

JAN 18 2019

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# 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 relating to bicycles. (a) Every person operating an electric  
6 foot scooter upon a roadway shall be granted all of the rights  
7 and shall be subject to all of the duties applicable to a rider  
8 of a bicycle under this part, except as to:

9 (1) Provisions of this section to the contrary; and  
10 (2) Provisions of this part which by their nature can have  
11 no application.

12 (b) An electric foot scooter may be parked on a sidewalk  
13 in a manner not impeding the normal or reasonable movement of  
14 pedestrian or other traffic.

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



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

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

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

8        "Electric foot scooter" means a device weighing less than  
9 one hundred pounds with two or three wheels, handlebars, and a  
10 floorboard that can be stood upon while riding, which is solely  
11 powered by an electric motor or human power and whose maximum  
12 speed, with or without human propulsion on a paved level  
13 surface, is no more than twenty miles per hour."

14        2. By amending the definitions of "moped" and "motor  
15 vehicle" 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 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 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 "Motor vehicle" means every vehicle which is self-propelled  
10 and every vehicle which is propelled by electric power but which  
11 is not operated upon rails, but excludes mopeds[-] and electric  
12 foot scooters."

13 3. By amending the definition of "vehicle" to read:

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

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



1        "Rental motor vehicle" or "vehicle" means every vehicle  
2 which is:

- 3        (1) Self-propelled and every vehicle which is propelled by  
4        electric power but which is not operated upon rails  
5        which is rented or leased or offered for rent or lease  
6        in this State, whether for personal or commercial use,  
7        for a period of six months or less; and  
8        (2) Designed to carry seventeen passengers or fewer.

9        "Rental motor vehicle" or "vehicle" shall not include:

- 10       (1) Mopeds and electric foot scooters as defined in  
11       section 286-2;  
12       (2) Any trucks, truck-tractors, tractor-semitrailer  
13       combinations, or truck-trailer combinations, with:  
14       (A) A manufacturer's nominal carrying capacity of one  
15       thousand pounds or more; and  
16       (B) A barrier or separation between the operator's  
17       compartment and the cargo area; and  
18       (3) Cargo vans with no more than two seats, including the  
19       driver's seat; provided that vans with a recreational  
20       vehicle converter package and vans with quick release



1 passenger seats shall not be classified as cargo  
2 vans."

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

5 "§271-4 Definitions. As used in this chapter:

6 (1) "Chapter" means the Motor Carrier Law.

7 (2) "Commission" means the public utilities commission.

8 (3) "Person" or "persons" means any individual, firm,  
9 copartnership, corporation, company, association, or  
10 joint stock association; and includes any trustee,  
11 receiver, assignee, or personal representative  
12 thereof.

13 (4) "Certificate" means a certificate of public  
14 convenience and necessity issued under this chapter to  
15 common carriers by motor vehicle.

16 (5) "Permit" means a permit issued under this chapter to  
17 contract carriers by motor vehicle.

18 (6) "Transportation of persons" includes every service in  
19 connection with or incidental to the safety, comfort,  
20 or convenience of persons transported and the receipt,



1 carriage, and delivery of these persons and their  
2 baggage.

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

10 (8) "Motor vehicle" means any vehicle, machine, tractor,  
11 trailer, or semitrailer propelled or drawn by  
12 mechanical power and used upon the highways in the  
13 transportation of passengers or property, or any  
14 combination thereof determined by the commission, but  
15 does not include any vehicle, locomotive, or car  
16 operated exclusively on a rail or rails or a trolley  
17 bus operated by electric power derived from a fixed  
18 overhead wire, furnishing local passenger  
19 transportation similar to street-railway service[-],  
20 or an electric foot scooter as defined in section  
21 291C-1.



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



1 transportation services through the assignment of  
2 motor vehicles for a continuing period of time to the  
3 exclusive use of each person served; or for the  
4 furnishing of transportation services designed to meet  
5 the distinct need of each individual customer.

6 (13) "Motor carrier" includes both a common carrier by  
7 motor vehicle and a contract carrier by motor vehicle.

8 (14) "Private carrier of property by motor vehicle" means  
9 any person not included in the terms "common carrier  
10 by motor vehicle" or "contract carrier by motor  
11 vehicle", who or that transports by motor vehicle  
12 property of which the person is the owner, lessee, or  
13 bailee, when such transportation is for the purpose of  
14 sale, lease, rent, or bailment, or in the furtherance  
15 of any commercial enterprise.

