
A BILL FOR AN ACT

RELATING TO MOPEDS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 286-21, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§286-21 Vehicles and mopeds without required equipment or**
4 **in unsafe condition.** No person shall drive or cause to move on
5 any highway any motor vehicle, moped, trailer, semitrailer, or
6 pole trailer, or any combination thereof, unless the equipment
7 thereon is in good working order and adjustment as required in
8 this part [~~so as not to~~] or does not endanger the driver or
9 other occupant or any person upon the highway."

10 SECTION 2. Section 286-22, Hawaii Revised Statutes, is
11 amended by amending subsections (a) to (c) to read as follows:

12 "(a) The chief of police or any police officer of any
13 county [~~may~~], at any time when the chief of police or police
14 officer has reasonable cause to believe that a vehicle or moped
15 is unsafe or not equipped as required by law, may require the
16 owner or driver of the vehicle or moped to submit the vehicle or
17 moped to an inspection or make the necessary corrections or
18 repairs.



1 (b) If the vehicle or moped is found to be in an unsafe
2 condition or if any required part or equipment is not present or
3 if any required part or equipment is present but not in proper
4 repair, the officer shall issue a citation to the owner or
5 driver stating the reasons that the vehicle or moped is deemed
6 unsafe or not equipped as required and shall require that a new
7 certificate of inspection as provided in section 286-26 be
8 obtained within five days or that the defect be cured.

9 (c) If upon inspection, the chief of police or any police
10 officer determines that any vehicle or moped is in such unsafe
11 condition as to constitute a menace to the public or is not
12 equipped as required and cannot reasonably be restored to a safe
13 condition or equipped as required in this part, the chief of
14 police or police officer shall remove the sticker [~~which~~] that
15 signifies the certificate of inspection, as to vehicles, and
16 inform the director of finance who shall [~~forthwith~~] immediately
17 suspend the registration of the vehicle and give notice of the
18 suspension to its owner. Whenever the director of finance has
19 suspended the registration of any vehicle under this part, the
20 owner of the vehicle shall immediately surrender and forward to
21 the director of finance the certificate of registration and the



1 license plates last issued upon registration of the vehicle for
2 the current year."

3 SECTION 3. Section 286-23, Hawaii Revised Statutes, is
4 amended by amending subsection (b) to read as follows:

5 "(b) No person shall operate any vehicle or moped after
6 receiving a citation with reference thereto as provided in
7 section 286-22(b), except that if the driver is authorized to do
8 so by the police officer, the driver may return the vehicle or
9 moped to the driver's residence or place of business or the
10 residence or place of business of the owner of the vehicle[~~r~~] or
11 moped or to an automotive repair shop, if within a distance of
12 twenty miles, until a certificate of inspection is obtained or
13 the necessary corrections or repairs are made."

14 SECTION 4. Section 286-24, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "~~§286-24 [Registered owner's responsibility; registration~~
17 ~~plates as prima facie evidence as to the fault of the registered~~
18 ~~owner.] Responsibility of owner or operator for violation. In any
19 proceeding for violation of this part, the registered owner or
20 operator of a vehicle or moped shall be deemed responsible for the
21 [~~unsafe condition~~] operation of the vehicle[~~r~~] or moped in an unsafe
22 condition or while equipped other than as required."~~



1 SECTION 5. Section 286-25, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§286-25 **Operation of a vehicle or moped without a**
4 **certificate of inspection.** Whoever operates, permits the
5 operation of, causes to be operated, or parks any vehicle or
6 moped on a public highway without a current official certificate
7 of inspection, issued under section 286-26, shall be fined not
8 more than \$100."

9 SECTION 6. Section 286-26, Hawaii Revised Statutes, is amended
10 as follows:

11 1. By amending subsections (b) and (c) to read:

12 "(b) All other vehicles, including motorcycles, mopeds,
13 trailers, semitrailers, and pole trailers having a gross vehicle
14 weight rating of 10,000 pounds or less, and antique motor
15 vehicles as defined in section 249-1, except those in
16 subsections (c) and (d), shall be certified as provided in
17 subsection (e) every twelve months; provided that any vehicle to
18 which this subsection applies shall not require inspection
19 within two years of the date on which the vehicle was first
20 sold.



1 (c) Any vehicle or moped that has been involved in an
2 accident shall be certified as provided in subsection (e) before
3 it is operated again if:

4 (1) It is determined by a police officer or an insurer
5 that the vehicle's equipment has been damaged so as to
6 render the vehicle unsafe; or

7 (2) It is rebuilt or restored."

8 2. By amending subsection (e) to read:

9 "(e) Upon application for a certificate of inspection to
10 be issued for a vehicle~~[7]~~ or moped, an inspection as prescribed
11 by the director under subsection (g) shall be conducted on the
12 vehicle~~[7]~~ or moped, and if the vehicle or moped is found to be
13 in a safe operating condition, a certificate of inspection shall
14 be issued upon payment of a fee to be determined by the
15 director. The certificate for a vehicle shall state the
16 effective date, the termination date, the name of the issuing
17 insurance carrier, and the policy number of the motor vehicle
18 insurance identification card for the inspected motor vehicle as
19 specified by section 431:10C-107 or state the information
20 contained in the proof of insurance card as specified by section
21 431:10G-106. A sticker, authorized by the director, shall be
22 affixed to the vehicle or moped at the time a certificate of



1 inspection is issued. An inspection sticker which has been
2 lost, stolen, or destroyed shall be replaced without
3 reinspection by the inspection station that issued the original
4 inspection sticker upon presentation of the [~~vehicle's~~] current
5 certificate of inspection[+] for the vehicle or moped; provided
6 that the current certificate of inspection and inspection
7 sticker shall not have expired at the time the replacement is
8 requested. The director shall adopt rules to determine the fee
9 for replacement of lost, stolen, or destroyed inspection
10 stickers."

11 3. By amending subsection (g) to read:

12 "(g) The director of transportation shall adopt necessary
13 rules for the administration of inspections and the issuance of
14 certificates of inspection[-]; provided that the rules regarding
15 inspection of mopeds shall be limited to requiring mopeds to be
16 operated only with an exhaust system that meets original
17 manufacturer specifications."

18 SECTION 7. Section 286-30, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "**§286-30 False certificates.** Any person who makes,
21 issues, or knowingly uses any imitation or counterfeit of an
22 official certificate of inspection, or any person who displays



1 or causes or permits to be displayed upon any vehicle or moped
2 any certificate of inspection knowing the same to be issued for
3 another vehicle or issued without an inspection having been made
4 or issued without authority as provided herein shall be fined
5 not more than \$1,000 or imprisoned not more than thirty days, or
6 both."

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

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

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

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INTRODUCED BY:

Sen. G. L. ...
...

JAN 24 2006

Report Title:
Mopeds; Inspection

H.B. NO. 2677

Description:

Requires mopeds to be inspected annually, to display a certificate of inspection, and to be operated only with an exhaust system that meets original manufacturer specifications.

