
A BILL FOR AN ACT

RELATING TO ELECTRIC FOOT SCOOTERS.

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

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

4 "§291C- Electric foot scooters; application of laws
5 relation to persons riding bicycles. (a) This section shall
6 apply whenever an electric foot scooter is operated upon any
7 highway, roadway, or other designated public area set aside for
8 the preferential or exclusive use of electric foot scooters.
9 Every person operating an electric foot scooter upon a roadway
10 shall be granted all of the rights and shall be subject to all
11 of the duties applicable to a rider of a bicycle under this
12 part, except as to:

13 (1) Provisions of this section to the contrary; and
14 (2) Provisions of this part which by their nature can have
15 no application.

16 (b) The director of transportation by rule and the
17 counties by ordinance shall regulate operations of electric foot



1 scooters in their respective jurisdictions with regard to, but
2 not limited to, the following:

3 (1) Operations upon roadways, in bikeways, bicycle paths,
4 and on sidewalks;

5 (2) Restrictions on maximum speed; and

6 (3) Safety considerations;

7 provided that no authority promulgated in accordance with this
8 paragraph shall be less restrictive than the requirements set
9 forth in this section. No person shall operate an electric foot
10 scooter before the respective rules or ordinances are adopted.

11 (c) No person under eighteen years of age shall operate an
12 electric foot scooter.

13 (d) Any electric foot scooter used from thirty minutes
14 after sunset until thirty minutes before sunrise shall be
15 equipped as provided in section 291C-147.

16 (e) Any person who operates an electric foot scooter
17 recklessly in disregard for the safety of persons or property
18 shall be assessed penalties as set forth in section 291C-161."

19 SECTION 2. Section 249-1, Hawaii Revised Statutes, is
20 amended as follows:



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

3 "Electric foot scooter" means a device weighing less than
4 one hundred pounds, with two or three wheels, handlebars, and a
5 floorboard that can be stood upon while riding, which is solely
6 powered by an electric motor or human power, and whose maximum
7 speed, with or without human propulsion on a paved level
8 surface, is no more than twenty miles per hour. An electric
9 foot scooter shall not be considered a moped, motor vehicle,
10 rental motor vehicle, or vehicle."

11 2. By amending the definitions of "moped" and "motor
12 vehicle" to read:

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



1 greater than thirty miles per hour; and a direct or automatic
2 power drive system which requires no clutch or gear shift
3 operation by the moped driver after the drive system is engaged
4 with the power unit. "Moped" does not include an electric foot
5 scooter.

6 "Motor vehicle" means every vehicle which is self-propelled
7 and every vehicle which is propelled by electric power but which
8 is not operated upon rails, but excludes mopeds[-] and electric
9 foot scooters."

10 3. By amending the definition of "vehicle" to read as
11 follows:

12 "'Vehicle" means every device in, upon, or by which any
13 person or property is or may be transported or drawn upon a
14 highway, but excludes devices moved by human power or devices
15 used exclusively upon stationary rails or tracks, electric foot
16 scooters, and mopeds."

17 SECTION 3. Section 251-1, Hawaii Revised Statutes, is
18 amended by amending the definitions of "rental motor vehicle" or
19 "vehicle" to read as follows:

20 "'Rental motor vehicle" or "vehicle" means every vehicle
21 which is:



- 1 (1) Self-propelled and every vehicle which is propelled by
- 2 electric power but which is not operated upon rails
- 3 which is rented or leased or offered for rent or lease
- 4 in this State, whether for personal or commercial use,
- 5 for a period of six months or less; and
- 6 (2) Designed to carry seventeen passengers or fewer.
- 7 "Rental motor vehicle" or "vehicle" shall not include:
- 8 (1) Mopeds and electric foot scooters as defined in
- 9 section 286-2;
- 10 (2) Any trucks, truck-tractors, tractor-semitrailer
- 11 combinations, or truck-trailer combinations, with:
- 12 (A) A manufacturer's nominal carrying capacity of one
- 13 thousand pounds or more; and
- 14 (B) A barrier or separation between the operator's
- 15 compartment and the cargo area; and
- 16 (3) Cargo vans with no more than two seats, including the
- 17 driver's seat; provided that vans with a recreational
- 18 vehicle converter package and vans with quick release
- 19 passenger seats shall not be classified as cargo
- 20 vans."
- 21

