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# A BILL FOR AN ACT

RELATING TO LOW-SPEED ELECTRIC BICYCLES.

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

1           SECTION 1. Section 249-1, Hawaii Revised Statutes, is  
2 amended by amending the definition of "moped" to read:  
3           " "Moped" means a device upon which a person may ride that  
4 has two or three wheels in contact with the ground, a motor  
5 having a maximum power output capability measured at the motor  
6 output shaft, in accordance with the Society of Automotive  
7 Engineers standards, of two horsepower (one thousand four  
8 hundred ninety-two watts) or less and, if it is a combustion  
9 engine, a maximum piston or rotor displacement of 3.05 cubic  
10 inches (fifty cubic centimeters) and that will propel the  
11 device, unassisted, on a level surface at a maximum speed no  
12 greater than thirty miles per hour; and a direct or automatic  
13 power drive system, [~~which~~] that requires no clutch or gear  
14 shift operation by the moped driver after the drive system is  
15 engaged with the power unit. "Moped" does not include [~~an~~]  
16 electric foot [~~scooter.~~] scooters or low-speed electric



1 bicycles, as defined under title 15 United States Code section  
2 2085."

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

5 1. By amending the definition of "moped" to read:

6 "Moped" means a device upon which a person may ride that  
7 has two or three wheels in contact with the ground, a motor  
8 having a maximum power output capability measured at the motor  
9 output shaft, in accordance with the Society of Automotive  
10 Engineers standards, of two horsepower (one thousand four  
11 hundred ninety-two watts) or less and, if it is a combustion  
12 engine, a maximum piston or rotor displacement of 3.05 cubic  
13 inches (fifty cubic centimeters) and that will propel the moped,  
14 unassisted, on a level surface at a maximum speed no greater  
15 than thirty miles per hour; and a direct or automatic power  
16 drive system, [~~which~~] that requires no clutch or gear shift  
17 operation by the moped driver after the drive system is engaged  
18 with the power unit. "Moped" does not include [~~an~~] electric  
19 foot [~~scoter-~~] scooters or low-speed electric bicycles, as  
20 defined under title 15 United States Code section 2085."



1           2.    By deleting the definition of "bicycle":

2           [~~"Bicyele" means:~~

3           ~~(1) A device propelled solely by human power upon which~~  
4           ~~any person may ride, having two tandem wheels sixteen~~  
5           ~~inches in diameter or greater, and including any~~  
6           ~~device generally recognized as a bicycle though~~  
7           ~~equipped with two front or two rear wheels; or~~

8           ~~(2) A low speed electric bicycle, as defined under title~~  
9           ~~15 United States Code section 2085." ]~~

10           SECTION 3.   Section 291-21.3, Hawaii Revised Statutes, is  
11 amended by adding a new definition to be appropriately inserted  
12 and to read as follows:

13           "Motorized bicycle" does not include low-speed electric  
14 bicycles, as defined under title 15 United States Code section  
15 2085."

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

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

20           "Low-speed electric bicycle" shall have the same meaning  
21 as in title 15 United States Code section 2085."



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

2            "Bicycle" means:

3           (1) A vehicle propelled solely by human power upon which  
4                 any person may ride, having two tandem wheels, and  
5                 including any vehicle generally recognized as a  
6                 bicycle though equipped with two front or two rear  
7                 wheels except a toy bicycle; or

8           (2) A low-speed electric bicycle~~[, as defined under title~~  
9                 ~~15 United States Code section 2085]."~~

10          3. By amending the definition of "moped" to read:

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



1 operation by the moped driver after the drive system is engaged  
2 with the power unit. "Moped" does not include ~~[an]~~ electric  
3 foot ~~[scooter.]~~ scooters or low-speed electric bicycles."

4 SECTION 5. Section 291C-141, Hawaii Revised Statutes, is  
5 amended by amending subsection (c) to read as follows:

6 "(c) ~~[These]~~ Except as otherwise provided in section  
7 291C-143.5, these regulations applicable to bicycles shall apply  
8 whenever a bicycle is operated upon any highway or upon any  
9 bicycle path set aside for the preferential or exclusive use of  
10 bicycles subject to those exceptions stated herein."

11 SECTION 6. Section 291C-143, Hawaii Revised Statutes, is  
12 amended by amending subsection (b) to read as follows:

13 "(b) ~~[No]~~ Except as otherwise provided in section  
14 291C-143.5, no bicycle shall be used to carry more persons at  
15 one time than the number for which it is designed and equipped."

16 SECTION 7. Section 291C-143.5, Hawaii Revised Statutes, is  
17 amended to read as follows:

18 "~~[†]~~**§291C-143.5**~~[†]~~ **Low-speed electric bicycles**~~[, operator~~  
19 **age]**. (a) This section shall apply whenever a low-speed  
20 electric bicycle is operated upon any highway, street, roadway,



1 or other designated public area set aside for the use of  
2 low-speed electric bicycles.

