

ACT 262

S.B. NO. 700

A Bill for an Act Relating to Low-Speed Vehicles.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that there is a need to enact laws regarding the use of a low-speed motor vehicle known as the “neighborhood electric vehicle”.

A neighborhood electric vehicle is a small, enclosed, one or two passenger vehicle powered by rechargeable batteries and an electric motor. It is designed to be used in a city environment to run errands, commute to and from work or school, and to make small, local deliveries. Neighborhood electric vehicles are intended to be a lower cost, environmentally friendly alternative to larger gasoline automobiles and traditional utility vehicles. Transportation studies have demonstrated that the vast majority of vehicular trips within cities are short requiring nothing larger or more expensive than a neighborhood electric vehicle. They make sense because they are designed for the most common type of vehicle trip.

Neighborhood electric vehicles are small because, for most city trips, a small vehicle minimizes traffic and parking problems. They are enclosed so they can be used in windy, rainy weather. Neighborhood electric vehicles are electric for several

good reasons: electric motors do not create air pollution, they have powerful performance characteristics at low rpm, and they can re-charge from any 110 volt outlet. Neighborhood electric vehicles typically carry one person because most car trips in cities are made by only one person, and the vast majority of trips within cities are of a short distance (less than ten miles).

Cities around the world are literally being choked by air pollution and traffic congestion. In many urban and suburban settings, it is not healthy to go for a walk or ride a bike. In many cases, city dwellers need a vehicle to get to work, to school, shopping, or visit the doctor. Modern cities have been designed to accommodate the widespread use of automobiles, which has resulted in monumental social and environmental problems.

The solution is to use cleaner vehicles that do not pollute city air, to use small vehicles that are appropriate for local urban use, and to begin to change the design of cities so that fewer and shorter trips are needed to enjoy a pleasant lifestyle. Neighborhood electric vehicles can address these three solutions. Neighborhood electric vehicles are designed to minimize the social and environmental costs of urban transportation while providing people with an independent and low cost way of getting around town.

Transportation studies have repeatedly shown that seventy-five per cent of all travel in the United States is one person in a car going less than twenty-five miles in a day. This type of vehicular use is a very inefficient use of petroleum. Short trips cause the most pollution and the most wear and tear on the engine. Electric vehicles are much more appropriate for this type of travel, being efficient, non-polluting, and having minimal impact. Many people travel primarily in a local area, at about thirty miles an hour. If they would use a small, economical, environmentally friendly vehicle for those trips, they would save money, help the environment, reduce the need for more and wider streets, more parking lots, and garages. In addition, their gas vehicles would be used for more appropriate uses that are easier on their engines, the vehicles would last longer, and their mileage would stay low so the resale value would be higher.

The National Highway Traffic Safety Administration, responding to a growing public interest in using small four-wheeled passenger vehicles to make short trips within retirement and other planned communities, issued Federal Motor Vehicle Safety Standard No. 500, Low-Speed Vehicles (49 C.F.R. 571.500), effective June 17, 1998. That standard requires the use of basic safety equipment, including headlamps, front and rear turn signal lamps, taillamps, stop lamps, reflectors, mirrors, a parking brake, windshields and wipers, and seat belts, on "low-speed vehicles", defined as a four-wheeled motor vehicle, other than a truck, whose maximum speed is between twenty and twenty-five miles per hour. The principal vehicle in this class is the neighborhood electric vehicle. While the rule does not apply to golf carts, because their speed as manufactured is less than twenty miles per hour, if any golf cart is modified on and after June 17, 1998, so that its maximum speed is over twenty miles per hour, it must also conform to Standard No. 500.

The purpose of this Act is to regulate neighborhood electric vehicles in order to provide for an economical, alternative form of transportation, as well as to improve air quality and traffic safety and to reduce traffic congestion.

SECTION 2. Chapter 286, Hawaii Revised Statutes, is amended as follows:

1. By adding a new definition to section 286-2 to be appropriately inserted and to read:

““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).''

2. By amending subsection (b) of section 286-41 to read:

“(b) Application for the registration of a vehicle shall be made upon the appropriate form furnished by the director of finance and shall contain the name, occupation, and address of the owner and legal owner; and, if the applicant is a member of the United States naval or military forces, the applicant shall give the organization and station. All applications shall also contain a description of the vehicle, including the name of the maker, the type of fuel for the use of which it is adapted (e.g., gasoline, diesel oil, liquefied petroleum gas), the serial or motor number, and the date first sold by the manufacturer or dealer, and such further description of the vehicle as is called for in the form, and such other information as may be required by the director of finance, to establish legal ownership. A person applying for initial registration of a neighborhood electric vehicle shall certify in writing that a notice of the operational restrictions applying to the vehicle as provided in section 291C- are contained on a permanent notice attached to or painted on the vehicle in a location that is in clear view of the driver.’’”

SECTION 3. Chapter 291C, Hawaii Revised Statutes, is amended as follows:

1. By adding a new section to be appropriately designated and to read:

“**§291C- Neighborhood electric vehicles; speed; restrictions.** (a) A neighborhood electric vehicle shall not be operated at a speed of more than twenty-five miles per hour.

(b) A neighborhood electric vehicle shall not be driven on a highway that has a posted speed limit of more than thirty-five miles per hour. This subsection does not prohibit a neighborhood electric vehicle from crossing a highway that has a posted speed limit of more than thirty-five miles per hour at an intersection.

(c) A neighborhood electric vehicle shall have a notice of the operational restrictions applying to the vehicle permanently attached to or painted on the vehicle in a location that is in clear view of the driver.’’

2. By adding a new definition to section 291C-1 to be appropriately inserted and to read:

“‘‘**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).’’

3. By amending subsection (a) of section 291C-53 to read:

“(a) The director of transportation by rules adopted in accordance with chapter 91, and the counties by ordinance, may regulate or prohibit the use of any

controlled-access roadway or highway within their respective jurisdictions by any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic. Persons operating motorcycles which are otherwise permitted on a controlled-access roadway or highway shall be permitted to use any high occupancy vehicle lane designated on such roadway or highway. For the purposes of this subsection, "high occupancy vehicle lane" means a designated lane of a laned roadway where the use of such designated lane is restricted to vehicles carrying at least two persons and to other vehicles as provided by rules adopted in accordance with chapter 91, or by county ordinance. Notwithstanding any law to the contrary, no person shall operate a neighborhood electric vehicle on any controlled-access roadway or highway."

4. By amending subsection (a) of section 291C-130 to read:

"(a) Any vehicle, or combination of vehicles, designed to operate at a speed of twenty-five miles per hour or less, including a neighborhood electric vehicle, and traveling on a public highway, [shall,] except when guarded by a flagperson or a flare, or unless provided by ordinance, shall display a triangular slow moving vehicle emblem meeting ASAE Standard S276.2 as developed by the American Society of Agricultural Engineers, mounted on the rear of the vehicle, or combination of vehicles, base down and at a height of not less than three nor more than five feet from the ground to base."

SECTION 4. The director of transportation shall adopt rules pursuant to chapter 91, Hawaii Revised Statutes, as may be necessary to regulate the use of neighborhood electric vehicles.

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

SECTION 6. Statutory material to be repealed is bracketed. New statutory material is underscored.¹

SECTION 7. This Act shall take effect upon its approval.

(Approved July 6, 1999.)

Note

1. Edited pursuant to HRS §23G-16.5.