16 (15) "Enforcement officer" means any person employed and  
17 authorized by the commission to investigate any matter  
18 on behalf of the commission. The term also means a  
19 motor vehicle safety officer employed and assigned,  
20 pursuant to section 271-38, by the department of  
21 transportation to enforce sections 271-8, 271-12, 271-





1           13, 271-19, and 271-29 through the assessment of civil  
2           penalties as provided in section 271-27(h), (i), and  
3           (j)."

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

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

8           "Electric foot scooter" means a device weighing less than  
9 one hundred pounds with two or three wheels, handlebars, and a  
10 floorboard that can be stood upon while riding, which is solely  
11 powered by an electric motor or human power and whose maximum  
12 speed, with or without human propulsion on a paved level  
13 surface, is no more than twenty miles per hour."

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

15          "Moped" means a device upon which a person may ride which  
16 has two or three wheels in contact with the ground, a motor  
17 having a maximum power output capability measured at the motor  
18 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 3. By amending the definition of "motor vehicle" to read:  
9 ""Motor vehicle" means every vehicle which is self-  
10 propelled and every vehicle which is propelled by electric power  
11 but which is not operated upon rails, but excludes a moped[-]  
12 and an electric foot scooter."

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

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



1           "§291-31.5 Blue lights prohibited for motor vehicles,  
2 motorcycles, motor scooters, bicycles, electric foot scooters,  
3 and mopeds. (a) No person shall knowingly operate, affix or  
4 cause to be affixed, display, or possess any lamp, reflector, or  
5 illumination device that appears to be the color blue, or colors  
6 blue and red, upon any motor vehicle, motorcycle, motor scooter,  
7 bicycle, electric foot scooter or moped except for:

8           (1) County law enforcement vehicles authorized and  
9           approved by the chief of police of the county in which  
10          the vehicle is operated;

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

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

20          (4) Department of transportation division of harbors law  
21          enforcement vehicles with blue and red lamps,



1 reflectors, or illumination devices authorized and  
2 approved by the director of transportation.

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

5 SECTION 7. Section 291C-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 one hundred pounds with two or three wheels, handlebars, and a  
11 floorboard that can be stood upon while riding, which is solely  
12 powered by an electric motor or human power and whose maximum  
13 speed, with or without human propulsion on a paved level  
14 surface, is no more than twenty miles per hour."

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 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 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 not operated upon rails but excludes a moped[-] and an  
13 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 roadway or highway, including mopeds and bicycles, but excluding  
18 toy bicycles, devices other than bicycles moved by human power,  
19 electric foot scooters, and devices used exclusively upon  
20 stationary rails or tracks."



1 SECTION 8. 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."

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



1           "(c) These regulations applicable to bicycles and electric  
2 foot scooters shall apply whenever a bicycle or electric foot  
3 scooter is operated upon any highway or upon any bicycle path  
4 set aside for the preferential or exclusive use of bicycles or  
5 electric foot scooters subject to those exceptions stated  
6 herein."

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

10           "Vulnerable user" means:

- 11           (1) A pedestrian legally within a street or public  
12 highway;
- 13           (2) A roadway worker actually engaged in work upon a  
14 street or public highway or in work upon utility  
15 facilities along a street or public highway, or  
16 engaged in the provision of emergency services within  
17 a street or public highway, including but not limited  
18 to:
- 19           (a) Construction and maintenance workers; and  
20           (b) Police, fire, and other emergency responders; or



- 1 (3) A person legally operating any of the following within
- 2 the street or public highway:
- 3 (a) A bicycle[+] or electric foot scooter;
- 4 (b) A moped;
- 5 (c) An electric personal assistive mobility device;
- 6 or
- 7 (d) A wheelchair conveyance or other personal
- 8 mobility device."

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

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

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

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INTRODUCED BY: *Marianne L. Snow*

*[Signature]*  
*Krist Ferrell*

*Anna Miranda*  
*Michelle Tedani*

*[Signature]*  
*[Signature]*



# S.B. NO. 665

**Report Title:**

Electric Foot Scooters; Bicycles; Traffic Laws

**Description:**

Defines electric foot scooters and clarifies that laws relating to bicycles in general also apply to 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.*