3 (b) The counties by ordinance shall regulate operations of  
4 low-speed electric bicycles with regard to, but not limited to,  
5 the following:

6 (1) Operations in or upon roadways, bikeways, bicycle  
7 paths, and sidewalks;

8 (2) Storage and docking locations;

9 (3) Restrictions on maximum speed;

10 (4) Safety considerations; and

11 (5) Insurance requirements;

12 provided that no ordinance adopted in accordance with this  
13 subsection shall be less restrictive than the requirements set  
14 forth in this part.

15 (c) No person under the age of fifteen shall operate a  
16 low-speed electric bicycle [~~as defined under title 15 United~~  
17 ~~States Code section 2085.~~] on a highway, street, roadway, or any  
18 other public property in the State.

19 (d) No person shall operate a low-speed electric bicycle  
20 that is carrying any other person.



1       (e) No person other than the operator shall ride upon a  
2 low-speed electric bicycle.

3       (f) Any low-speed electric bicycle used from thirty  
4 minutes after sunset until thirty minutes before sunrise shall  
5 meet the specifications of, and requirements for, lamps and  
6 other equipment on bicycles as set forth in section 291C-147.

7       (g) No person shall operate a low-speed electric bicycle:

8       (1) At a speed other than is reasonable and prudent;  
9       provided that no person shall operate a low-speed  
10       electric bicycle at a speed greater than fifteen miles  
11       per hour; and

12       (2) Without having regard to the actual and potential  
13       hazards and conditions then existing.

14       (h) Any person who operates a low-speed electric bicycle  
15 recklessly in disregard for the safety of persons or property  
16 shall be assessed penalties as set forth in section 291C-161(b).

17       (i) In addition to any requirements provided under section  
18 291C-150(b), each entity that provides low-speed electric  
19 bicycles for hire shall provide to each renter or lessee a copy  
20 of the low-speed electric bicycle ordinances or rules that have  
21 been adopted by the applicable county.



1        (j) Low-speed electric bicycles shall only be stored or  
2 docked at specific locations that shall be authorized by the  
3 counties."

4        SECTION 8. Section 291C-147, Hawaii Revised Statutes, is  
5 amended by amending subsection (b) to read as follows:

6        "(b) Every bicycle, except low-speed electric bicycled,  
7 shall be equipped with a red reflector at least four square  
8 inches in size [~~which~~] that shall be visible for six hundred  
9 feet to the rear when directly in front of lawful lower beams of  
10 head lamps on a motor vehicle. Every low-speed electric bicycle  
11 shall be equipped with a lighted lamp that is visible from the  
12 read."

13        SECTION 9. Section 291C-148, Hawaii Revised Statutes, is  
14 amended by amending subsections (b) and (c) to read as follows:

15        "(b) [~~Unless~~] Except as otherwise provided in section  
16 291C-143.5 or otherwise prohibited[7] by law, rule, or  
17 ordinance, a bicycle may be driven at a speed of ten miles per  
18 hour or less on a sidewalk or sidewalk area; provided that the  
19 driver of the bicycle shall yield the right-of-way to any  
20 pedestrian and that bicycle riding shall be prohibited on  
21 sidewalks in business districts.





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1           (c) This section shall not be construed as preempting the  
 2 director of transportation's or counties' authority to control  
 3 parking on sidewalks under [~~section~~] sections 291C-114[-] and  
 4 291C-143.5. Nor shall this section be construed as prohibiting  
 5 the director or a county from authorizing parking on sidewalks  
 6 when the authorization is promulgated in accordance with  
 7 [~~section~~] sections 291C-114[-] or 291C-143.5."

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

- 11           "Vulnerable user" means:
- 12           (1) A pedestrian legally within a street or public
  - 13                 highway;
  - 14           (2) A roadway worker actually engaged in work upon a
  - 15                 street or public highway or in work upon utility
  - 16                 facilities along a street or public highway, or
  - 17                 engaged in the provision of emergency services within
  - 18                 a street or public highway, including but not limited
  - 19                 to:

- 1 (a) Construction and maintenance workers; and
- 2 (b) Police, fire, and other emergency responders; or
- 3 (3) A person legally operating any of the following within
- 4 the street or public highway:
- 5 (a) A bicycle;
- 6 (b) A moped;
- 7 (c) An electric foot scooter;
- 8 (d) An electric personal assistive mobility device;
- 9 [~~or~~]
- 10 (e) A wheelchair conveyance or other personal
- 11 mobility device[~~-~~]; or
- 12 (f) A low-speed electric bicycle, as defined under
- 13 title 15 United States Code section 2085."

14 SECTION 11. This Act does not affect rights and duties  
15 that matured, penalties that were incurred, and proceedings that  
16 were begun before its effective date.

17 SECTION 12. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.



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1 SECTION 13. This Act shall take effect upon its approval.

2

INTRODUCED BY: *Kurt Fevelh*



# S.B. NO. 267

**Report Title:**

Transportation; Low-Speed Electric Bicycles; Regulations

**Description:**

Amends various definitions of "moped" throughout the Hawaii Revised Statutes to exclude low-speed electric bicycles. Deletes an unused term from Chapter 286, Hawaii Revised Statutes. Establishes regulations for low-speed electric bicycles and clarifies the applicability of certain conflicting regulations that are applicable to all bicycles.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

