

JAN 27 2021

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 XII to be appropriately
3 designated and to read as follows:

4 "§291C- **Electric foot scooters.** (a) This section
5 shall apply whenever an electric foot scooter is operated upon
6 any highway, roadway, or other designated public area set aside
7 for the use of electric foot scooters. Every person operating
8 an electric foot scooter upon a roadway shall be granted all of
9 the rights and shall be subject to all of the duties applicable
10 to a driver of a vehicle under this chapter, except as to
11 provisions of this:

12 (1) Section to the contrary; and

13 (2) Chapter that, by their nature, can have no
14 application.

15 (b) The counties by ordinance shall regulate operations of
16 electric foot scooters with regard to, but not limited to, the
17 following:



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

3 (2) Restrictions on maximum speed;

4 (3) Safety considerations; and

5 (4) Insurance requirements;

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

9 (c) No person shall operate an electric foot scooter that
10 is carrying any other person, nor shall any person other than
11 the operator ride upon an electric foot scooter.

12 (d) No person operating an electric foot scooter shall
13 carry any package, bundle, or article that prevents the use of
14 both hands in the control and operation of the electric foot
15 scooter.

16 (e) Any electric foot scooter used from thirty minutes
17 after sunset until thirty minutes before sunrise shall be
18 equipped as provided in section 291C-147; provided that,
19 notwithstanding section 291C-147(b), every electric foot scooter
20 shall be equipped with a lighted lamp that is visible from the
21 rear.



1 (f) No person shall operate an electric foot scooter at a
2 speed other than is reasonable and prudent and having regard to
3 the actual and potential hazards and conditions then existing;
4 provided that no person shall operate an electric foot scooter
5 at a speed greater than fifteen miles per hour.

6 (g) Any person who operates an electric foot scooter
7 recklessly in disregard of the safety of persons or property
8 shall be assessed penalties as set forth in section 291C-161.

9 (h) A person or entity that provides electric foot
10 scooters for hire shall not rent or lease an electric foot
11 scooter to any person unless each renter or lessee is provided
12 with a copy of the electric foot scooter ordinances or rules
13 that have been adopted by the applicable county.

14 (i) An electric foot scooter shall be registered in a
15 manner similar to a low-speed electric bicycle, and shall be
16 subject to a permanent registration fee of \$30, which shall be
17 paid by the owner to the director of finance."

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

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



1 "Electric foot scooter" means a device equipped with an
2 electric motor and that weighs less than seventy-five pounds;
3 has two or three wheels, handlebars, and a floorboard that can
4 be stood upon while riding; is solely propelled by electric or
5 human power; and that has a maximum speed that does not exceed
6 fifteen miles per hour on a paved level surface, with or without
7 human propulsion."

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

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



1 with the power unit. "Moped" does not include an electric foot
2 scooter."

3 SECTION 3. 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 equipped with an
8 electric motor and that weighs less than seventy-five pounds;
9 has two or three wheels, handlebars, and a floorboard that can
10 be stood upon while riding; is solely propelled by electric or
11 human power; and that has a maximum speed that does not exceed
12 fifteen miles per hour on a paved level surface, with or without
13 human propulsion."

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

15 "Moped" means a device upon which a person may ride
16 [which] that has two or three wheels in contact with the ground,
17 a motor having a maximum power output capability measured at the
18 motor output shaft, in accordance with the Society of Automotive
19 Engineers standards, of two horsepower (one thousand four
20 hundred ninety-two watts) or less and, if it is a combustion
21 engine, a maximum piston or rotor displacement of 3.05 cubic



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

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

11 **"§291-31.5 Blue lights prohibited for motor vehicles,**
12 **motorcycles, motor scooters, bicycles, electric foot scooters,**
13 **and mopeds.** (a) No person shall knowingly operate, affix or
14 cause to be affixed, display, or possess any lamp, reflector, or
15 illumination device that appears to be the color blue, or colors
16 blue and red, upon any motor vehicle, motorcycle, motor scooter,
17 bicycle, electric foot scooter, or moped, except for:

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



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

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

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

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

16 SECTION 5. 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 "Electric foot scooter" means a device equipped with an
21 electric motor and that weighs less than seventy-five pounds;



1 has two or three wheels, handlebars, and a floorboard that can
2 be stood upon while riding; is solely propelled by electric or
3 human power; and that has a maximum speed that does not exceed
4 fifteen miles per hour on a paved level surface, with or without
5 human propulsion."

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

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



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

3 "(a) No person shall drive any vehicle other than a
4 bicycle, electric foot scooter, or moped upon a bicycle lane or
5 bicycle path, except upon a permanent or authorized temporary
6 driveway, or park any vehicle upon a bicycle lane or bicycle
7 path; provided that any vehicle may be driven or parked in a
8 bicycle lane or bicycle path as applicable if:

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



1 SECTION 7. 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;
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[-]; or
- 3 (e) An electric foot scooter."

4 SECTION 8. This Act does not affect rights and duties that
 5 matured, penalties that were incurred, and proceedings that were
 6 begun before its effective date.

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

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

10

INTRODUCED BY: 



S.B. NO. 1007

Report Title:

Electric Foot Scooters; Regulation

Description:

Establishes a framework for the regulation of electric foot scooters by the State and counties. Amends definitions of "moped" to exclude electric foot scooters.

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

