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 XII 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 upon any highway, roadway, or other designated public area set aside for the use of electric foot scooters. Every person operating an electric foot scooter upon a roadway 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 provisions of this:

(1) Section to the contrary; and

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

(b) The counties by ordinance shall regulate operations of electric foot scooters with regard to, but not limited to the following:
(1) Operations in or upon roadways, bikeways, bicycle
paths, and sidewalks;
(2) Restrictions on maximum speed;
(3) Safety considerations; and
(4) Insurance requirements;
provided that no authority adopted in accordance with this
subsection shall be less restrictive than the requirements set
forth in this section.

(c) No person under fifteen years of age shall operate an
electric foot scooter on a highway, street, roadway, or any
other public property in the State. No person under sixteen
years of age shall operate an electric foot scooter unless the
person wears a safety helmet securely fastened with a chin
strap. The safety helmet shall meet the specifications of and
requirements for a bicycle helmet as set out in section
291C-150.

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

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

(f) Any electric foot scooter used from thirty minutes
after sunset until thirty minutes before sunrise shall be
equipped as provided in section 291C-147; provided that in lieu
of the requirement of section 291C-147(b), every electric foot
scooter shall be equipped with a lighted lamp that is visible
from the rear.

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

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

(i) A person or entity that provides electric foot
scooters for hire shall not rent or lease an electric foot
scooter to any person unless:
(1) Each renter or lessee that is under the age of sixteen wears a safety helmet, as required in subsection (c), while operating the electric foot scooter; and

(2) Each renter or lessee is provided with a copy of the electric foot scooter ordinances or rules that have been adopted by the applicable county.

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

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

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

"'Electric foot scooter' means a device weighing less than seventy-five pounds, with two or three wheels, handlebars, and a floorboard that can be stood upon while riding, that is solely powered by an electric motor or human power, and whose maximum speed, with or without human propulsion on a paved level surface, does not exceed fifteen miles per hour."

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. "Moped" does not include an electric foot scooter."

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

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

"Electric foot scooter" means a device weighing less than seventy-five pounds, with two or three wheels, handlebars, and a floorboard that can be stood upon while riding, that is solely
powered by an electric motor or human power, and whose maximum
speed, with or without human propulsion on a paved level
surface, does not exceed fifteen miles per hour."

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

"Moped" means a device upon which a person may ride
[which] that 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
ingine, a maximum piston or rotor displacement of 3.05 cubic
inches (fifty cubic centimeters) and which will propel the
moped, 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. "Moped" does not include an electric foot
scooter."

SECTION 4. Section 291-31.5, Hawaii Revised Statutes, is
amended by amending its title and subsection (a) to read as
follows:
"§291-31.5 Blue lights prohibited for motor vehicles, motorcycles, motor scooters, bicycles, electric foot scooters, and mopeds. (a) No person shall knowingly operate, affix or cause to be affixed, display, or possess any lamp, reflector, or illumination device that appears to be the color blue, or colors blue and red, upon any motor vehicle, motorcycle, motor scooter, bicycle, electric foot scooter, or moped, except for:

(1) County law enforcement vehicles authorized and approved by the chief of police of the county in which 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 and to read:

"Electric foot scooter" means a device weighing less than seventy-five pounds, with two or three wheels, handlebars, and a floorboard that can be stood upon while riding, that is solely powered by an electric motor or human power, and whose maximum speed, with or without human propulsion on a paved level surface, does not exceed fifteen miles per hour."

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

"Moped" means a device upon which a person may ride [which] that 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] that requires no clutch or gear shift operation by the moped driver after the drive system is engaged with the power unit. "Moped" does not include an electric foot scooter."

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

(1) It is in the process of executing a legal turn, lane change, or parking maneuver;

(2) It is an authorized emergency vehicle performing the functions under section 291C-26;"
(3) It is an official federal, state, or county vehicle in the performance of its actual duty;
(4) It is a stalled or broken vehicle;
(5) It is necessary to assist a stalled or broken vehicle;
(6) It is necessary to yield to an authorized emergency vehicle pursuant to section 291C-65; or
(7) It is otherwise provided by law."

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

"Vulnerable user" means:

(1) A pedestrian legally within a street or public highway;
(2) A roadway worker actually engaged in work upon a street or public highway or in work upon utility facilities along a street or public highway, or engaged in the provision of emergency services within a street or public highway, including but not limited to:
(a) Construction and maintenance workers; and
(b) Police, fire, and other emergency responders; or
(3) A person legally operating any of the following within the street or public highway:

(a) A bicycle;
(b) A moped;
(c) An electric foot scooter;
(d) An electric personal assistive mobility device; or
(e) A wheelchair conveyance or other personal mobility device."

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

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

SECTION 10. This Act shall take effect on July 1, 2050.
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. Takes effect on 7/1/2050. (HD1)

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