1 SECTION 4. Section 271-4, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§271-4 Definitions. As used in this chapter:

- 4 (1) "Chapter" means the Motor Carrier Law.
- 5 (2) "Commission" means the public utilities commission.
- 6 (3) "Person" or "persons" means any individual, firm,
7 copartnership, corporation, company, association, or
8 joint stock association; and includes any trustee,
9 receiver, assignee, or personal representative
10 thereof.
- 11 (4) "Certificate" means a certificate of public
12 convenience and necessity issued under this chapter to
13 common carriers by motor vehicle.
- 14 (5) "Permit" means a permit issued under this chapter to
15 contract carriers by motor vehicle.
- 16 (6) "Transportation of persons" includes every service in
17 connection with or incidental to the safety, comfort,
18 or convenience of persons transported and the receipt,
19 carriage, and delivery of these persons and their
20 baggage.



1 (7) "Transportation of property" includes every service in
2 connection with or incidental to the transportation of
3 property, including in particular its receipt,
4 delivery, elevation, transfer, carriage, ventilation,
5 refrigeration, icing, dunnage, storage in transit,
6 handling, and its consolidation for the purposes of
7 forwarding within the State.

8 (8) "Motor vehicle" means any vehicle, machine, tractor,
9 trailer, or semitrailer propelled or drawn by
10 mechanical power and used upon the highways in the
11 transportation of passengers or property, or any
12 combination thereof determined by the commission, but
13 does not include any vehicle, locomotive, or car
14 operated exclusively on a rail or rails or a trolley
15 bus operated by electric power derived from a fixed
16 overhead wire, furnishing local passenger
17 transportation similar to street-railway service[-],
18 or an electric foot scooter as defined in section
19 291C-1.

20 (9) "Highway" means the public roads, highways, streets,
21 and ways in this State.



- 1 (10) "Rates" includes rates, fares, tolls, rentals, and
2 charges of whatever kind and nature unless the context
3 indicates otherwise; provided that for transportation
4 by motor vehicle of passengers, where the provision of
5 transportation is part of a package that may include
6 air fare, meals, attractions, and other services,
7 "rates" shall only include the charges for the
8 provision of transportation by motor vehicle.
- 9 (11) "Common carrier by motor vehicle" means any person
10 that holds itself out to the general public to engage
11 in the transportation by motor vehicle of passengers
12 or property or any class or classes thereof for
13 compensation.
- 14 (12) "Contract carrier by motor vehicle" means any person
15 that engages in transportation by motor vehicle of
16 passengers or property for compensation (other than
17 transportation referred to in paragraph (11)) under
18 continuing contracts with one person or a limited
19 number of persons either: for the furnishing of
20 transportation services through the assignment of
21 motor vehicles for a continuing period of time to the



- 1 exclusive use of each person served; or for the
2 furnishing of transportation services designed to meet
3 the distinct need of each individual customer.
- 4 (13) "Motor carrier" includes both a common carrier by
5 motor vehicle and a contract carrier by motor vehicle.
- 6 (14) "Private carrier of property by motor vehicle" means
7 any person not included in the terms "common carrier
8 by motor vehicle" or "contract carrier by motor
9 vehicle", who or that transports by motor vehicle
10 property of which the person is the owner, lessee, or
11 bailee, when such transportation is for the purpose of
12 sale, lease, rent, or bailment, or in the furtherance
13 of any commercial enterprise.
- 14 (15) "Enforcement officer" means any person employed and
15 authorized by the commission to investigate any matter
16 on behalf of the commission. The term also means a
17 motor vehicle safety officer employed and assigned,
18 pursuant to section 271-38, by the department of
19 transportation to enforce sections 271-8, 271-12, 271-
20 13, 271-19, and 271-29 through the assessment of civil



1 penalties as provided in section 271-27(h), (i), and
2 (j)."

