# HONOLULU CITY COUNCIL

*KE KANIHELA O KE KALANA O HONOLULU*

CITY AND COUNTY OF HONOLULU

No. 24-199

## RESOLUTION

URGING THE HAWAI'I STATE LEGISLATURE TO UPDATE AND CLARIFY THE HAWAI'I LAWS RELATING TO ELECTRIC BICYCLES AND ELECTRIC DIRT BIKE MOTORCYCLES.

WHEREAS, the use of electric bicycles ("e-bikes") and the unlawful use of electric dirt bike motorcycles ("dirt bikes") masquerading as e-bikes on or in the public roads, streets, bicycle paths and lanes, sidewalks, parks, and open spaces has increased dramatically in recent years, with 5,300 e-bikes registered as of March 2023; and

WHEREAS, under Section 291C-1, Hawaii Revised Statutes ("HRS"), an e-bike in Hawai'i is defined as a "low speed electric bicycle" that is "a two- or three-wheeled vehicle with fully operable pedals and an electric motor of less than 750 watts (1 horsepower), whose maximum speed on a paved level surface, when powered solely by such a motor while ridden by an operator who weighs 170 pounds, is less than 20 miles per hour ("mph")" (referencing title 15 United States Code section 2085); and

WHEREAS, e-bikes in Hawai'i are regulated as bicycles under the Statewide Traffic Code (HRS Chapter 291C) and applicable county regulations enacted pursuant to authority granted to the counties by the State under HRS Sections 291C-163, -145(g), and -162; and

WHEREAS, the Statewide Traffic Code provides that e-bike riders (and all bicycle riders) riding upon a roadway generally have the same rights and duties as other vehicle drivers and must follow all traffic laws and obey all official traffic control signals, signs, and other devices applicable to vehicles, except as provided by specific regulations applicable to bicycle riders; and

WHEREAS, unlike 41 other states as of July 2023, Hawai'i does not follow the 3-class system under which e-bikes are categorized by their speeds and level of assistance, as follows: Class 1 – A bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour; Class 2 – A bicycle equipped with a motor that may be used exclusively to propel the bicycle, and that is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour; and Class 3 – A bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour and is equipped with a speedometer; and

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WHEREAS, while only e-bikes that would be classified in Class 1 may be lawfully operated on Hawai'i's public roadways, e-bikes that operate at speeds exceeding Class 1 and even beyond speeds permitted in Class 3 ("out-of-class" e-bikes) are frequently driven on public roadways; and

WHEREAS, numerous public complaints have been received involving e-bike riders failing to observe the applicable laws, including riding on sidewalks in Honolulu; riding in parks and open spaces; riding without a helmet when required; failing to observe rules of the road in traffic (e.g., weaving between lanes of traffic, or against or perpendicular to the flow of traffic); failing to observe speed limits and traffic signals; failing to yield to pedestrians; and performing "wheelies" and other stunts on City roadways; among other things; and

WHEREAS, enforcement of laws relating to e-bikes is complicated by: (1) the complexity of the applicable laws; and (2) the difficulty in visually distinguishing an e-bike from an electric dirt bike or an e-bike that exceeds the power specifications of a "low speed electric bicycle" under the Statewide Traffic Code; and

WHEREAS, e-bikes are easily confused with electric dirt bikes, which are a type of two-wheeled, off-highway (or off-road) vehicle capable of driving off paved or gravel surfaces, such as trail and forest roads with rough terrain; and

WHEREAS, unlike e-bikes, dirt bikes are not "bicycles" under State legal definitions because they lack operable foot pedals and most have a maximum speed capacity that greatly exceeds 20 mph (some up to 90 mph); and fall instead under the State law definitions of a "motorcycle" (HRS Sections 286-2 and 291C-1); and

WHEREAS, State law effectively prohibits the operation of dirt bikes on public streets and highways, confining the lawful operation of dirt bikes to certain State and private lands pursuant to Chapter 13-146, Hawaii Administrative Rules (Department of Land and Natural Resources); and

WHEREAS, e-bikes and dirt bikes operated by lithium-ion batteries are potential fire hazards if damaged, overheated, overcharged, or not properly stored; and

WHEREAS, irrespective of governing laws, e-bikes and dirt bikes mistaken for e-bikes are reportedly driven in prohibited locations, such as sidewalks and, for dirt bikes, public streets and highways, endangering pedestrians, motorists, bike riders and passengers, and others; and

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WHEREAS, in 2024, unlawful operation of e-bikes and dirt bikes has played a part in a spate of e-bike and dirt bike accidents, including the death of an electric dirt bike rider not wearing a helmet after being hit by a motorist when the rider was turning against a red-light signal in urban Honolulu and the critical injury of a child e-bike rider who disregarded a stop signal; and

WHEREAS, the City Council ("Council") has strong concerns regarding the safety of the public; the lack of public knowledge of the laws related to e-bikes and dirt bikes; and the unlawful operation of e-bikes and dirt bikes on the City's roads, streets, bicycle paths and lanes, sidewalks, parks, and open spaces; and

WHEREAS, the Council believes that updating and clarifying State laws defining and regulating e-bikes and electric dirt bikes is critical to safeguarding public health and safety and reducing the dangers of traveling on public roadways; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that it urges the Hawai'i State Legislature to update and clarify Hawai'i laws relating to e-bikes and electric dirt bikes to:

1. Define "e-bikes" as distinguished from other bicycles; incorporate the 3-class system, as appropriate; and address out-of-class e-bikes;

2. Update e-bike laws to reflect existing technology;

3. Add registration and license requirements for e-bikes, separate from traditional bicycles, with increased fees for e-bikes that can operate over 30 mph;

4. Define and update laws applicable to "electric dirt bikes";

5. Clarify rules for maintaining and storing e-bikes and electric dirt bikes and address lithium-ion battery-related fire hazards;

6. Clarify e-bike rider and passenger helmet requirements and age limits; and

7. Penalize responsible persons when a minor operates an e-bike or dirt bike unlawfully, and increase penalties for violations; and

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BE IT FINALLY RESOLVED that copies of this resolution be transmitted to the Governor and Attorney General of the State of Hawai'i; the President of the Hawai'i State Senate, the Speaker of the Hawai'i State House of Representatives; the Mayor; the Chief of Police; and the Director of the Department of Transportation.

INTRODUCED BY:

Val A. Okimoto

DATE OF INTRODUCTION:

JUL 26 2024

Honolulu, Hawai'i

Councilmembers

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

# CERTIFICATE

**RESOLUTION 24-199**

Introduced: 07/26/24 By: VAL OKIMOTO Committee: TRANSPORTATION (TRANS)

Title: URGING THE HAWAII STATE LEGISLATURE TO UPDATE AND CLARIFY THE HAWAII LAWS RELATING TO ELECTRIC BICYCLES AND ELECTRIC DIRT BIKE MOTORCYCLES.

Voting Legend: * = Aye w/Reservations

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|---|---|---|
| 07/26/24 | INTRO | Introduced. |
| 09/04/24 | CCL | Adopted.<br><br>8 AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, TULBA, TUPOLA, WATERS, WEYER<br><br>1 ABSENT: SAY |

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.

GLEN I. TAKAHASHI, CITY CLERK

TOMMY WATERS, CHAIR AND PRESIDING OFFICER