

JAN 22 2021

# A BILL FOR AN ACT

RELATING TO ELECTRIC FOOT SCOOTERS.

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

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

**"§291C- Electric foot scooters.** (a) This section shall apply whenever an electric foot scooter is operated on any highway, roadway, or other designated public area set aside for the use of vehicles. Every person operating an electric foot scooter in these areas shall be granted all of the rights and shall be subject to all of the duties applicable to a driver of a vehicle under this chapter, except as to:

- (1) Provisions of this section to the contrary; and
- (2) Provisions of this chapter which, by their nature, can have no application.

(b) The counties shall regulate the operation of electric foot scooters, including the following:

- (1) Operations on roadways, bikeways, bicycle paths, and sidewalks;



1        (2) Maximum allowable speed;

2        (3) Safe operation; and

3        (4) Insurance requirements;

4        provided that no authority adopted in accordance with this  
5        subsection shall be less restrictive than the requirements set  
6        forth in this section.

7        (c) No person under fifteen years of age shall operate an  
8        electric foot scooter on a highway, street, roadway, or any  
9        other public property in the State. No person under sixteen  
10       years of age shall operate an electric foot scooter unless  
11       wearing a safety helmet securely fastened with a chin strap.  
12       The safety helmet shall meet the specifications and requirements  
13       of a bicycle helmet.

14       (d) No person shall operate an electric foot scooter while  
15       carrying any other person nor shall any person other than the  
16       operator ride on an electric foot scooter.

17       (e) No person operating an electric foot scooter shall  
18       carry any package, bundle, or article that prevents the use of  
19       both hands to control and operate the electric foot scooter.

20       (f) Any electric foot scooter used from thirty minutes  
21       after sunset until thirty minutes before sunrise shall be



1 equipped as provided in section 291C-147; provided that in lieu  
2 of the requirement of reflective material in section  
3 291C-147(b), every electric foot scooter shall be equipped with  
4 a lighted lamp visible from the rear.

5 (g) No person shall operate an electric foot scooter at a  
6 speed greater than fifteen miles per hour or at a speed other  
7 than is reasonable and prudent under the conditions and having  
8 regard to the actual and potential hazards then existing.

9 (h) Any person who operates an electric foot scooter  
10 recklessly in disregard for the safety of persons or property  
11 shall be assessed penalties as set forth in section 291C-161.

12 (i) A person or entity who provides electric foot scooters  
13 for hire shall not rent or lease an electric foot scooter to any  
14 person unless:

15 (1) Each renter or lessee that is under fifteen years of  
16 age wears a safety helmet while operating the rented  
17 electric foot scooter, as required in subsection (c);  
18 and

19 (2) Each renter or lessee is provided with a copy of the  
20 rules for electric foot scooters as adopted by the  
21 county where the electric foot scooter is operating.



1        (j) An electric foot scooter shall be registered in a  
2 manner similar to a low-speed electric bicycle and shall be  
3 subject to a permanent registration fee of \$30, paid by the  
4 owner to the director of finance."

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

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

9        "Electric foot scooter" means a device weighing less than  
10 fifty pounds, with two or three wheels, handlebars, and a  
11 floorboard that a person can stand upon while riding, that is  
12 solely powered by an electric motor or human power, and that has  
13 a maximum speed, with or without human propulsion on a paved  
14 level surface, of no more than fifteen miles per hour."

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

16        "Moped" means a device upon which a person may ride  
17 [which] that has two or three wheels in contact with the ground,  
18 a motor having a maximum power output capability measured at the  
19 motor 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]~~ that will propel  
3 the device, 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]~~ that 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 SECTION 3. Section 286-2, 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" has the same meaning as defined in  
14 section 249-1."

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.] has the same meaning as defined in section~~  
8 ~~249-1."~~

9 SECTION 4. Section 291-31.5, Hawaii Revised Statutes, is  
10 amended by amending its title and subsection (a) to read as  
11 follows:

12 "**§291-31.5 Blue lights prohibited for motor vehicles,**  
13 **motorcycles, motor scooters, bicycles, electric foot scooters,**  
14 **and mopeds.** (a) No person shall knowingly operate, affix or  
15 cause to be affixed, display, or possess any lamp, reflector, or  
16 illumination device that appears to be the color blue, or colors  
17 blue and red, upon any motor vehicle, motorcycle, motor scooter,  
18 bicycle, electric foot scooter, or moped except for:

- 19 (1) County law enforcement vehicles authorized and  
20 approved by the chief of police of the county in which  
21 the vehicle is operated;



(2) Department of public safety law enforcement vehicles with blue and red lamps, reflectors, or illumination devices authorized and approved by the director of public safety;

(3) Department of land and natural resources division of conservation and resources enforcement vehicles with blue and red lamps, reflectors, or illumination devices authorized and approved by the chairperson of the board of land and natural resources; or

(4) Department of transportation division of harbors law enforcement vehicles with blue and red lamps, reflectors, or illumination devices authorized and approved by the director of transportation.

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

SECTION 5. Section 291C-1, Hawaii Revised Statutes, is amended as follows:

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

"Electric foot scooter" has the same meaning as defined in section 249-1."



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

"Moped" ~~[means a device upon which a person may ride which has two or three wheels in contact with the ground, a motor having a maximum power output capability measured at the motor output shaft, in accordance with the Society of Automotive Engineers standards, of two horsepower (one thousand four hundred ninety two watts) or less and, if it is a combustion engine, a maximum piston or rotor displacement of 3.05 cubic inches (fifty cubic centimeters) and which will propel the device unassisted, on a level surface at a maximum speed no greater than thirty miles per hour, and a direct or automatic power drive system which requires no clutch or gear shift operation by the moped driver after the drive system is engaged with the power unit.]~~ has the same meaning as defined in section 249-1."

SECTION 6. Section 291C-123, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) No person shall drive any vehicle other than a bicycle, electric foot scooter, or moped upon a bicycle lane or bicycle path, except upon a permanent or authorized temporary driveway, or park any vehicle upon a bicycle lane or bicycle





1 path; provided that any vehicle may be driven or parked in a  
2 bicycle lane or bicycle path as applicable if:

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

14 SECTION 7. Section 707-700, Hawaii Revised Statutes, is  
15 amended by amending the definition of "vulnerable user" to read  
16 as follows:

17 "Vulnerable user" means:

- 18 (1) A pedestrian legally within a street or public  
19 highway;  
20 (2) A roadway worker actually engaged in work upon a  
21 street or public highway or in work upon utility



1 facilities along a street or public highway, or  
2 engaged in the provision of emergency services within  
3 a street or public highway, including but not limited  
4 to:

5 (a) Construction and maintenance workers; and

6 (b) Police, fire, and other emergency responders; or

7 (3) A person legally operating any of the following within  
8 the street or public highway:

9 (a) A bicycle;

10 (b) A moped;

11 (c) An electric personal assistive mobility device;

12 [~~or~~]

13 (d) A wheelchair conveyance or other personal  
14 mobility device[~~-~~]; or

15 (e) An electric foot scooter."

16 SECTION 8. 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 9. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.



# S.B. NO. 429

1 SECTION 10. This Act shall take effect upon its approval.

2

INTRODUCED BY:           *Mr. N. J.*            
By Request



# S.B. NO. 429

**Report Title:**

City and County of Honolulu Package; Electric Foot Scooters;  
Regulation

**Description:**

Grants electric foot scooters the same rights and subjects them to the same duties as other vehicles, with certain exceptions. Applies blue light prohibition to electric foot scooters. Amends "vulnerable user" definition to include electric foot scooters. Amends "moped" definition to exclude electric foot scooters.

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