low-speed electric bicycles" do contain an electric motor and might be considered "self-propelled." Thus, they might be interpreted as meeting the definition of a "motor vehicle" under both of these chapters even though bicycles and mopeds are excluded. An exclusion of "low-speed electric bicycles" from the definition of "motor vehicle" could be added to sections 249-1, 286-2 and 291C-1 to clarify that electric bicycles are not



“motor vehicles.”

2. **“Low-speed electric bicycles” should be excluded from the definition of a “vehicle” in Chapters 249 and 286.** Existing Hawaii law specifically excludes “devices moved by human power” and “mopeds” from the definition of a “vehicle” in sections 249-1 and 286-2. Thus both bicycles and mopeds are not “vehicles” for the purposes of chapters 249 or 286. However, “low-speed electric bicycles” are not mopeds, and they may not be considered “devices moved by human power” because they have electric motors. Thus electric bicycles might inadvertently be considered “vehicles” under chapters 249 or 286, even though both bicycles and mopeds are not. An explicit exclusion for “low-speed electric bicycles” from the definition of a “vehicle” in sections 249-1 and 286-2 would fix this issue.
3. **“Low-speed electric bicycles” should be excluded from the definition of a “moped” in Chapters 249, 286 and 291C.** This bill does not have language excluding “low-speed electric bicycles” from the definition of “moped” in H.R.S. §§ 249-1, 286-2 or 291C-1. Because the definition of moped is fairly broad, “low-speed electric bicycles” might inadvertently be viewed as a sub-class of mopeds. Several states have used explicit exclusions to clarify this issue (e.g., Colorado, Maryland, Minnesota, Nevada, and Oregon).

These amendments would help ensure that the status of electric bicycles under Hawaii law is as clear as possible, and would support the primary objective of the bill. Thank you for taking the time to consider this important subject, and please do not hesitate to contact us with any additional questions.

Sincerely,

Larry Pizzi
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Senator Clarence K. Nishihara, Chair
Senator Breene Harimoto, Vice Chair

Aloha Senator's Nishihara and Harimoto

I am writing you to show my strong **support** for House Bill 715 HD-1 relating to "Low Speed Electric Bicycles."

HB715 HD-1 identifies the definition change of a "Bicycle" under Hawaii Revised Statute Section 286-2 to include the "Low Speed Electric Bicycle" as defined under 15USC section 285 which states:

For the purpose of this section, the term "low speed electric bicycle" means a two- or three wheeled vehicle with fully operable pedals and an electric motor of less than 750 watts (1 h.p.), whose maximum speed on a paved level surface, when powered solely by such a motor while ridden by an operator who weighs 170 pounds, is less than 20 mph.

Preemption

This section shall supersede any State law or requirement with respect to low-speed electric bicycles to the extent that such State law or requirement is more stringent than the Federal law or requirements referred to in subsection (a) of this section.

Electric Bikes provide the conveniences of a car with the advantages of a Bicycle

What are Electric Bikes?

Electric Bicycles are becoming more and more popular across nation and throughout the world.

"Electric Bikes consist of a modified or custom bicycle frame with pedals but include an electric motor, usually in the form of a hub motor, mid-drive motor or belt drive connected to the rear wheel. They allow a rider to either pedal the bike or leverage the power of a battery and motor drive system."

The **benefits** of electric bikes "E-Bikes" are many and often go unrealized by car and scooter owners.

- With an electric bike you have the ability to get around quickly with little to no sweat if you choose. This can be handy for being able to wear your normal work clothes to work, or run errands around town without being drenched in sweat.
- E-bikes have helped people with disabilities, poor physical fitness, and/or concerns with keeping up with family/friends in order to enjoy riding a bicycle again.
- Electric bikes make it much easier to haul heavier loads like kids (in a trailer or kids seat), groceries, the stuff that you take to work, your beach towel and some refreshments, etc.
- An electric bike can really make hills and head winds a non-issue.
- E-Bikes are lighter, cleaner and more reliable than gas powered vehicles.
- Less expensive than gas powered vehicles, especially over the long term when using electricity vs. gasoline or other fuel source
- Environmentally friendly, no exhaust created on site for the user to inhale. Easily use locally produced solar or wind power to charge
- Efficient and affordable parking options, fits on any normal bike rack or to a pole/railing
- Easy to use with public transportation like busses, trains and light rail systems
- Provides an opportunity to exercise and practice balance
- Social opportunity to get in touch with your community and become more social
- Relaxing and focusing because you cannot use your cell phone or eat at the same time as you would while driving an automobile.

Hawaii needs to bring the E-Bike into conformity with Federal Statutes as E-Bikes serve a purpose as an alternative form of transportation.

Please accept my comments and accept the intelligent changes proposed under this bill.

Mahalo;

Lee Chamberlain

From: mailinglist@capitol.hawaii.gov
To: [TRA Testimony](#)
Cc: teresa.parsons@hawaii.edu
Subject: Submitted testimony for HB715 on Mar 17, 2015 14:50PM
Date: Sunday, March 15, 2015 11:41:02 PM

HB715

Submitted on: 3/15/2015

Testimony for TRA on Mar 17, 2015 14:50PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Teresa Parsons	Individual	Support	No

Comments: I stand in strong support of this bill.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: [john cho](#)
To: [TRA Testimony](#)
Cc: [Roy Cho](#)
Subject: HB715
Date: Tuesday, March 17, 2015 8:54:45 AM

Aloha,

This email is to express my strong support for **HB** 715 related to low speed electric bicycle. The benefits of riding electric bicycle are numerous;

1. perfect for short and medium range commutes-- it will help you climb on the hills and distance you never dreamed of on a regular bicycle.
2. elevate parking issues---having too many cars created
3. promote healthier life stye-- it will help many people to be involved outdoor activities.
4. savings on commuting cost-- it only cost average \$1.00 per 100mile to charge the battery.

Most of all, less cars on the road will help to reduce the carbon footprint that are getting out control!

We are so fortunate to live in Hawaii where we can ride bicycles all year round.

Personally I use bicycle to commute to Hickam from Kapahulu every chance I get including most of my errands in town.

I feel happier and stronger than ever.

H.B. 715 related to low speed electric bicycle will help to promote a new culture of transportation in Hawaii.

There are already many people riding electric bicycles in Hawaii and this bill will serve as a clear guideline for everyone.

Let's electrify our future!

John Cho