3 SECTION 5. Section 286-2, Hawaii Revised Statutes, is
4 amended as follows:

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

7 "Electric foot scooter" means a device weighing less than
8 one hundred pounds, with two or three wheels, handlebars, and a
9 floorboard that can be stood upon while riding, which is solely
10 powered by an electric motor or human power, and whose maximum
11 speed, with or without human propulsion on a paved level
12 surface, is no more than twenty miles per hour. An electric
13 foot scooter shall not be considered a moped, motor vehicle,
14 rental motor vehicle, or vehicle."

15 2. By amending the definition of "moped" to read:

16 "Moped" means a device upon which a person may ride which
17 has two or three wheels in contact with the ground, a motor
18 having a maximum power output capability measured at the motor
19 output shaft, in accordance with the Society of Automotive
20 Engineers standards, of two horsepower (one thousand four
21 hundred ninety-two watts) or less and, if it is a combustion



1 engine, a maximum piston or rotor displacement of 3.05 cubic
2 inches (fifty cubic centimeters) and which will propel the
3 moped, unassisted, on a level surface at a maximum speed no
4 greater than thirty miles per hour; and a direct or automatic
5 power drive system which requires no clutch or gear shift
6 operation by the moped driver after the drive system is engaged
7 with the power unit. "Moped" does not include an electric foot
8 scooter."

9 3. By amending the definition of "motor vehicle" to read:
10 "Motor vehicle" means every vehicle which is self-
11 propelled and every vehicle which is propelled by electric power
12 but which is not operated upon rails, but excludes a moped[-]
13 and an electric foot scooter."

14 4. By amending the definition of "vehicle" to read:
15 "Vehicle" means every device in, upon, or by which any
16 person or property is or may be transported or drawn upon a
17 highway, but excludes devices moved by human power or devices
18 used exclusively upon stationary rails or tracks, electric foot
19 scooters, and mopeds.



1 SECTION 6. Section 291-31.5, Hawaii Revised Statutes, is
2 amended by amending its title and subsection (a) to read as
3 follows:

4 "§291-31.5 Blue lights prohibited for motor vehicles,
5 motorcycles, motor scooters, bicycles, electric foot scooters,
6 and mopeds. (a) No person shall knowingly operate, affix or
7 cause to be affixed, display, or possess any lamp, reflector, or
8 illumination device that appears to be the color blue, or colors
9 blue and red, upon any motor vehicle, motorcycle, motor scooter,
10 bicycle, electric foot scooter, or moped except for:

- 11 (1) County law enforcement vehicles authorized and
12 approved by the chief of police of the county in which
13 the vehicle is operated;
- 14 (2) Department of public safety law enforcement vehicles
15 with blue and red lamps, reflectors, or illumination
16 devices authorized and approved by the director of
17 public safety;
- 18 (3) Department of land and natural resources division of
19 conservation and resources enforcement vehicles with
20 blue and red lamps, reflectors, or illumination



1 devices authorized and approved by the chairperson of
2 the board of land and natural resources; or
3 (4) Department of transportation division of harbors law
4 enforcement vehicles with blue and red lamps,
5 reflectors, or illumination devices authorized and
6 approved by the director of transportation.

7 This prohibition shall not apply to factory-installed instrument
8 illumination."

9 SECTION 7. Section 291C-1, Hawaii Revised Statutes, is
10 amended as follows:

11 1. By adding a new definition to be appropriately inserted
12 and to read:

13 "Electric foot scooter" means a device weighing less than
14 one hundred pounds, with two or three wheels, handlebars, and a
15 floorboard that can be stood upon while riding, which is solely
16 powered by an electric motor or human power, and whose maximum
17 speed, with or without human propulsion on a paved level
18 surface, is no more than twenty miles per hour. An electric
19 foot scooter shall not be considered a moped, motor vehicle,
20 rental motor vehicle, or vehicle."



1 2. By amending the definition of "moped" to read:
2 " "Moped" means a device upon which a person may ride which
3 has two or three wheels in contact with the ground, a motor
4 having a maximum power output capability measured at the motor
5 output shaft, in accordance with the Society of Automotive
6 Engineers standards, of two horsepower (one thousand four
7 hundred ninety-two watts) or less and, if it is a combustion
8 engine, a maximum piston or rotor displacement of 3.05 cubic
9 inches (fifty cubic centimeters) and which will propel the
10 device unassisted, on a level surface at a maximum speed no
11 greater than thirty miles per hour; and a direct or automatic
12 power drive system which requires no clutch or gear shift
13 operation by the moped driver after the drive system is engaged
14 with the power unit. "Moped" does not include an electric foot
15 scooter."

