

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_

**A BILL FOR AN ORDINANCE AMENDING CHAPTER 16,  
KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO  
THE TRAFFIC CODE**

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BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII:

SECTION 1. Findings and Purpose. The Council finds an alarming increase in emergency response calls and injuries directly resulting from accidents involving electric bicycles ("e-bikes"), occurring particularly among young teenagers and children. These generally high-speed devices are linked to a higher incidence of preventable and severe injuries as well as declining helmet usage, which the Council finds as adequate reasons to enhance public safety by regulating the use of e-bikes in the community and clarifying the permitted use of e-bikes on public streets and roads. Therefore, the purpose of this Ordinance is to create necessary definitions for emerging technologies and an accompanying new section to Chapter 16 ("Traffic Code"), Kaua'i County Code 1987, as amended, that addresses e-bikes and their safe, allowable use on public roads, thereby reducing the frequency and severity of e-bike-related incidents.

SECTION 2. Chapter 16, Article 1, Section 16-1.3 (Definitions), Kaua'i County Code 1987, as amended, is hereby amended by adding the following new definitions to be alphabetically inserted:

"Bicycle" means the same as defined in Hawai'i Revised Statutes (HRS) Section 291C-1 but shall not include electric bicycles."

"Electric bicycle" or "e-bike" means a bicycle equipped with fully-operable pedals and an electric motor of no more than seven hundred fifty (750) watts, capable of speeds up to twenty-eight (28) miles per hour."

"High-speed electric device" means any device with a motor exceeding seven hundred fifty (750) watts or capable of speeds over twenty-eight (28) miles per hour, but does not include a four-wheeled vehicle, moped, or motorcycle that can legally be operated on a road or street."

SECTION 3. Chapter 16, Article 16 (Operation of Bicycles and Other Play Vehicles, Carts, Motorcycles and Motorscooters), Kaua'i County Code 1987, as amended, is hereby amended by appropriately inserting a new section, Section 8, to read as follows:

**“Sec. 16-16.8 Safe Driving of Bicycles Equipped with Motors on Public Streets, Paths, or Trails.**

“(a) Except as otherwise allowed by law, no high-speed electric device may be operated on any public street, highway, sidewalk, alley, path, or trail, including a bicycle path as defined by Section 16-1.3.

“(b) An electric bicycle may be operated only with all of the bicycle’s wheels facing forward and in contact with the ground at all times, and with the operator seated astride, with one leg on each side of a permanent seat; provided that it is not a violation of this subsection if a wheel of the bicycle loses contact with the ground briefly due to the condition of the road surface or other circumstances beyond the control of the operator.

“(c) It is unlawful for an individual to operate an electric bicycle in an unsafe or otherwise hazardous manner, or engage in exhibition driving on any public street, highway, alley, path, trail, or other public right-of-way; provided that this subsection does not apply to an individual engaging in exhibition riding as part of a parade, tournament, or other activity permitted by the County.

“(d) An individual operating an electric bicycle shall not:

1. Stand or kneel on any seat, ride on the bicycle’s handlebars, or engage in any other non-standard riding position; or
2. Perform a maneuver where one (1) or more wheels are intentionally lifted from the ground; or
3. Engage in any other maneuver that endangers the operator, passenger, or any other person, or that demonstrates reckless or negligent operation of the device; or
4. Carry more persons at one time than the number of persons for which the device was originally designed and equipped; or
5. Cling or attach oneself to any vehicle or other bicycle or electric bicycle being operated on or otherwise present upon a roadway.

“(e) All persons under eighteen (18) years of age operating an electric bicycle shall wear a helmet specifically designed for bicycle purposes and equipped with a chin strap, which meets the helmet testing and design requirements of HRS Section 291C-150(a). A violation of this subsection shall be punishable by a fine of not more than twenty-five dollars (\$25).

(f) Violation of this Section shall constitute a civil traffic infraction.

(g) Every person who violates this Section where another penalty is not provided shall be fined one hundred fifty dollars (\$150)."

SECTION 4. If any provision of this Ordinance or application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

SECTION 5. Ordinance material to be repealed is bracketed. New Ordinance material is underscored. When revising, compiling, or printing this Ordinance for inclusion in the Kaua'i County Code 1987, as amended, the brackets, bracketed material, and underscoring shall not be included.

SECTION 6. This Ordinance shall take effect upon its approval.

Introduced by:



MEL RAPOZO

DATE OF INTRODUCTION:

Lihu'e, Kaua'i, Hawai'i

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