16 3. By amending the definition of "motor vehicle" to read:
17 " "Motor vehicle" means every vehicle which is self-
18 propelled and every vehicle which is propelled by electric power
19 but not operated upon rails but excludes a moped[-] and an
20 electric foot scooter."

21 4. By amending the definition of "vehicle" to read:



1 ""Vehicle" means every device in, upon, or by which any
2 person or property is or may be transported or drawn upon a
3 roadway or highway, including mopeds and bicycles, but excluding
4 toy bicycles, devices other than bicycles moved by human power,
5 electric foot scooters, and devices used exclusively upon
6 stationary rails or tracks."

7 2. By amending the definition of "bicycle" to read:

8 ""Bicycle" means every vehicle propelled solely by human
9 power upon which any person may ride, having two tandem wheels,
10 and including any vehicle generally recognized as a bicycle
11 though equipped with two front or two rear wheels except a toy
12 bicycle[-]; provided that the term shall include an electric
13 foot scooter."

14 SECTION 8. Section 291C-123, Hawaii Revised Statutes, is
15 amended by amending subsection (a) to read as follows:

16 "(a) No person shall drive any vehicle other than a
17 bicycle, electric foot scooter, or moped upon a bicycle lane or
18 bicycle path, except upon a permanent or authorized temporary
19 driveway, or park any vehicle upon a bicycle lane or bicycle
20 path; provided that any vehicle may be driven or parked in a
21 bicycle lane or bicycle path as applicable if:



- 1 (1) It is in the process of executing a legal turn, lane
- 2 change, or parking maneuver;
- 3 (2) It is an authorized emergency vehicle performing the
- 4 functions under section 291C-26;
- 5 (3) It is an official federal, state, or county vehicle in
- 6 the performance of its actual duty;
- 7 (4) It is a stalled or broken vehicle;
- 8 (5) It is necessary to assist a stalled or broken vehicle;
- 9 (6) It is necessary to yield to an authorized emergency
- 10 vehicle pursuant to section 291C-65; or
- 11 (7) It is otherwise provided by law."

12 SECTION 9. Section 291C-141, Hawaii Revised Statutes, is
13 amended by amending subsection (c) to read as follows:

14 "(c) These regulations applicable to bicycles and electric
15 foot scooters shall apply whenever a bicycle or electric foot
16 scooter is operated upon any highway or upon any bicycle path
17 set aside for the preferential or exclusive use of bicycles or
18 electric foot scooters subject to those exceptions stated
19 herein."



1 SECTION 10. Section 707-700, Hawaii Revised Statutes, is
2 amended by amending the definition of "vulnerable user" to read
3 as follows:

4 "Vulnerable user" means:

- 5 (1) A pedestrian legally within a street or public
6 highway;
- 7 (2) A roadway worker actually engaged in work upon a
8 street or public highway or in work upon utility
9 facilities along a street or public highway, or
10 engaged in the provision of emergency services within
11 a street or public highway, including but not limited
12 to:
- 13 (a) Construction and maintenance workers; and
14 (b) Police, fire, and other emergency responders; or
- 15 (3) A person legally operating any of the following within
16 the street or public highway:
- 17 (a) A bicycle[+] or an electric foot scooter;
18 (b) A moped;
19 (c) An electric personal assistive mobility device;
20 [ex]



1 (d) A wheelchair conveyance or other personal
2 mobility device."

3 SECTION 11. This Act does not affect rights and duties
4 that matured, penalties that were incurred, and proceedings that
5 were begun before its effective date.

6 SECTION 12. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 13. This Act shall take effect on July 1, 2050.



Report Title:

Electric Foot Scooters; Regulation

Description:

Establishes a framework for the Department of Transportation and the counties to regulate electric foot scooters. Adds definition of electric foot scooter. Amends definitions of moped, motor vehicle, rental motor vehicle, and vehicle to exclude electric foot scooters. Prohibits use of electric foot scooters to individuals under the age of eighteen. (HB754 HD1)

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